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APHR is a regional network of current and former parliamentarians who use their unique positions to advance human rights and democracy in Southeast Asia. We seek to help create a region where people can express themselves without fear, live free from all forms of discrimination and violence, and where development takes place with human rights at the forefront.

Our members use their mandate to advocate for human rights inside and outside of parliaments, regionally and globally. They work closely with civil society, conduct fact-finding missions, and publish recommendations and opinions on the most important issues affecting the region.

APHR was born out of the recognition that human rights issues in Southeast Asia are interconnected, and from the desire of progressive legislators to work together across borders to promote and protect human rights.



The People's Empowerment Foundation (PEF) is a national non-governmental organization that promotes and protects human rights and fundamental freedoms by addressing the needs of grassroots and vulnerable groups in Thailand. PEF has established one of Thailand's largest networks of grassroots organizations and has promoted democracy and human rights at the national, regional and international levels.

It has gathered more than 60 grassroots organizations under its network and has enhanced its claims for justice and democracy. Over the years, PEF has worked on countless project initiatives and advocacy on humanitarian aid, internally displaced people and refugees, along the Myanmar border and in Thailand.

ABOUT THE REPORT

Between November 13-16, 2023, APHR and PEF organized a fact-finding mission with a delegation led by Members of Parliament to the border towns of Northern Thailand - Mae Hong Son and Mae Sariang - to assess how the current human rights situation is impacting ethnic communities from the Karen and Karenni States. The mission sought to engage with internally displaced people and refugees about their challenges and hear their calls for policy and protection reforms.

During the four-day fact-finding mission, parliamentarians from Indonesia, Malaysia, and Thailand spoke with local organizations, displaced communities and first responders to hear about their situation and challenges as well as to consult with community-based organizations to listen to what solutions must be immediately advocated for.

INTRODUCTION

It has been over three years since the failed coup in Myanmar. Since then, the human rights situation has rapidly descended into deeply concerning levels of violence deployed against a largely unarmed civilian population at the direction of war criminals who are responsible for widespread and systematic atrocities.

The civilian impact of the conflict cannot be underestimated. Ongoing artillery firing and air strikes have driven thousands from their homes. According to the UN, there are more than 2 million people displaced in Myanmar. However, this number is likely significantly higher based on documentation from local civil society organizations who are active on the ground in conflict-areas and regularly providing humanitarian relief and assistance. While some have fled to other parts of the country in urban areas, others have sought shelter and protection along the Myanmar border shared with Thailand. While Thailand has not signed the 1951 Refugee Convention, it unofficially hosts nine refugee camps, where at least 90,000 have sought refuge since the 1980s. Refugees, some of whom have been stuck in limbo for years, are strictly confined behind fences and barred from seeking employment in Thailand. According to the Karen Peace Support Network, the current food ration is valued at approximately 300 THB or 10 USD monthly.

The challenges faced by displaced communities are immense. Thousands are deeply traumatized by the violence deployed against them, their families, and their communities. For months at a time, internally displaced people must constantly seek out safety and shelter to avoid being caught in the junta's crossfire of violence. Those who attempt to return to their villages risk further persecution, including arbitrary arrest, torture, and even death. With no place to call home and a lack of secure education, livelihood, and accountability pathways, there is an urgent and profoundly pressing need to address the current situation.

KEY FINDINGS AND OBSERVATIONS

1 Continued violence and
obstruction from the junta

Lack of access to healthcare
facilities and supplies **2**

3 Severely limited
educational opportunities

Need for more cross-border
humanitarian aid **4**

1 Continued violence and obstruction from the junta

In conversations during the mission, local organizations shared that the junta continues to block pathways to humanitarian aid. Despite this, conflict-affected communities rely on local actors for food and direct assistance. It is challenging for civilians to survive as their homes, schools, farms, clinics, and more are constantly being bombed. Some have fled to the jungle, and others are along the Thai-Myanmar border.

The situation from the camps along the Karenni border with Thailand is concerning because military jets are regularly heard flying around and creating trauma among the families inside. Humanitarian aid is also blocked from flowing freely and safely. There is increasing potential bombing in any place in Myanmar; all locations are insecure.



APHR-PEF Fact Finding Mission on Humanitarian Aid, November 2023. © APHR-PEF2023

Internally-displaced people (IDPs) are primarily women and children who are forced to flee routinely. Their safety is undermined by the junta's constant attacks, particularly in areas where they are sheltering, including the forest, where food, medicine and other life-saving necessities remain largely inaccessible. They are in need of tarpaulins and tents since many do not have proper accommodations. It is reported that they often sleep on banana leaves.

Lack of access to healthcare facilities and supplies **2**

Regarding access to health care services and pathways for treatment, the border clinics in Mae Hong Son and Mae Sariang provide housing for patients from Myanmar, who need to take medical services for injury, surgery, and antenatal care according to the criteria from donors such as the International Rescue Committee. The primary purpose is to provide accommodation for waiting during the medical service at Mae Hong Son and Mae Sariang hospitals in Thailand.

The primary needs are medicine and warm clothing for the patients, which is currently insufficient. The reality is also that in some areas in Myanmar, hospitals are limited in medicine and staff. Medications for chronic diseases are insufficient. Furthermore, there are problems with access to information about patients and diagnoses after the influx of refugees.



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Local organizations cannot import donated medicines from international communities since they are not registered. Mae Tao Clinic, also known as Dr. Cynthia's Clinic after its founder Dr. Cynthia Maung, is a community-based organization which has been providing primary healthcare services and protection to those fleeing from Myanmar in Western Thailand since 1989, it is the leading supplier of medicines and essential medical equipment to many local organizations. ICRC and Doctors Without Borders (MSF) mainly fund the severe treatment expenses.

Service providers like Mae Tao Clinic do their best to fund the clinics operating along the border, but the needs are high, and funding is limited. Heavily pregnant women displaced by fighting risk their lives to give birth after being forced from their homes in escalating conflict. The main health risks for pregnant women and newborn babies are their lives. They can die during labor or after because they have to run whenever soldiers get closer to where they are hiding. If IDPs would like to get treatment in Thai hospitals, they need to find a sponsor to help with their medical expenses. Thai hospitals cannot cover any costs for migrants.

3 Severely limited educational opportunities

The education landscape is also deeply constrained by bureaucratic restrictions that limit children studying in refugee camps to access higher education pathways in Thailand. Children cannot apply to either Thai or Myanmar universities as they lack legal identity documentation. Ethnic education pathways have been called upon to be recognized by the international community as the Myanmar military deliberately undermines their attempts to study in their native languages and cultural context.

Schools are among those bombed by the junta as families are forced to make decisions about whether to send their children to school, depriving an entire generation of their right to education. Refugees cannot work or trade on the Thai side; they must only rely on donors. There is no integration program. Therefore, the protection of refugees who try to work is at risk when they leave the camps seeking employment.

In IDP camps, one teacher will be responsible for 10-15 students. Depending on each IDP camp, the number of volunteer teachers must be clarified. Many teachers are from the Civil Disobedience Movement. Children need more learning materials; for example, ten will share one notebook. Students study in refugee camps and are primarily mobile because of the air strikes. Putting students in school also requires feeding them while teaching them.

Climate change affects the students' school participation since the planting season has dramatically changed, forcing farming families to pull out their children to help during planting or harvesting seasons. It is difficult to get a university education since no official or proper documents are accepted by Thailand or the international community from ethnic-managed school systems.

One woman living in Dawnoeku camp, established to provide refuge for internally displaced people (IDPs) in Karenni State, told the delegation in Mae Sariang that every day she debates whether or not to send her child to school due to fear of the junta's attacks. On one occasion that sent her child, the school was targeted. Since then, she has refused to send her child. Displaced communities face these difficult decisions daily.

Need for more cross-border humanitarian aid

4

The international community, particularly the UN and its agencies, have presented credentials to the junta as they establish Memorandum of Understanding inside Myanmar. Throughout conversations during the mission, local leaders and civil society organizations said that these actions were interpreted as a sign of allegiance to their oppressors. Donors, including the UN, have so far shown a lack of willingness to support cross-border humanitarian assistance, which has been extremely frustrating for local organizations who have decades of experience in facilitating the safe and secure delivery of aid.

All stakeholders communicated that the solution they requested parliamentarians to advocate for was cross-border aid. IDPs constantly face challenges accessing humanitarian assistance. Impacted by wars, the population of those displaced is gradually growing in Karenni State. It is reported that there are over 200,000 IDPs that rely only on humanitarian assistance. With recent military operations, the IDP population is growing up to 300,000. There is a growing need for food and shelter, but insufficient funds have made it impossible to cover everyone's needs.



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CONCLUSION

Despite its recent military losses, the Myanmar junta remains a grave threat to the well-being of Myanmar civilians, and continued airstrikes and other military operations have led to an increasing number of IDPs and refugees along the Thai border.

Children have lost their families and experienced trauma that is depriving them of a childhood. Education and livelihood resources are out of reach for thousands nationwide whose primary concern is surviving.

Many women-led civil society organizations have done an exemplary job of showing strength and resilience in the face of great terror and uncertainty. They are taking risks to deliver life-saving aid and humanitarian assistance as the junta has blocked pathways to aid and weaponized its delivery.

The Thai government and the wider international community must support this incredible bravery and resilience by providing cross-border humanitarian assistance. ASEAN and the international community must also urgently address the root cause of the increasing number of IDPs and refugees, namely the continued presence of the illegal military junta.

This can only be done by supporting Myanmar's pro-democracy forces, including through promoting women's participation in the nation's rebuilding, supporting bottom-up approaches to federalism and establishing local governance systems, as well as ensuring that junta is politically and militarily isolated.



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RECOMMENDATIONS

GOVERNMENT OF THAILAND



- **Uphold the principle of non-refoulement enshrined in international law** as well as Thailand's own Act on the Prevention and Suppression of Torture and Enforced Disappearance;
- **Allow humanitarian agencies** to access the small number of displaced persons who have crossed into Thailand and are staying in temporary camps and allow the referral of patients to Thai hospitals;
- **Review the Thailand Non-Profit Organization (NPO) law** to enable local or community-based organizations to register;
- Improve the scanning and application process of refugees coming inside Thailand;
- **Raise awareness of international humanitarian laws and practices** among the military and border police, empowering them to be strategic partners in humanitarian aid;
- **Discuss the creation of safe zones** near the Myanmar border with key stakeholders, to allow Myanmar civilians to quickly evacuate temporarily in the case of attacks by the junta; and
- **Recognize official documents issued by Myanmar ethnic states** - such as local government documents for trading and importation, taxation, school certification, and ID cards - in order to allow refugees and IDPs to more easily access humanitarian aid and public facilities.
- **Isolate the Myanmar junta diplomatically** by keeping any junta representatives out of all high-level official meetings and suspend any military-to-military cooperation with the Myanmar military.

RECOMMENDATIONS

THAI LOCAL GOVERNMENT NEAR MYANMAR BORDER

- **Provide mental health support** for refugees, as many have been deeply traumatized by their experiences living in conflict areas;
- **Facilitate community relationships** between Thai and Myanmar villages along the border, through building sister villages;
- **Support the establishment of a health information system** for Myanmar refugees seeking medical treatment in Thailand;
- **Ensure that immunization programs remain active** and operating in refugee camps; and
- **Establish a local multi-stakeholder committee** that will take care of humanitarian assistance.

ASEAN



- **Significantly increase the funding and resources** allocated to humanitarian assistance in Myanmar;
- **Work with Myanmar's civil society** as much as possible. In areas not controlled by the junta, particularly along the Thai and Indian borders, aid should be channeled through local civil society organizations (CSOs) and ethnic resistance organizations (EROs);
- **Engage with border countries** such as Thailand, Laos, Bangladesh, India, and China to establish humanitarian corridors along the border of Myanmar to allow the distribution of more aid; and
- Look to **establish a border hospital in Myanmar** and build capacities of health officers in the hospital to reduce the number of patients transferring to Thailand.
- **Isolate the Myanmar junta diplomatically** by keeping any junta representatives out of all high-level official meetings and suspend any military-to-military cooperation with the Myanmar military.

RECOMMENDATIONS

UN AGENCIES, DONORS, INTERNATIONAL COMMUNITY



- **Work with Myanmar's civil society** as much as possible. In areas not controlled by the junta, particularly along the Thai and Indian borders, aid should be channeled through local civil society organizations (CSOs) and ethnic resistance organizations (EROs);
- **Support, fund, and recognize ethnic education systems**, including training and supplying materials for teachers and students;
- **Support and fund women's organizations**, training programs to empower women in a localized way that allows them to lead;
- **Create a special funding arrangement** for ethnic, local or community-based organizations by creating a consortium or special grants with flexible requirements for unregistered organizations;
- **Recognize official documents issued by Myanmar ethnic states** - such as local government documents for trading and importation, taxation, school certification, and ID cards - in order to allow refugees and IDPs to more easily access humanitarian aid and public facilities;
- **Facilitate the creation of safe zones** near the Myanmar-Thai border with key stakeholders, to allow Myanmar civilians to quickly evacuate temporarily in the case of attacks by the junta;
- **Support ASEAN in engaging with border countries** such as Thailand, Laos, Bangladesh, India, and China to establish humanitarian corridors along the border of Myanmar to allow the distribution of more aid;
- **Isolate the Myanmar junta diplomatically** by keeping any junta representatives out of all high-level official meetings and suspend any military-to-military cooperation with the Myanmar military.
- **Suspend all political and financial support to the Myanmar military junta** and impose immediate sanctions on the military-owned and controlled companies, as well as an arms embargo, and sanctions on the supply of aviation fuel; and
- **Ensure justice and accountability of the junta's widespread crimes against humanity**, including by referring the junta to the International Criminal Court.

MEMBERS

OF THE MISSION



Hon. Mercy Chriesty Barends

Member of Parliament, Indonesia
APHR Chair

Mercy Chriesty Barends is a Member of the House of Representatives in Indonesia for the Indonesian Democratic Party of Struggle (PDI-P) since 2014. She has been very active on Climate Change issues through her work in Parliament, where she chairs the Green Economy Caucus, as well as internationally through her work in The Alliance of Parliamentarian Call for Fossil Free Future, the Global Alliance for Green New Deal, and Air Quality Asia. She was appointed as the Chair of APHR in early 2023.



Hon. Kelvin Yii Lee Wuen

Member of Parliament, Malaysia
Member of APHR

Kelvin Yii Lee Wuen is a Malaysian politician, doctor and surgeon who serves as a Member of Parliament (MP) for Bandar Kuching since May 2018. A member of the Democratic Action Party (DAP), a component party of the Pakatan Harapan (PH) coalition, he has served as Special Advisor to the Minister of Health Zaliha Mustafa since April 2023 and Chair of the Health, Science and Innovation Select Committee since January 2021 and is a member of the Budget Select Committee. He has also served as the Youth Chief or known as the Chief of the Youth Wing namely Democratic Action Party Socialist Youth (DAPSY) since March 2022 and 5th Youth Chief of PH since July 2022. Yii also serves as special assistant to Chong Chieng Jen, Stampin MP, Member of the Legislative Assembly for Padungan, DAP Sarawak and Sarawak branch of PH chairman.

MEMBERS

OF THE MISSION



Hon. Piyarat Jongthep

Member of Parliament, Thailand

Piyarat Jongthep is a Bang-na Constituency parliamentarian from the Move Forward Party (MFP). He also serves as a speaker of the parliamentary committee on National Security and Border Affairs, National Strategy, and National Reform. Prior to being a parliamentarian, Piyarat was the Director of Mobilization of a youth group called ‘We Volunteer’ (WeVo) aiming to provide safety and first aid to youth democratic movements during 2020–2022. He also worked as Rangsiman Rome’s assistant, and a networking coordinator of the MFP. Piyarat got a Bachelor’s Degree in Teacher Training in Electrical Engineering, from the faculty of Technical Education, King Mongkut University of Technology North Bangkok.



Hon. Chonthicha Jaengraew

Member of Parliament, Thailand

Chonthicha Jaengraew is a Pathumthani Constituency parliamentarian from the Move Forward Party (MFP), and a member of the parliamentary committee on Foreign Affairs. Prior to joining the MFP, Chonthicha was a human rights defender, and a co-founder of the New Democracy Movement (New Dem). She has been a prominent student activist for civil and political rights since the 2014 military coup and ensuing crackdown on civil society by the military government. She and other students have continued to carry out small-scale peaceful protests calling for democracy, rule of law and an end to unlimited use of powers by the military government. Chonticha is considered a prisoner of conscience and human rights defender by Amnesty International. Chonticha holds a Bachelor of Arts, Major in History, from the Faculty of Social Science, Srinakharinwirot University.

MEMBERS

OF THE MISSION



Hon. Kannavee Suebsang

Member of Parliament, Thailand

Kannavee Suebsang is a parliamentarian and the Fair Party's secretary-general. Previously, he had worked for the United Nations High Commissioner for Refugees (UNHCR) for 12 years in 8 countries including Thailand, the Philippines, South Sudan, Sudan, Chad, Uganda, Bangladesh and Myanmar. His last position with UNHCR was the Head of Myanmar Southeast Operation based in Hpa-An Township, Karen State, covering the whole Southeast Corridor of Myanmar. During his term with UNHCR, he was deployed as team leader of the UNHCR Emergency Roster Team (ERT) in emergency situations in South Sudan in 2011 after its independence and in the Philippines in 2013 during the Typhoon Yolanda crisis. Kannavee is also the Founder of Peace Rights Foundation based in Mae Sot, Tak province, Thailand. The foundation aims to provide humanitarian assistance to affected people in Thailand's Deep South and Thailand-Myanmar's border, and promote self-sustainability and resilience after crises.



Hon. Tisana Choonhavan

Member of Parliament, Thailand

Tisana Choonhavan is a Pathumthani Constituency parliamentarian from the Move Forward Party (MFP), and a member of the parliamentary committee on Foreign Affairs. Before joining the MFP, Tisana was a co-founder and partnership officer of Constitutional Laboratory (CONLAB), a group of Thai civil society organizations aiming to call for constitutional reform through increasing public participation. She conducted constitutional drafting activities and public hearings for constitutional amendments. She has a strong will to contribute in government operations involving human rights, public health care, and maritime security. Tisana holds a Bachelor of Arts, Major in International Relations, from Mahidol University, and Master in Public International Law, Human Rights concentration, SOAS University of London.