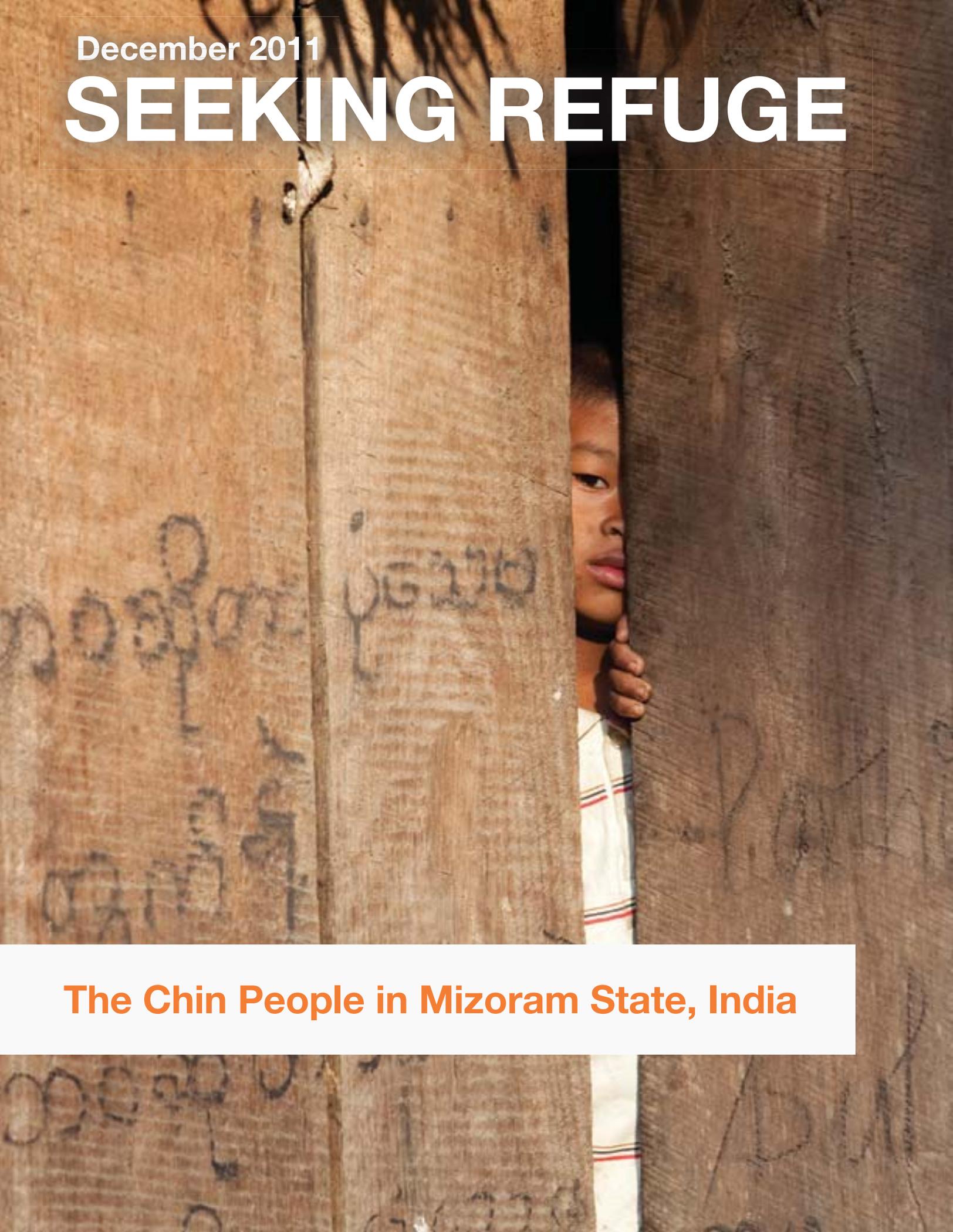


December 2011

SEEKING REFUGE



The Chin People in Mizoram State, India

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**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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The cost of production and printing was funded by the Chin Baptist Churches USA, World Relief, Lutheran Immigration and Refugee Service, the Women's Department of Chin Baptist Churches USA, and other Chin churches and individuals. We produced both a full report and a stand-alone executive summary.

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, and photos used in the report include unidentified Chins 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. Ngunlianchunga, 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 Tunnicliffe, 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.

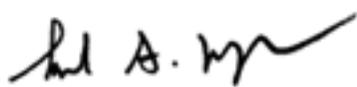
The Chins in Mizoram State, India, live in a protracted, urban refugee situation and face daunting problems related to protection, livelihood, health, and education. While many of them have been there for years, this report sheds light that new arrivals continue to flee into Mizoram, including many youth 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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ACRONYMS

ABC USA	American Baptist Churches USA
ACHR	Asian Center for Human Rights
BCM	Baptist Church of Mizoram
BID	Best Interest Determination
BUN	Baptist Union of Norway
CBCI	Catholic Bishops' Conference of India
CHRO	Chin Human Rights Organization
CBC USA	Chin Baptist Churches USA
CEM	Chief Executive Member of Autonomous District
CM	Chief Minister of Mizoram State, India
CNF	Chin National Front
CRC	Convention on the Rights of the Child
CWS	Church World Service
ECM	Evangelical Church of Maraland
HRW	Human Rights Watch
LJCBC	Lairam Jesus Christ Baptist Church
LIRS	Lutheran Immigration and Refugee Service
LWF	Lutheran World Federation
LWSIT	Lutheran World Service India Trust
MHIP	Mizo Hmeichhe Insuihkhawm Pawl (Mizo Women's Association)
MNF	Mizo National Front
MPF	Mizoram People Forum
MZP	Mizo Zirlai Pawl (Mizo Students' Association)
MPCS	Mizoram Presbyterian Church Synod
NRHM	National Rural Health Mission [Government of India]
OHCHR	Office of the High Commissioner for Human Rights
PC(USA)	Presbyterian Church (U.S.A.)
PHR	Physicians for Human Rights
RAP	Restricted Area Permit
R, Rs	Rupee, Rupees
RCUSA	Refugee Council USA
RI	Refugees International
RTE	Right to Free and Compulsory Education Act, 2009
SAHRDC	South Asia Human Rights Documentation Centre
Sida	Swedish International Development Agency
TBBC	Thai Burma Border Consortium
UNDP	United Nations Development Programme
UNPO	Unrepresented Nations and Peoples Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UPCM	United Pentecostal Church of Mizoram
UPC NEI	United Pentecostal Church of Northeast India
USCCB	U.S. Conference of Catholic Bishops
USDOS-PRM	U.S. Department of State, Bureau of Population, Refugees, and Migration
WFP	World Food Programme
WHO	World Health Organization
WR	World Relief
WRC	Women's Refugee Commission
YMA	Young Mizo Association

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



Derived with permission from a map by Human Rights Watch (HRW) © John Emerson/HRW 2008.

[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



Derived with permission from a map by the Nations Online Project © Nations Online.

[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 group 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. While Mizoram is known in India for its natural beauty and high literacy rate,⁴ the state is less well known 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 seeking refuge 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 for international visits.⁶ With travel 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.

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 State districts of Aizawl, Saiha, Lawngtlai, Lunglei, Champhai, in Zokhawthar, an Indo-Burma border village, and in New Delhi.

[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, April 2011.

[4] Mizoram's 92% literacy rate is second among India's 35 states and 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. Lalpekhlua, *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).

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. Departments of State, 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 State, India. 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, 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 continues 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 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.

[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 table 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. See 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 Mizoram 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 "online resources") [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).

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 in 92% of the households surveyed 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.

Chins also have continued fleeing from religious persecution. The Burmese military regime's religious persecution against them 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 nine 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 labor of Chins. The military regime also reportedly stopped Christian church construction while funding construction of Buddhist landmarks and infrastructure. Burma is among "the countries of particular concern" for its severe restrictions on religious freedom.

Many of the people in Mizoram mistakenly conclude that Chins are economic migrants. The delegation did see some Chin economic migrants, for example, 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. 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 refugee 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.

[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 as 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).

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 Chin children born in Mizoram State, India. Under the CRC, among other rights, any of these 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 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 that could help to reduce the burden on India and Mizoram State as it hosts them.

Also, the international community, especially concerned countries such as the United States and others that have resettled Chins through Thailand, Malaysia, and New Delhi, India, have compelling humanitarian reasons to help Chins. These resettlement countries are well aware of the persecution which has forced Chins to flee. 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 for the short and long term. For refugees, the long-term solutions are known as “durable solutions.” Given the nearly five decades of human rights abuses by the Burmese military regime, the scientific PHR study documenting recent, pervasive crimes against humanity in Chin State, 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 for protecting the Chins at this time. Most Chins seeking refuge in Mizoram State, India, seem to have strong refugee claims based on past persecution, on the danger of being persecuted if returned to Burma, or both.

[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. 21(1), 6, 7, 22(2), 19, respectively; available at OHCHR, <http://www2.ohchr.org/english/law/crc.htm> (accessed Oct. 27, 2011). For a summary of CRC rights and obligations, see UNICEF’s fact sheet. UNICEF, “Fact Sheet: A Summary of the Convention on the Rights of the Child,” UNICEF, http://www.unicef.org/crc/files/Rights_overview.pdf (accessed Oct. 27, 2011).

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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 in Mizoram 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.

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. The migration of Chins to Mizoram State, India, does not occur in a vacuum. This section provides background information about the Chins, their relationship with the people of Mizoram, their state in Burma, the state of Mizoram, and some of the 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 PRH 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] 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).

[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.uscirf.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/\(online resources\)\(see the “Mizoram Crackdowns” section\)](http://www.hrdc.net/sahrdc/(online%20resources)(see%20the%20Mizoram%20Crackdowns%20section)) (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 Phaibawk 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.indigenouspeoplesissues.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.

B. Livelihood. Besides lacking protection, 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 due to 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.

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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 clean water in Mizoram, especially in the dry season. The water from the shallow communal wells goes down and low-income youth and women spend many hours each day securing water for their families. The government is making ongoing efforts to assure safe water by regularly testing the wells. 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-borne diseases are prevalent. All these factors make Chins vulnerable to many serious health conditions, including malaria, typhoid, pneumonia, multi-vitamin deficiency, malnutrition, HIV/AIDS, and chronic kidney problems. When Chins develop these health problems, they often lack access to healthcare, especially due to financial constraints.

[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. State health facilities continue to require serious upgrading. There are 54% of the needed doctors on staff at Primary Health Centres (PHC) 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 Lal Thanhawla, the Chief Minister of Mizoram, 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

[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, "Prov. 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, India Development Gateway, GOI, <http://www.indg.in/primary-education/> (accessed Oct. 10, 2011).

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 Chin 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.

More often, the reason that Chin children do not attend school is financial. Over 50% of schools in Mizoram are private.⁴⁸ Some in Mizoram prefer the private schools explaining that they more often teach English and more often 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. 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 from Burma, what their prospects are for durable solutions to their protection and humanitarian needs, what their current challenges are in New Delhi, and how some of those challenges might be addressed.

[47] 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.

[48] 48% of lower primary schools, 43% of upper primaries, 40% of lower secondaries, and 27% of upper secondaries are public. Education Reforms Commission, *Report of the 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). While the government of Mizoram State runs 28% of upper secondary schools, those schools enroll 49% of the upper secondary students. *Ibid.* p. 55 (accessed Oct. 10, 2011).

[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 The most vulnerable Chins are women at risk and growing numbers of unaccompanied youth. The youth are 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 refugee 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.

[50] UNHCR provided the figure of 21,000 to the delegation at a meeting on April 27, 2011. Steven Ral Kap Tluang, who was then president of the Chin Refugee Committee (CRC), a Chin refugee umbrella group in New Delhi, provided the Chin population figure on April 28, 2011.

[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 Light 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), from UNHCR, New Delhi, Oct. 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 Light Big City*, WRC, p. 7, WRC, <http://www.womenscommission.org> (search “bright lights”) (accessed Nov. 15, 2011).

Chin Profiles...

WW, a widow, and CC, an unaccompanied refugee 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.

Indeed, most Chins in New Delhi have serious integration challenges. Their ethnicity, language, culture, religion, agricultural skills, and rural ways are very different from those of the local, urban, Hindu majority. 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 Light 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 Chin and Mizoram 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.

- 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 organizations 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 Chin refugees 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, India, 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.

END EXECUTIVE SUMMARY



I. THE OPENING AND THE ROUNDTABLE APPROACH

Many Chins are seeking refuge in Mizoram State, India, although their situation has been largely unknown to the international community. Since 1988, tens of thousands of Chins have fled from Chin State, Burma, seeking refuge in neighboring Mizoram State, India. Most of the Chins, a Christian and ethnic minority group in Burma, have remained in Mizoram in a protracted, urban refugee situation. Forced to flee by the Burmese military regime's pervasive ethnic, political, and religious persecution, their numbers in Mizoram have risen to an estimated 100,000.⁵⁸ Few knew about the Chins' persecution firsthand because the Burmese military regime restricted most foreign travel to and media coverage of Chin State and Burma. Also, few have known what life is like for the Chins residing in Mizoram State. While the state is known in India for its natural beauty and high literacy rate, it is less well known outside of India.⁵⁹ It is a landlocked, mountainous state among the seven northeastern states of India.⁶⁰ 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 being geographically remote, Mizoram and other northeastern states have long had restricted travel regulations for both foreigners and Indian citizens not from the region.⁶¹ Thus, Chins seeking refuge in Mizoram State have for the most part been out of sight and out of mind for the international community.

Chin family news has raised concerns. Even with Chin State, Burma, and Mizoram State, India, closed off to most outsiders, Chins have shared information about the situation in both countries, often after their migration to a country where they could get asylum or be processed for resettlement to a third country.⁶² These Chin asylees and resettled refugees have shared what their life was like fleeing from human rights abuses in Burma and seeking refuge in India, and they also continue to share information from family members and friends who remain in Burma and India. They share this information with the church communities that they are part of and with the refugee resettlement agencies that are helping them adjust to their new homes. Chin families continue raising concerns about the Burmese military regime's brutal human rights abuses targeting Chins and other ethnic minorities in Burma. They also continue to raise serious humanitarian concerns about Chins seeking refuge in Mizoram. Their concerns are related to the protection, livelihood, health, and education of their family members. Further, there have been reports that the large influx of Chins and the increasing numbers of Chins in Mizoram have created a humanitarian burden on Mizoram State, India.

[58] Bureau of East Asian and Pacific Affairs, U.S. DOS, "Background Note: Burma," Bureau of East Asian and Pacific Affairs, U.S. DOS, modified Aug. 3, 2011, <http://www.state.gov/r/pa/ei/bgn/35910.htm> (accessed Oct. 26, 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, April 2011.

[59] Registrar General and Census Commissioner, "Provisional 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 select "Mizoram") (accessed Oct. 10, 2011).

[60] Northeastern India is known as "the land of seven sisters" and "paradise unexplored." The latter refers to the region's tourism potential. See, e.g., India Tourism Network, "Northeast India," India Tourism Network, <http://www.north-east-india.com/> (accessed Dec. 15, 2011).

[61] Restricted travel policies for foreigners and "non-indigenous" Indian citizens 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. Lalpekhluva, *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/foreigDiv/PAP.html> (describes Dec. 30, 2010 order that lifted RAP in Mizoram State) (accessed Nov. 15, 2011). The Inner Line Regulation 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).

[62] Malaysia has allowed UNHCR to do ongoing processing of Chins for resettlement since 2004. Thailand and New Delhi, India, have been sites for small numbers of Chins and other refugees from Burma to be processed for resettlement. Chins have resettled from the above countries to the United States, Australia, Canada, Sweden, Norway, Denmark, New Zealand, and the Czech Republic.

The delegation visited Mizoram State, India, after the lifting of travel restrictions. For a one-year trial period beginning January 1, 2011,⁶³ the central government of India lifted its long-standing restricted area policy, enabling foreigners to travel freely in Mizoram State. Mizoram leaders noted that the lifting of the restrictions signals to the world that Mizoram is safe from insurgencies and open for tourism. With the lifting of restrictions, our delegation traveled in India to assess the Chins' situation from April 7, 2011, until May 2, 2011, with most of the time spent in Mizoram State and with visits to Kolkata and New Delhi.

The delegation developed a roundtable approach for this humanitarian effort in Mizoram, India, based on a successful humanitarian effort in Guam. In developing the approach for the trip, the delegation learned from an earlier humanitarian effort involving Chins and others fleeing from Burma. In 2000, some 960 asylum seekers from Burma fled to the U.S. territory of Guam. They included over 600 Chins and also Karens, Karennis, Kachins, Mons, Shans, and other ethnic groups from Burma. The Christian churches in Guam and the Chin community on the U.S. mainland reported that the asylum seekers feared being returned to Burma and that they lacked food, shelter, and basic necessities. At the same time, the Guam community leaders described a growing humanitarian burden on Guam. A group of U.S. faith-based and nongovernmental groups, including the Chin Freedom Coalition, the Southern Baptist Convention, the Hawaii Pacific Baptist Convention, Church World Service, Lutheran Immigration and Refugee Service, and three members of this delegation travelled to Guam and encouraged a roundtable, problem-solving, solutions-oriented approach to the situation there.⁶⁴ The delegation put two challenges in the middle of the table: how to address the protection and humanitarian crisis of those seeking refuge and how to reduce the humanitarian burden on the host community of Guam. Using a problem-solving, solutions-oriented, roundtable approach, the asylum seekers, the local and federal government leaders, the church and civic leaders of Guam, and the NGOs worked together to meet the two challenges.⁶⁵ The delegation decided to use the same kind of roundtable approach in Mizoram State, India.

The roundtable approach in Mizoram State, India. The delegation met with a wide range of stakeholders⁶⁶ who were deeply concerned about the Chins' plight and about Mizoram' State's burden. In every meeting and gathering, the delegation encouraged a roundtable approach by stakeholders, placing two challenges in the middle of the table: how to meet the protection and humanitarian needs of the Chins, and how to reduce the humanitarian burden that Mizoram and India bear as hosts for such a large group. Stakeholders provided their best understanding of the two challenges and shared potential solutions.

Stakeholders included leaders and at-risk individuals of the Chin refugee community in five of the eight Mizoram districts of Aizawl, Saiha, Lawngtlai, Lunglei, and Champhai; in Zokhawthar, an Indo-Burma border village; and in New Delhi. With the Chins, the delegation held town hall meetings, focus groups, individual interviews, and site visits to homes and workplaces. The delegation met with other stakeholders before, during, and after the trip. These included district and state officials from Mizoram State, a Member of the Indian Parliament (Lok Sabha); educators, and journalists; leaders of several of the major Christian denominations in Mizoram; and leaders of the Young Mizo Association, a major NGO in Mizoram State and northeastern India.

[63] Foreigners Division, Ministry of Home Affairs, GOI, "FAQs on PAP and RAP Regime," Foreigners Division, Ministry of Home Affairs, GOI, <http://mha.nic.in/foreigDiv/PAP.html> (answer to question 1 describes Dec. 30, 2010 order that lifted RAP requirements in Mizoram State for one year effective Jan. 1, 2011) (accessed Nov. 15, 2011).

[64] Matthew Wilch, Zo Tum Hmung, and Steven Rubin travelled to Guam in 2001 and were also part of this delegation to India in 2011.

[65] Over 99% of the asylum seekers in Guam from Burma were granted asylum and resettled to the U.S. mainland. The success resulted from the collaborative effort between the asylum seekers, the local community, the NGOs, and the governmental officials; and it depended on political courage by both the top political leaders in Guam and also by Tommy Thompson, then U.S. Secretary of Health and Human Services, who boldly and creatively used his discretionary authority to provide humanitarian aid to the Chins and other asylum seekers from Burma who had fled to Guam.

[66] Please note that some of those stakeholders are listed in the "Acknowledgment" section of this report. The delegation's hope is that many more will join this effort to address the challenges facing the Chins and Mizoram.

The delegation also met with Chin church and community leaders in the United States; officials of UNHCR in Washington, DC, and New Delhi; and officials of the U.S. Consulate in Kolkata, the U.S. Embassy in New Delhi, the U.S. Department of Homeland Security, the U.S. Department of State, and staffers of various U.S. Congressional offices, in Washington, DC, particularly those with responsibilities over foreign affairs and refugee protection.

The hope of the delegation is that the problem-solving, solutions-oriented, roundtable approach begun with this trip will continue in some form as a way of deepening the understanding of these complex challenges and addressing them together in good faith.

Since the large migration of Chins to Mizoram State 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.



A delegation town hall meeting includes Chin leaders and community members. In front of room left to right, Zo Tum Hmung (Masters in Public Administration, Harvard Kennedy School) a Chin community activist from the United States; Chin interpreter; Jenny Yang, World Relief; and Matthew Wilch, JD, U.S. lawyer.

II. CHINS IN MIZORAM: PEOPLE SEEKING REFUGE, CHILDREN AT RISK, POTENTIALLY STATELESS PEOPLE

Large numbers of Chins began fleeing from Burma in 1988.⁶⁷ The current flight of Chins to Mizoram State, India, began in 1988.⁶⁸ After years of repression, isolation and impoverishment, pro-democracy students and other activists rose up and demonstrated against the regime. The military regime cracked down and reportedly killed hundreds of demonstrators and imprisoned many more. The pro-democracy demonstrators fled out of Burma by the thousands into neighboring countries. Many of those who were Chins sought and were granted refuge in Mizoram State, India, which borders Chin State, Burma. In 1988, the central government of India began providing refugee protection and humanitarian assistance to the Chins who had fled to the Mizoram districts of Champhai and Saiha, both of which border Chin State, Burma. The assistance, which included food and shelter, continued for several years.⁶⁹



Chin shelters were in and near Champhai. Clock-wise from above left, the district jail (used while still under construction); a school down the hill from the jail; and a governmental horticultural building on the edge of town. The central government of India provided protection and humanitarian assistance, including food and shelter, to Chins who sought refuge in Mizoram State, India, after fleeing the Burmese military regime's crackdown against the pro-democracy opposition in 1988.



[67] The following article briefly describes the uprising twenty years after it occurred. Philippa Fogarty, "Was Burma's 1988 Uprising Worth It?" *British Broadcasting Company (BBC) News*, Aug. 6, 2008, <http://news.bbc.co.uk/2/hi/asia-pacific/7543347.stm> (accessed Oct. 25, 2011).

[68] The Burmese military regime has been in power since 1962. The delegation met some Chins who fled to Mizoram State, India, between 1962 and 1988. See the chart **Arrival Dates of Chin Church Leaders** later in this section.

[69] Chin and Mizoram 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," [1995], SAHRDC, <http://www.hrdc.net/sahrdc/resources.htm> (select "online resources") (accessed Oct. 10, 2011).

Chins have fled continuously to Mizoram since 1988. In the ensuing decades, Chins have continued seeking refuge in Mizoram State, India, fleeing from the Burmese military regime’s systematic persecution. The recent Chin arrivals and those who previously fled to Mizoram report that their communities in Chin State suffer ongoing ethnic, religious, and political persecution. Unfortunately, the military regime also continues to persecute other minority ethnic groups in Burma as well, including the Karen, Karenni, Kachin, Shan, Mon, Rohingya, and others.⁷⁰ The minority ethnic groups from Burma have for the most part sought refuge in Thailand and Malaysia with a relatively small number travelling to New Delhi. Rohingya have also fled to Bangladesh, where they remain stateless. Pro-democracy activists from the majority Burman ethnic group have also fled the regime’s persecution although not in the huge numbers seen among the minority ethnic groups.

Arrival Dates of Chin Church Leaders⁷¹

	Pre-1988	1988-2000	2001-2011
Aizawl	17%	50%	33%
Saiha	21%	53%	26%
Lunglei	9%	31%	60%
Champhai	21.4%	64.3%	15.3%

Chins flee ethnic, political, and religious persecution by the Burmese military regime and seek refuge in Mizoram State, India. Chins throughout Mizoram State reported witnessing and experiencing widespread and grave human rights abuses in Burma or fear such abuse if returned to Burma. The personal accounts heard by the delegation and the profiles included later in this section of the report are consistent with a report released in 2011 by the Physicians for Human Rights (PHR), entitled *Life Under the Junta: Evidence of Crimes Against Humanity in Burma’s Chin State*. PHR details systematic human rights abuses across the nine townships of Chin State, Burma.⁷² Chins across Mizoram State described their suffering in Burma, including physical and gender-based violence and the forced taking of produce without compensation. They described being forced to be porters and carry military supplies, to be servants, and to build roads and buildings. According to PHR, the Burmese military has also forced Chins to clear land mines.⁷³ Chins who arrived in Mizoram State during different decades reported having to flee because of their pro-democracy political sympathies or those of their families, associates, or villages. Recently arrived Chin youth fled conscription into the Burmese army, which has a long history of brutality against the Chins and other minority ethnic groups in Burma. Chins also fled religious persecution.

[70] See, e.g., Bureau of Democracy, Human Rights, and Labor, U.S. DOS, “Human Rights Report, Burma, 2010,” *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* (New York, NY: HRW, 2011), pp. 288-294, available at HRW, <http://www.hrw.org> (select “Publications/World Report 2011”) (accessed Oct. 19, 2011).

[71] This chart is from a poll of 86 individuals in four of the delegation’s focus groups with Chin church leaders in Mizoram. The total percentages for the leaders’ dates of arrivals were 15% before 1988, 45% from 1988 to 2000, and 40% after 2000. Refugees International also noted that Chins have been coming to Mizoram since before 1988. See 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).

[72] 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), p. 26-35, available at PHR, <http://physiciansforhumanrights.org/library/reports/burma-chin-report-2011.html> (accessed Oct. 10, 2011).

[73] Ibid.

The Burmese military regime's religious persecution has been persistent and widespread.⁷⁴ The Burmese military regime has reportedly been involved in destroying nine large crosses, prominently displayed on the hillsides across the nine 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 labor of Chins. The military regime also stopped Christian church construction while funding construction of Buddhist landmarks and infrastructure. Burma is among “the countries of particular concern” for its severe restrictions on religious freedom.

Chins' poverty stems from the Burmese regime's persecution against them. Many in Mizoram State mistakenly conclude that Chins are economic migrants. The delegation did see some Chin economic migrants, for example, Chin merchants in the Indo-Burma border area involved in economic migration, apparently coming and going between the two countries to buy, sell, and trade goods. The delegation much more often witnessed the stark poverty of many of the Chins in Mizoram State. Indeed, one Mizo church leader who knows the Chins' situation described them as “the poorest of the poor” in Mizoram State. Many of the Chins are 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 refugee from persecution. 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 there.

Often joining forced labor and robbery of Chins with beatings and gender-based violence, the Burmese authorities impoverish, destabilize, and intimidate Chins. They do this by keeping farmers in this agricultural state away from their animals and fields for extended and critical periods of time, by leaving families unprotected and living in fear, and by taking food and reducing food production from a population that already suffers from food insecurity. When Chins flee the military regime in Burma, the poverty that they suffered there does not diminish their right to international refugee protection. Rather, it is one more sign of the persecution that they suffered in Burma or further evidence of the persecution that they would likely suffer if deported back.

Another reason for poverty in Chin State, Burma, is that the military regime has neglected to provide basic public infrastructure, education, and health systems for the state. Burma's rulers have been criticized for allocating only 4.3% for education and 1.3% for health while nearly 24% of the annual budget is reserved for the military.⁷⁵ One can see evidence of these policies in a recent survey by the Burmese government in cooperation with, among others, the United Nations Development Programme (UNDP).⁷⁶ The survey showed that Chin State is the poorest among Burma's 7 states and 7 divisions with some 73% of Chins living below the poverty level.⁷⁷ It also revealed that 27% of Chin children have no access to primary school, and 32% of Chin people do not have access to healthcare.⁷⁸

[74] 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 as among “the countries of particular concern.” 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).

[75] Van Biak Thang, “Chin State Named Poorest in Burma,” *Chinland Guardian*, July 7, 2011, *Chinland Guardian*, <http://chinlandguardian.com/news-2009/1406-chin-state-named-poorest-in-burma.html> (accessed Nov. 4, 2011).

[76] IHLCA Project Technical Unit, Myanmar Govt., with support from Myanmar Ministry of National Planning from 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*, available at UNDP, http://www.mm.undp.org/ihlca/01_Poverty_Profile/index.html (accessed Oct. 10, 2011).

[77] *Ibid.*, sec. 2, “Poverty and Inequality,” p. 12.

[78] *Ibid.*, sec. 8, “Education,” p. 100; and sec. 7, “Health and Nutrition,” p. 81.



A Buddhist pagoda stands on the hillside near Rih Village, Chin State, Burma, a border village across from Zokhawtar, Mizoram State, India. In similar locations across the 9 townships of Chin State, which is 90% Christian, the Burmese military regime has reportedly been involved in tearing down 9 large landmark crosses and replacing them with Buddhist pagodas, monasteries, and statues, sometimes using forced Chin labor. The Burmese military regime reportedly also bans the construction of new churches.

Many Chins in Mizoram may also be stateless, that is, people without a country. Besides the challenge of being refugees, many Chins in Mizoram may also be stateless, that is, people who are not considered citizens by any nation “under the operation of its law.”⁷⁹ Chins who fled to Mizoram long ago may be seen by the military regime as having lost their citizenship since under Burmese law a citizen “who leaves the State permanently” loses Burmese citizenship.⁸⁰ Their children born in Mizoram may likewise not be considered Burmese citizens. Ordinarily, Chin children born outside of Burma would still be considered Burmese citizens if both of their parents were Burmese citizens or if one parent were a Burmese citizen and the second parent the child of two Burmese citizens; however, if both the parents of the Chin children born in Mizoram have lost their own citizenship by permanently leaving Burma then those parents would not be able to pass Burmese citizenship on to their children.⁸¹

[79] Convention Related to the Status of Stateless Persons, art. 1, adopted NY, Sept. 28, 1954 (entered into force June 6, 1960), UN, *Treaty Series*, vol. 360, p.117, available at UN Treaty Collection, <http://treaties.un.org/Pages/CTCTreaties.aspx?id=5&subid=A&lang=en> (accessed Oct. 26, 2011). The Intl. Law Commission recognized the definition of stateless person as a customary intl. law norm thereby making it applicable also in non-contracting states such as India. See “Expert Meeting: The Concept of Stateless Persons Under Intl. Law,” Notes from UNHCR Organized Meeting, Prato, Italy, 27-28 May 2010, sec. I.A.2, p. 2, available at UNHCR, <http://www.unhcr.org/4cb2fe326.html> (accessed Oct. 25, 2011).

[80] Chins lose their Burmese citizenship if they “leave the State permanently.” Burma Citizenship Law [Myanmar], Oct. 15, 1982, secs. 16, 17, available at UNHCR, <http://www.unhcr.org/refworld/docid/3ae6b4f71b.html> (accessed Oct. 26, 2011). Adding to the concern about statelessness, the Burmese military reportedly removed from family registration lists in Chin State the names of Chins living outside Burma at the time of the last election. *Khonumthung News Group*, “Names of people abroad deleted from family lists,” Nov. 4, 2009, *Khonumthung News Group*, http://khonumthung.co.cc/print.php?type=N&item_id=85 (accessed Dec. 15, 2011).

[81] Burma Citizenship Law, secs. 7, 16, 17, available at UNHCR, <http://www.unhcr.org/refworld/docid/3ae6b4f71b.html> (accessed Oct. 26, 2011).

Even if the Chin parents of Chin children born in India have not lost their Burmese citizenship and can still pass citizenship on to their children, Burmese citizenship law requires Burmese citizen parents to register the birth of children born to them outside of Burma with the Burmese government before the child is one-year-old, a deadline that can be extended if the parent gives “sufficient reason” for the delay.⁸² However, as long as Chin parents, who are fleeing from Burma, are unwilling and unable to go to Burmese officials to register their children, their children appear to remain stateless. UNHCR often can help stateless populations and host nations such as India to address access to citizenship challenges such as these.⁸³

If Chins in Mizoram have lost or never had Burmese citizenship, the next question for determining their statelessness is whether they are or can become Indian citizens. What follows is not an exhaustive explanation of India’s complex citizenship law but a very general overview to illustrate that most Chins living in Mizoram State, India, have no apparent pathway to Indian citizenship, and that the risk of statelessness for these Chins, especially for Chin children born in Mizoram, deserves more extensive research and analysis.

Four ways that one becomes an Indian citizen that appear to be most applicable to Chins residing in Mizoram State, India, are by birth in India, by birth in India to Indian parents, by registration, or by naturalization. The rules have changed over the years so the applicable rules depend on a child’s date of birth.

If a child was born in India on or after January 26, 1950, through June 30, 1987, that child is an Indian citizen solely based on being born on Indian soil, regardless of the nationality of the child’s parents.⁸⁴ Thus, Chin children who were born in Mizoram State, India, during that period before 1988 appear to have a claim to Indian citizenship solely based on birth in India. However, as noted above, most Chins arrived in Mizoram State, India, after 1988 and thus do not qualify under this provision.

If a child was born in India on or after July 1, 1987, through December 2, 2004, and the child has one parent who is an Indian citizen at the time of the child’s birth, that child is an Indian citizen.⁸⁵ Most Chin children born in Mizoram State, India, during those 17 years presumably have two Chin parents, and therefore would not qualify under this provision. However, there may be some who were born to one Chin and one Indian parent, and those children would appear to have a claim to Indian citizenship under this provision.

[82] Burma Citizenship Law, sec. 10, available at UNHCR, <http://www.unhcr.org/refworld/docid/3ae6b4f71b.html> (accessed Oct. 26, 2011).

[83] See UNHCR, *Birth Registration: A Topic Proposed for an Executive Committee Conclusion on International Protection*, Feb. 9, 2010, EC/61/SC/CRP.5, available at UNHCR, <http://www.unhcr.org/refworld/docid/4b97a3242.html> (accessed Oct. 8, 2011).

[84] Citizenship Act of 1955, no. 57 of 1955, sec. 3(a), Parliament of India, (Dec. 30, 1955), as amended by Citizenship Amendment Act of 2003, no. 6 of 2003, Parliament of India, (Jan. 7, 2004), among others, available at Ministry of Home Affairs, Govt. of India (GOI) http://mha.nic.in/pdfs/ic_act55.pdf (accessed Oct. 26, 2011).

[85] *Ibid.*, sec. 3(b).

On or after December 3, 2004, if a child is born in India to one Indian citizen parent, the child is a citizen at birth unless the second parent is an “illegal alien” at the time of the child’s birth.⁸⁶ An “illegal alien” is someone who enters India without a valid travel document or valid permission from the central government of India or who enters with permission but overstays the time period for which permission is granted.⁸⁷ The “illegal alien” bar is relevant to Chins in India, since India has no asylum framework and treats Chin asylum seekers in Mizoram State, India, as illegal aliens.⁸⁸ Most Chin children born in Mizoram State, India, since Dec. 3, 2004, would probably be born of at least one parent considered to be an “illegal alien” under Indian law, and these children would therefore not qualify for citizenship under this provision.

A person can also become an Indian citizen through a process called registration. Under this provision, one can register for citizenship if one fits certain prescribed criteria, for example, if one is a child of Indian parents, or an Indian citizen’s spouse who has resided in India for 7 years; yet once again, “illegal aliens” cannot get citizenship through registration, thus disqualifying most Chins in Mizoram State, India, from getting citizenship through this provision.⁸⁹ A child of Indian parents might use registration if the child has not been able to qualify under the usual citizenship provisions for a child, such as those in the preceding three paragraphs.

Another citizenship process is called naturalization. Persons can apply if they have resided in India or worked for the Indian government for 11 of the previous 14 years (11 of the previous 15 years if there are special circumstances); if they have attained adequate knowledge of one of the many languages listed in Schedule VIII of the Constitution of India; and if they intend to reside in India after naturalization.⁹⁰ However, “illegal aliens” are not eligible to apply for naturalization either, thus apparently disqualifying most Chins in Mizoram State, India, from gaining citizenship through naturalization.⁹¹

[86] *Ibid.*, sec. 3(c).

[87] *Ibid.*, sec. 2(b).

[88] India does allow Chins in New Delhi who are recognized by UNHCR to register with their Foreign Regional Registration Office (FRRO). It is not clear whether such registration would make one a legal alien for purposes of the citizenship statutes.

[89] Citizenship Act of 1955, sec. 5(1), Parliament of India, as amended, available at Ministry of Home Affairs, Govt. of India (GOI) http://mha.nic.in/pdfs/ic_act55.pdf (accessed Oct. 26, 2011). Note also that under the registration provision, “The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India.” *Ibid.*, sec. 5(4). Given the general ineligibility for registration of illegal aliens mentioned earlier in this section and the broad discretion implicit in the subsection, it is not clear how this provision would be applied to Chin children born in Mizoram State, India.

[90] *Ibid.*, sec. 6 (sec. 6 incorporates the requirements for naturalization listed in the Constitution of India, Schedule III (a-g) and (i, ii)), available at Ministry of Home Affairs, GOI, http://mha.nic.in/pdfs/ic_act55.pdf (this pdf includes both the Citizenship Act of 1955 and the naturalization requirements from Schedule III of the Constitution of India) (accessed Oct. 26, 2011).

[91] *Ibid.*, sec. 6(1).



Chin children are the most vulnerable of those seeking refuge in Mizoram State, India. Chin children lack legal status and often lack the basic necessities of life at a critical time in their mental, physical, and psychological development. Chin children born in Mizoram State, India, may also be at risk of being stateless.

The delegation has asked UNHCR to do further research on the statelessness issue of Chins in Mizoram State, India. Whether these Chins are stateless depends on how the Burmese and Indian governments interpret and apply their own laws and also on the Chins' birth registration opportunities and practices.⁹² UNHCR has been mandated by the UN General Assembly to help states address statelessness.⁹³ UNHCR helps to reduce statelessness by working with the host country that has stateless individuals and with other concerned governments to pass laws that will reduce the stateless population by creating a path to citizenship in the country of birth, the country of residence, or in a third country.⁹⁴

[92] "One of the main gaps in knowledge is to understand how the authorities of Myanmar apply their own laws, i.e. is citizenship lost in practice when people permanently reside abroad and when is this deemed the case? And if a child born outside the country is not registered within one year of the child's birth at the Burmese embassy or consulate (or thereafter, given "special circumstance"), what effect, if any, does this have on whether they are considered to have acquired citizenship at birth, through the parents? It would be great if research was done into these questions, since they also go to the status and treatment of other groups from Myanmar dispersed around the region." Dr. L.E. van Waas, Senior Researcher and Manager of the Statelessness Programme, Tilburg Law School, Netherlands, "Dr. van Waas' Email Responses to 'Update from Matthew Wilch regarding Statelessness for Chins in Mizoram State, India, Nov. 1 and 2, 2011,'" Oct. 31, 2011.

[93] The UN General Assembly gave UNHCR this mandate in a 1996 resolution, and the Executive Committee of UNHCR provided further guidance in a 2006 Conclusion. UN General Assembly, *Office of the United Nations High Commissioner for Refugees: resolution/adopted by the General Assembly*, Feb. 9, 1996, A/RES/50/152, available at UNHCR, <http://www.unhcr.org/refworld/docid/3b00f31d24.html> (accessed Oct. 8, 2011); and UNHCR, *Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons*, Oct. 6, 2006, No. 106 (LVII), 2006, available at UNHCR, <http://www.unhcr.org/refworld/docid/453497302.html> (accessed Oct. 8, 2011).

[94] UNHCR provides practical handbooks and other guidance for governments hosting stateless populations. See, e.g., Marilyn Achiron, *Nationality and Statelessness: A Handbook for Parliamentarians*, UNHCR (Geneva, Switzerland: UNHCR, 2008), available at UNHCR, <http://www.unhcr.org/> (search "statelessness parliamentarians") (accessed Nov. 16, 2011); UNHCR, *Helping the World's Stateless People* (Geneva, Switzerland: UNHCR, 2011), available at UNHCR, <http://www.unhcr.org/> (search "stateless people") (accessed Nov. 16, 2011); UNHCR, *Action to Prevent Statelessness: A Strategy Note* (Geneva, Switzerland: UNHCR, March 2010), available at UNHCR, <http://www.unhcr.org/> (search "statelessness strategy") (accessed Nov. 16, 2011).

During resolution of a statelessness problem, the host country, whether a contracting state to the treaties on statelessness or not, may be able to access aid and development funds. The United Nations Development Fund and the World Food Programme provide aid to help the host country if they choose to pursue full legal, social, and economic integration of the stateless population.⁹⁵ Other ethnic groups from Burma unfortunately also suffer from statelessness problems, especially the Rohingya, who are being assisted by UNHCR and others.⁹⁶

Many Chins in Mizoram State, India are children at risk. Many of the 100,000 Chins in Mizoram State, India, are children. Some were born in Burma and some were born after their parents fled to Mizoram. Those born in Burma were often traumatized directly by the Burmese military regime which subjects many youth to forced labor and other crimes against humanity, or they are from families that have been similarly traumatized. Recently, many Chin youth are fleeing from forced conscription by the Burmese military and are seeking refuge in Mizoram and in New Delhi.⁹⁷ (See the profile of ZA later in this section.) Because as children they are in earlier stages of mental, physical, and psychological development than their parents, the Chin children are often the members of their families most at risk. Among children, the most vulnerable are usually those who are unaccompanied by parents or family members. They need special attention from the host government to help meet their immediate protection and humanitarian needs. They also need “best interest determinations” (BIDs) which are comprehensive evaluations through which child welfare experts determine what long-term, durable solution is best to pursue for each child. UNHCR and international community experts are available to assist host governments as they establish these comprehensive child welfare responses to unaccompanied refugee children.⁹⁸

[95] Achiron, *Nationality and Statelessness: A Handbook for Parliamentarians*, UNHCR, p. 45, available at UNHCR, <http://www.unhcr.org/> (search “statelessness parliamentarians”) (accessed Nov. 16, 2011).

[96] Dr. L.E. van Waas, “Discussion Paper: Regional Expert Roundtable on Good Practices for the Identification, Prevention, and Reduction of Statelessness and the Protection of Stateless Persons in South East Asia,” UNHCR, posted March 2, 2011 (prepared for a roundtable held Oct. 28-29, 2010), available at UNHCR, <http://www.unhcr.org/> (search “stateless”) (accessed Oct. 24, 2011).

[97] People Military Service Law of SPDC, Myanmar State Peace and Development Council Law No. 27/2010, Myanmar Govt., Nov. 4, 2010, an 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).

[98] See UNHCR, *Guidelines on Determining the Best Interest of the Child* (Geneva, Switzerland: UNHCR, 2008), available at UNHCR, <http://www.unhcr.org/> (search “guidelines best interest”) (accessed Oct. 25, 2011); Lutheran Immigration and Refugee Service (LIRS), *No Small Matter: Ensuring Protection & Durable Solutions for Unaccompanied & Separated Refugee Children*, May 2007 (A Report Prepared by LIRS for UNHCR), available at LIRS, <http://www.lirs.org/atf/cf/%7Ba9ddb5e-c6b5-4c63-89de-91d2f09a28ca%7D/RPTNOSMALLMATTER.PDF> (accessed Nov. 2, 2011).

What are India's human rights obligations?⁹⁹ India is not a contracting state to the four international human rights treaties that guide countries about how to treat refugees or stateless people,¹⁰⁰ and Indian domestic law empowering Indian officials to arrest, detain and deport undocumented migrants does not specify how to identify or treat refugees.¹⁰¹ However, India does receive guidance from a customary international law norm called non-refoulement which prohibits India from deporting any Chins to Burma who would be likely to be persecuted there.¹⁰² Also, India has committed to several other human rights treaties that provide normative and practical legal parameters for the Mizoram State and Indian central government's policies and treatment of the Chins in Mizoram. These include the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Inhumane and Degrading Treatment (CAT), the Convention on the Rights of the Child (CRC), and the International Covenant on Economic Social and Cultural Rights (ICESCR).¹⁰³

Under the ICCPR, government officials must not deport any Chins without due process and must uphold the right of every child to acquire a nationality.¹⁰⁴ Under CAT, they must not deport Chins to Burma if there are "substantial grounds for believing" that they "would be in danger of being subjected to torture."¹⁰⁵ Under the CRC, they must provide Chin children who are refugees with "appropriate protection and humanitarian assistance," whether they are accompanied or unaccompanied; and they must protect all children's rights to survival and development; registration, name and nationality; family unity; and protection from all forms of violence.¹⁰⁶ Under the ICESCR, India must take steps "to the maximum of its available resources" toward the "full realization" for all within its borders of the rights to livelihood, health, and education, among other rights.¹⁰⁷ As a party to the CRC and the ICESCR, India commits itself to providing primary education for all.¹⁰⁸ Under the ICCPR, ICESCR, and the CRC, India must not discriminate in protecting these rights based on language, national or social origin, property, birth or other status.¹⁰⁹

[99] The delegation is indebted to Human Rights Watch (HRW) for its extensive analysis of India's human rights obligations related to the Chins in Mizoram State and this report tracks much of their analysis about domestic law and treaty obligations here. See HRW, *We are Like Forgotten People: Unsafe in Burma, Unprotected in India* (New York, NY: HRW, 2009), pp. 77-81, available at HRW, <http://www.hrw.org/reports/2009/01/27/we-are-forgotten-people> (accessed Oct. 10, 2011). Any errors in this section are our own.

[100] See Convention Related to the Status of Refugees, adopted Geneva, July 28, 1951 (entry into force April 22, 1954), UN, *Treaty Series*, vol. 189, p. 137 (1954); Protocol Related to the Status of Refugees, adopted New York, Jan. 31, 1967 (entry into force Oct. 4, 1967) UN, *Treaty Series*, vol. 606, p. 267; Convention Related to the Status of Stateless People, adopted New York, Sept. 28, 1954 (entry into force June 6, 1960) UN, *Treaty Series*, vol. 360, p. 117; Convention on the Reduction of Statelessness, adopted New York, Aug. 30, 1961 (entry into force Dec. 13, 1975) UN, *Treaty Series*, vol. 989, p. 175. Above treaties are all available at UN Treaty Collection, <http://treaties.un.org/Pages/Treaties.aspx?id=5&subid=A&lang=en> (accessed Oct. 26, 2011).

[101] See The Registration of Foreigners Act of 1939, no. 16, arts. 2,3, Parliament of India (April 8, 1939), available at Ministry of Home Affairs/Govt. of India (GOI), <http://mha.nic.in/pdfs/The%20Registration%20of%20Foreigners%20Act,%201939.pdf> (accessed Oct. 28, 2011); The Foreigners Act of 1946, no. 31, arts. 2, 3, Parliament of India (Nov. 23, 1946), available at Ministry of Home Affairs, GOI, <http://mha.nic.in/pdfs/The%20Foreigners%20Act,%201946.pdf> (accessed Oct. 26, 2011); Foreigners Order, 1948, GOI (Feb. 10, 1948), available at UNHCR, <http://www.unhcr.org/refworld/docid/3ae6b514c.html> (the GOI issued this order to carry out the Foreigners Act 1946 which gave broad powers over foreigners) (accessed Nov. 16, 2011); and the Supreme Court of India case of Hans Muller of Nuremburg v. Superintendent, Presidency Jail Calcutta and Others, 1 SCR 1284, sec. 35, Supreme Court of India, (1955), available at UNHCR, http://www.unhcr.org/refworld/country,IND_SC,,DEU,3f4b8c618,0.html (accessed Oct. 26, 2011).

[102] UNHCR provided a thorough explanation of the customary law obligation of non-refoulement to the UNHCR member state of Germany. UNHCR, *The Principle of Non-Refoulement as a Norm of Customary International Law. Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93*, Jan. 31, 1994, available at UNHCR, <http://www.unhcr.org/refworld/docid/437b6db64.html> (accessed Nov. 16, 2011).

[103] ICCPR, adopted New York, Dec. 16, 1966 (entry into force March 23, 1976, India acceded April 10, 1979) UN, *Treaty Series*, vol. 999, p. 171, and vol. 1057, p. 407; CAT, adopted New York, Dec. 10, 1984 (entry into force June 26, 1987, India signed Oct. 14, 1997) UN, *Treaty Series*, vol. 1465, p. 85; CRC, adopted New York, Nov. 20, 1989 (entry into force Sept. 2, 1990, India acceded Dec. 11, 1992) UN *Treaty Series*, vol. 1577, p. 3; CESCR, adopted New York, Dec. 16, 1966 (entry into force Jan. 3, 1976, India acceded April 10, 1979) UN, *Treaty Series*, vol. 993, p. 3. "Accede" means that after its date of entry into force the acceding nation agreed to be bound by the treaty; "sign" by itself does not mean that signing nation has bound itself to abide by the treaty but obliges it "to refrain, in good faith, from acts that would defeat the object and purpose of the treaty." See Vienna Convention on the Law of Treaties, arts. 10, 18, adopted May 23, 1969 (entry into force Jan. 27, 1980) UN, *Treaty Series*, vol. 1155, p. 331. All these treaties are available at UN Treaty Collection, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (accessed Oct. 26, 2011).

[104] ICCPR, arts. 13, 24, respectively; available at UN Treaty Collection, <http://treaties.un.org/Pages/CTCTreaties.aspx?id=4&subid=A&lang=en> (accessed Oct. 26, 2011)

[105] See CAT, art. 3, available at UN Treaty Collection, <http://treaties.un.org/Pages/CTCTreaties.aspx?id=4&subid=A&lang=en> (accessed Oct. 26, 2011). See footnote 103 regarding India's duties as a signatory but not a contracting party to CAT.

[106] CRC, arts. 22(1), 6, 7, 22(2), 19, respectively; available at UN Treaty Collection <http://treaties.un.org/Pages/CTCTreaties.aspx?id=4&subid=A&lang=en> (accessed Oct. 26, 2011). For a summary of CRC rights and obligations see United Children's Fund (UNICEF), "Fact Sheet: A Summary of the CRC," available at UNICEF, http://www.unicef.org/crc/files/Rights_overview.pdf (accessed Oct. 26, 2011).

[107] See ICESCR, arts. 2, 11, 12, 13, available at UN Treaty Collection, <http://treaties.un.org/Pages/CTCTreaties.aspx?id=4&subid=A&lang=en> (accessed Oct. 26, 2011).

[108] CRC, art. 28; ICESCR, art. 13; both available at UN Treaty Collection, <http://treaties.un.org/Pages/CTCTreaties.aspx?id=4&subid=A&lang=en> (accessed Oct. 26, 2011).

[109] ICCPR, art. 2(1); ICESCR, art. 2(2); and CRC, art. 2(1); all available at UN Treaty Collection, <http://treaties.un.org/Pages/CTCTreaties.aspx?id=4&subid=A&lang=en> (accessed Oct. 26, 2011).

Also, through its constitution and statutes, India commits itself to providing primary education for all. The constitution requires “free and compulsory education to all children of the age of 6 to 14 years in such manner as the State may, by law, determine” and requires the government to “endeavor to provide early childhood care and education for all children until they complete the age of 6 years.”¹¹⁰ The Right to Free and Compulsory Education, a law passed by the Indian Parliament in 2009, provides explicit guidance for carrying out the constitutional mandate.¹¹¹

The international community has compelling humanitarian and strategic reasons to offer and provide support to the host country of India. Many countries have come to know about the dire human rights conditions in Burma and have reached out to resettle Chins and other refugees from Burma who fled to Malaysia. These include the United States, Australia, Canada, New Zealand, Norway, Sweden, Denmark, and the Czech Republic. The Chins in Mizoram State, India, have fled the same dire human rights situation as the resettled Chins. The countries that were moved to help Chins through resettlement may feel likewise drawn to work with India as it hosts the Chins. By partnering with India to address the protection and humanitarian plight of the Chins while also helping to reduce Mizoram State’s humanitarian burden, the United States and other concerned countries would be helping to resolve a protracted, urban refugee situation, caring for a refugee population of concern to them, and supporting their valued ally India.

What might be a durable solution for the Chins seeking refuge in Mizoram State, India? When people seek refugee protection, they seek both short term and long term solutions to their situation. For refugees, the long term solutions are known as “durable solutions.” 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 for protecting the Chins at this time. Most Chins fleeing persecution in Chin State, Burma, and 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. The migration of Chins to Mizoram State, India, does not occur in a vacuum. This section provides details about the Chins, their relationship with the people of Mizoram, their state in Burma, the state of Mizoram, and several economic, social, religious, and political factors that impact their lives in Mizoram. Section III follows “Chin Profiles” and a sidebar on “Who Is a Refugee?”

[110] Constitution of India, arts. 21A and 45, as amended by Constitution (Eighty-sixth Amendment) Act, 2002, secs. 2 and 3, respectively, Parliament of India (Dec. 12, 2002), available at GOI, <http://india.gov.in> (select “Constitution of India”) (accessed Oct. 26, 2011).

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

Chin Profiles...

Why They Left Burma¹¹²

TG, SH, RI are three sisters, one divorced, one widowed, and one married, who fled from Chin State, Burma, to Mizoram after the older two participated as students in the pro-democracy protests in 1988.

The oldest two were high school students at the time and were encouraged by their parents to get involved in the struggle for democracy. When the military began to kill and imprison protesters, they sought refuge in Mizoram State, India.

QH, a 48-year-old married man, left Burma with his wife after a soldier tried to rape her when QH was doing forced labor, portering for the military in the 1990s.

The army came to QH's village in Burma to force people to porter for them, a regular occurrence. Since he was sick with malaria, his wife tried to convince him that she go in his stead, but he insisted on going, knowing that women who porter are frequently raped by the soldiers. While he was away, a soldier, knowing her husband was portering, came to her house and attempted to rape her. Neighbors intervened. The soldier walked away from the attempted rape with no legal repercussions.

[112] From delegation interviews with TG, SH, RI; QH; PK; ZA; and YB.

PK, a well-known Christian singer in Burma, was forced to flee in the 2000s because of her pro-democracy sympathies.

She was a well-known singer in churches all over Chin State, Burma. She was forced to flee from Burma after the Burmese military regime learned that she had sung at a Chin National Front (CNF) meeting in Chin State. She now sells smoked pork and garden vegetables in the market. She lost her former life when she fled. Her singing career ended.

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

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.

Who Is a Refugee?

Who is a refugee?

Refugees are people outside their countries of origin who cannot or will not return home because they have a well-founded fear that they will be persecuted because of their race, religion, nationality, political opinion, or membership in a particular social group.¹¹³ One common misperception in Mizoram is that a refugee is only someone who is a high-profile political activist. In fact, low-profile individuals who fear persecution for any of the five different reasons listed above may be refugees. The Chins in the above profiles all have strong refugee claims and are examples of people whom refugee laws are meant to protect. This includes Chin minorities who are targeted and persecuted for their ethnicity, Christian faith, and resistance to the brutal practices of the Burmese military regime.

What rights do refugees have and what legal obligations do host states have toward refugees?¹¹⁴

All nations are obligated by treaty or by customary international law to safeguard refugees' most fundamental right of "non-refoulement," that is, the right not to be returned to a country where they will be persecuted.¹¹⁵ To fulfill this obligation nations sometimes establish their own screening processes to identify refugees and protect them. Other nations invite UNHCR or concerned nations to partner with them to screen and protect refugees. Other refugee rights include, among others, access to the court system (Article 16), a right to work (Articles 17, 18, 19), a right to public elementary education (Article 22), and a right to public relief assistance (Article 23).¹¹⁶ Host nations that are contracting-states to the two international refugee treaties, 1951 Refugee Convention and the 1967 Refugee Protocol, must safeguard all of these rights for refugee populations. When the host nation is a non-contracting state, UNHCR and the international community still urge the host country to safeguard these rights and often offer to partner with the host country in doing so.

How can the international community help to reduce the humanitarian burden on the host country?

Currently, the central government of India allows UNHCR to screen, assist, and protect Chins and other refugees in New Delhi and allows refugees to register with the Foreigners Regional Registration Office (FRRO). If the central government of India allowed UNHCR similar access to Chins in Mizoram, it would be one way for UNHCR to help India safeguard Chins in Mizoram from non-refoulement. A second approach might be to adapt the Malaysian model that is used with Chin refugees scattered in communities throughout Malaysia. UNHCR headquarters in the capital city of Kuala Lumpur and mobile teams carry out periodic field visits to conduct refugee processing and provide humanitarian assistance and protection. A third approach might be to adapt the Thai government's model for refugees from Burma. The Thai government has worked with concerned governments and local and international NGOs to establish a refugee protection program on the Thai-Burma border, known as the Thai Burma Border Consortium. If the Thai model were used, it would have to be adapted. Those seeking refuge in Thailand were placed in refugee camps, while Chins seeking refuge in Mizoram are urban refugees living in the state's towns, villages, and countryside. A fourth approach might be to create a unique model for Mizoram. In whatever manner the government of India chooses to address the Chins' situation, UNHCR and concerned nations would likely be willing to partner with Mizoram and India to carry out their human rights obligations by sharing expertise, personnel, direct humanitarian aid to the refugee population, and humanitarian and other aid that often also builds up the overall resources and infrastructure of the host community.

[113] Convention Relating to the Status of Refugees, art. 1, and the Protocol Relating to the Status of Refugees, art. 1, available at UNHCR, <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf> (accessed Oct. 27, 2011).

[114] As discussed earlier in this section, other rights and host country obligations arise based on other specific characteristics of the hosted population, for example, India has obligation to children within the Chin population because it acceded to the CRC.

[115] UNHCR, *The Principle of Non-Refoulement as a Norm of Customary International Law. Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93*, Jan. 31, 1994, available at UNHCR, <http://www.unhcr.org/refworld/docid/437b6db64.html> (accessed Nov. 16, 2011).

[116] Convention Relating to the Status of Refugees, arts. 16; 17, 18, 19; 20; 22; and 23; available at UNHCR, <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf> (accessed Oct. 27, 2011).



III. BACKGROUND INFORMATION

A. The Intertwined History of the People of Chin State and Mizoram State

The people of Chin State and Mizoram State have common roots. Virtually all of the Mizoram stakeholders described the Chins as their brothers and sisters and said that the people of Chin State and Mizoram State are one people separated by an international border. The people in the two states are from the same racial, ethnic, linguistic, religious, and historical roots. Although the historical details of the initial migration are unclear, most agree that they have common Mongoloid forebears who came from China to current day Burma and northeastern India in successive waves of migration, bringing language rooted in the Tibeto-Burman language. Some 500 years ago some of those forebears migrated farther west across the Tiau River into what is current day Champhai District, Mizoram State, India.¹¹⁷ Through the years, the different groups that came south from China grew up near one another, but since they were often isolated from one another by the rough terrain and the insufficient means to visit or communicate, they developed some different customs and numerous distinct dialects.¹¹⁸

What is now Chin State and Mizoram State were governed by Great Britain and then divided by an international border.¹¹⁹ Prior to the arrival of the British, Chinland (a name that Chins give to the area that includes current day Mizoram State, Chin State, and part of Bangladesh) was independent, with villages ruled by local chiefs. In the 1890s, the British began ruling over the rest of what is current day Burma and expanded their rule into Chinland. With the Burma Act of 1935, the area was divided by the international border between British India and British Burma. The British ruled over the land that is currently Mizoram until 1947 and over what is currently Chin State until 1948, when India and Burma, respectively, gained independence from Great Britain. At various points, some thought that the land that is now Chin State and Mizoram State should be politically united but separation won out.¹²⁰ Mizoram became an autonomous region associated with Assam State, India, and Chin State became a state of Burma.

Chin leaders helped to create an independent Burma in 1948. On February 12, 1947, Chin, Kachin, and Shan ethnic leaders signed an agreement in Shan State, Burma, with Aung San, representative of the Burmese and father of current Burmese democratic icon Aung San Suu Kyi. The agreement was known as the Panglong Agreement. The leaders believed that by joining together to fight they would more speedily achieve independence from the British. The agreement also made clear that after independence, the signatories, including the Chins, would each have full administrative autonomy. The right of secession was later enshrined in Chapter X of the 1947 Union Constitution of Burma. Aung San, architect of the Panglong Agreement, was assassinated on July 19, 1947. Nonetheless, Burma achieved independence from Great Britain in 1948.

Chins welcomed Mizoram victims of Mautam Famine to Chin State, Burma, in 1959. Meanwhile, after 1948 boundaries were drawn, people from the two states had ongoing contacts in border areas and through family visits back and forth. Those contacts continue today with India and Burma allowing each other's citizens to travel 16 km inside the other's border without requiring a visa or passport.

[117] Mizoram State Govt., "History: Facts and Legend" Mizoram State Govt., <http://mizoram.nic.in/> (accessed Aug. 30, 2011).

[118] See the "Population and Language" sections IIIB and IIIC about the dialects of Chin State, Burma, and Mizoram State, India.

[119] Unless otherwise noted, the historical information about Chins in the next five subsections is from Zo Tum Hmung, delegation member and native of Chin State, Burma. For additional background see Zo Tum Hmung, "Ethnic Political Crisis in the Union of Burma," Oct. 25, 2000 (A paper presented at a seminar organized by the Council for Southeast Asia, Yale University, New Haven, CT), available at <http://www.ibiblio.org/obl/docs/ZoHmung-Yale2000.htm> (accessed Oct. 27, 2011).

[120] In 1892 when the British began governing Chinland and in 1947 when they were discussing the political future of the region, they considered treating the people and area as a united political and geographic entity, as one people united within one border. For many complex reasons, policies were pursued that instead politically and geographically separated the lands that are now Chin State, Burma, and Mizoram State, India. See Dr. Lalchungnunga, *Mizoram: Politics of Regionalism and National Integration* (New Delhi: Reliance Publishing House, 1994), pp. 33-36.

Through the years people in Chin State and Mizoram State have supported one another during their economic and political struggles. During the Mautam Famine in 1959 when rare bamboo flower blooms caused a deadly boom in the rat population, thousands of Mizos fled to Chin State, Burma, fleeing from the rats and from the starvation caused by the destroyed crops. According to several of Mizoram's church and political leaders, whose family members were starving and fled to Chin State, the Chins warmly welcomed them. Some stayed. Some returned to Mizoram after conditions improved. To respond to the famine, Mizoram's leaders formed an organization called the Mizo National Famine Front and after the famine it became known as the Mizo National Front (MNF).

Since the military takeover in 1962, Chins have faced persecution in Burma. The Chins had been hopeful about their future with the provisions of the Panglong Agreement and the 1947 Constitution. However, on March 2, 1962, General Ne Win, the head of the Burmese army, took power through a military coup, abolished the constitution, and ruled Burma for the next twenty-five years. The harsh military rule eventually led to a nationwide democratic uprising in August 1988. The military regime maintained power at that time and continues to rule the country.

Officials of the military regime pursue a policy that some have called Burmanization. One of its reported aims is to establish unity in Burma, creating one Burmese people, language, and culture; and one religion, Buddhism. Chin Christians and other minority ethnic and religious groups from Burma fear losing their cultural identity and oppose this policy. Consistent with this policy, over the years, the military regime has persecuted Chins based on their ethnicity as Chins, their religion as Christians, and their opposing political opinions. Two opening salvos of the military regime came in 1964 when they forced all Christian missionaries to leave the country and in 1965 when the Burma regime nationalized all of the Christian schools and hospitals in Chin State.¹²¹ Chins have continually fled from persecution by the military regime in Burma. Many have fled to Mizoram State, India. A few from Mizoram have travelled on to New Delhi. A few fled from Chin State to Thailand and many more from Chin State to Malaysia. A small number of Chins have been resettled from New Delhi and Thailand and larger numbers from Malaysia. They were resettled to the United States, Australia, Canada, New Zealand, Norway, Sweden, Denmark, and the Czech Republic, among other countries. Other refugees from Burma also were resettled from New Delhi, Thailand, and Malaysia and almost all of them were from Burma's ethnic minority groups.

As noted in Section II of this report, the persecution of Chins in Burma continues to this day. It is detailed in *Life Under the Junta: Evidence of Crimes Against Humanity in Burma's Chin State*, a study released by the Physicians for Human Rights (PHR) in January 2011.¹²² PHR found that 92% of Chin households surveyed from across all nine townships in Chin State, Burma, were subject to forced labor and other crimes against humanity, including arbitrary arrest, detention, imprisonment; abduction or disappearance; torture; rape or sexual violation; and murder.¹²³ Some 14% suffered religious and ethnic persecution.¹²⁴ In November 2010, Burma held an election that some hoped would help change the human rights situation in Burma, but many world political leaders and human rights advocates thought it was not free, fair, and inclusive.¹²⁵ The delegation met Chins who fled Burma after the November election and after the PHR report. Those recent arrivals did not describe post-election improvements in the human rights situation of minority ethnic groups in Burma. They described fleeing from Chin State, Burma, for the same reasons cited in the PHR report.

[121] Rev. Dr. Stephen Hre Kio, "Fleeing Burma Where Life Is at Risk and Liberty Curtailed," Jan. 24, 2001 (a public statement by this Chin leader after 960 asylum seekers from Burma sought refuge in Guam), available at Chin Human Rights Organization (CHRO), <http://www.chro.ca/resources/refugee-issues/293-fleeing-burma-where-life-is-at-risk.html> (accessed October 28, 2011).

[122] Sollom and others, *Life Under the Junta*, PHR, pp. 26-33, available at PHR, <http://physiciansforhumanrights.org/library/reports/burma-chin-report-2011.html> (pp. 26-33 provides an overview of the findings) (accessed Oct. 25, 2011).

[123] *Ibid.*, pp. 27-29.

[124] *Ibid.*

[125] BBC, "Western States Dismiss Burma's Election," *BBC News Asia Pacific*, Nov. 8, 2010, <http://www.bbc.co.uk/news/world-asia-pacific-11707294> (accessed Oct. 26, 2011). Note that "1.5 million ethnic voters were disenfranchised because areas deemed too dangerous for voting to take place." *Ibid.* But some viewed it as "a small but important step." BBC, "Regional Press Encouraged by Burma Election," *BBC News Asia Pacific*, Nov. 9, 2010, <http://www.bbc.co.uk/news/world-asia-pacific-11719063> (accessed Oct. 27, 2011).

Chins began a resistance movement shortly after the 1962 military coup. In 1964, shortly after the military coup, members of the Chin National Organization (CNO), a political party in Chin State, started the Anti-Communist Freedom Organization (ACFO), an underground organization that took up arms and began fighting against the Burmese military regime.¹²⁶ The leaders included Hrang Nawl, a member of the Burmese Parliament representing Chin State, Lieutenant Colonel Suan Kho Pau, and Son Cin Lian.¹²⁷ The ACFO disappeared in 1965 after Indian authorities reportedly arrested and deported Hrang Nawl and other leaders, and the Burmese military regime imprisoned them. In 1971, another underground opposition group, the Chin Democracy Party (CDP), was formed by Mang Tling, then a member of the Burmese Parliament representing Chin State, to also fight against the Burmese military regime.¹²⁸ The CDP disappeared after its military wing, the Chin Liberation Army (CLA), was destroyed as it returned to Chin State after receiving training in the Thai Burma border area.¹²⁹ En route to Chin State, the CLA travelled into and through India, where it was reportedly attacked and weakened by the Indian Army.¹³⁰ It was destroyed a short time later by the Burmese Army as it entered Chin State.¹³¹ On March 20, 1988, the Chin National Front (CNF) was founded to regain “self-determination” for the Chin people in Burma and “to restore genuine democracy and federalism” in the Union of Burma.¹³² The CNF has a military wing called the Chin National Army (CNA).¹³³

Mizoram achieved statehood in 1987. Meanwhile, in 1966, the Mizo National Front (MNF), began an armed struggle for independence from India.¹³⁴ From the beginning of the conflict, Mizoram Christian leaders urged a negotiated peace.¹³⁵ On January 21, 1972, Mizoram gained more autonomy, becoming a union territory of India,¹³⁶ but fighting continued and Christian leaders continued to urge negotiations. Negotiations were resumed in the 1980s. Leaders from nine Christian denominations--“Presbyterian, Baptist, Roman Catholic, United Pentecostal Church, Seventh Day Adventist, the Salvation Army, Assembly of God, Isua Krista Kohran, and Lai Baptist Church”--reportedly formed a committee of church leaders on June 15, 1982.¹³⁷ The Christian leaders again continued to urge negotiations, as did some local political and community leaders. The MNF and central government leaders of the Indian National Congress Party did negotiate an end to the conflict; resulting in statehood for Mizoram that was formally recognized on February 20th, 1987.¹³⁸ To secure the peace, Pu Lal Thanhawla, Chief Minister of Mizoram, who was then the chief minister of the union territorial government, resigned his post to allow the MNF leader to become chief minister.¹³⁹ The MNF has become one of the two major political parties in Mizoram along with the Indian National Congress Party. Pu Zoramthanga, one of the original MNF leaders and a former chief minister for two terms, continues to serve as President of the MNF. The peace has held. Sadly, shortly after peace and political compromise came to Mizoram in 1987, Burma’s military regime clamped down even more, and Chins began fleeing to the new Indian state of Mizoram, seeking refuge.

[126] Delegation interview with Rual Uk, Chin pro-democracy activist who was a member of ACFO.

[127] Ibid.

[128] Zo Tum Hmung, “Vision for Chinland,” available at Chin Youth, [\(http://www.chinyouth.com/\(see “articles in English”\)\)](http://www.chinyouth.com/(see%20articles%20in%20English)) (accessed Oct. 26, 2011).

[129] Ibid.

[130] Ibid.

[131] Ibid.

[132] CNE, “Welcome,” CNE, <http://www.chinland.org/hev> (accessed Oct. 27, 2011).

[133] CNE, “CNF/CNA,” CNE, <http://www.chinland.org/hev> (accessed Oct. 27, 2011).

[134] Mizoram State Govt., “About Mizoram: History: Insurgency” Mizoram State Govt., <http://mizoram.nic.in/about/history.htm> (accessed Oct. 28, 2011).

[135] Several Mizoram church leaders mentioned the role that Christian leaders played to help bring about peace.

[136] Mizoram State Govt., “About Mizoram: History: Insurgency,” Mizoram State Govt., available at <http://mizoram.nic.in/about/history.htm> (accessed Oct. 28, 2011).

[137] John Vanlal Hluna, *Church and Political Upheaval in Mizoram: A Study of Impact of Christianity on the Political Settlement in Mizoram* (Aizawl: Mizo History Association, 1985), p. 123.

[138] Mizoram State Govt., “About Mizoram: History: Birth of Mizoram State,” Mizoram State Govt., <http://mizoram.nic.in/about/history.htm> (accessed Oct. 28, 2011).

[139] Press Information Bureau, GOI, “Focus: Mizoram Vidhan Sabha Election 1998 Mizoram,” Press Information Bureau, GOI, <http://pib.nic.in/focus/foyr98/fo1198/fo1311984.html> (accessed Nov. 3, 2011).

Chins who have fled to Mizoram are concentrated in five of its eight districts. Mizoram is divided into eight districts, namely Aizawl, Champhai, Kolasib, Lawngtlai, Lunglei, Mamit, Saiha, and Serchhip. The delegation traveled to five of the eight districts where the Chins are in highest concentration to meet with both Chin and local church and community leaders. They included Aizawl, Saiha, Lawngtlai, Lunglei, and Champhai. Some Chins live in villages and towns in these districts; many live on the edge of urban areas; others settle in the rural areas, including in the jungle. Most rent houses or rooms from local landlords.

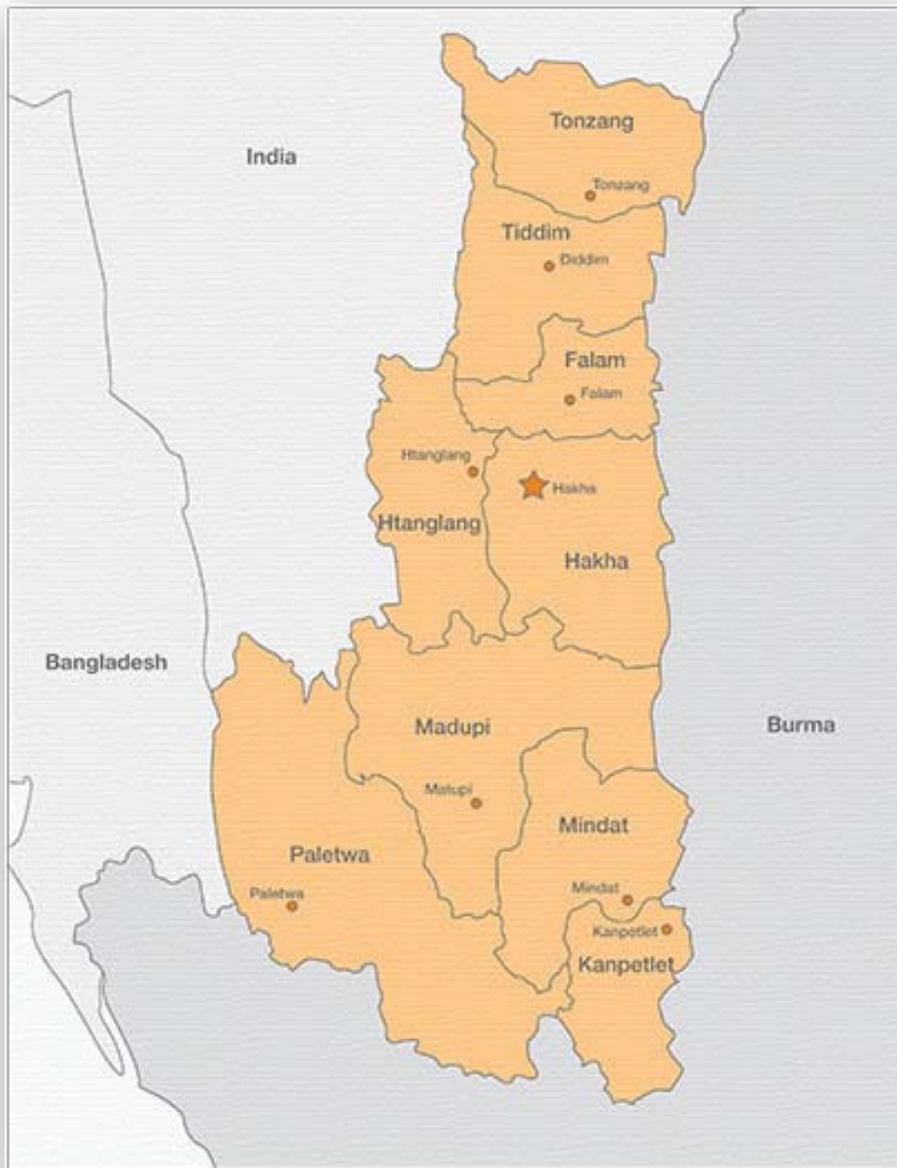
Population of Mizoram State, India, by District¹⁴⁰

Districts	Population
Mamit	85,757
Kolasib	83,054
Aizawl	404,054
Champhai	125,370
Serchhip	64,875
Lunglei	154,094
Lawngtlai	117,444
Saiha	56,366
Mizoram State Total	1,091,014

The next sub-sections III B and C provide additional background about Chin State, Burma, and Mizoram State, India. These are the two states that emerged from the political struggles just described. After background information on each state, sub-section D concludes with a closer look at several economic, social, religious, and political factors in Mizoram State, India, that impact the Chins.

[140] Registrar General and Census Commissioner, "Provisional Population, Mizoram," *2011 Census of India*, p. 32, Registrar General and Census Commissioner, <http://www.censusindia.gov.in> (select "Prov. Population Totals Paper 1" then "Mizoram") (accessed Oct. 10, 2011).

MAP OF CHIN STATE, BURMA¹⁴¹



Derived with permission from a map by Human Rights Watch (HRW) © John Emerson/HRW 2008.

[141] This map is derived with permission from a map of Chin State, Burma, created by the Physicians for Human Rights (PHR). Sollom and others, *Life Under the Junta*, PHR, p. 8, available at PHR, <http://physiciansforhumanrights.org/library/reports/burma-chin-report-2011.html> (accessed Oct. 25, 2011).

B. Facts about Chin State, Burma

Population and language. There are 500,000 Chins in Chin State, Burma, and more Chins live in areas such as Sagaing Division and other parts of Burma.¹⁴² Chins' culture and religion is distinct from those of the majority ethnic Burmans. People in Chin State speak several dialects descended from the Tibeto-Burman language.¹⁴³ Several of these dialects are also spoken in Mizoram State, for example, Lai, Mara, Zomi, and Mizo. If people from Chin State and Mizoram State speak the same dialect(s), they understand one another. If they do not speak the same dialect, they may recognize some vocabulary or linguistic structure common to different Tibeto-Burman dialects, but they have trouble communicating with each other.¹⁴⁴

Location and size. Chin State is one of 7 ethnic states in Burma, which also has 7 regions. Chin State shares international borders with Mizoram State, India, to the west, Manipur State, India, to the north, and Bangladesh to the southwest. With 36,000 sq km (13,900 sq mi),¹⁴⁵ it is a little larger than the U.S. state of Maryland¹⁴⁶ and about the size of Switzerland.¹⁴⁷

Physical geography. Chin State, Burma, is primarily mountainous. Its highest peak is Nat Mau Taung (Mt. Victoria) with an elevation of 3,000 m (10,500 ft).¹⁴⁸ It shares the Kaladan River¹⁴⁹ with Mizoram State, India.

Climate.¹⁵⁰ April and May are the hottest months, ranging from 60-80° F (15.5-26.6° C). The coldest temperature is normally 40°F (4.4° C) with freezing temperatures found in the highest mountains. The rainfall averages 80-120 in (203-305 cm), with more in the south because of the Bay of Bengal.

Religion. The Chin State population is more than 90% Christian.¹⁵¹ Chins are a religious minority in Burma which is 80% Buddhist.¹⁵² In the 1800s, the American Baptists, a U.S. Christian denomination, sent missionaries to what is now Burma.¹⁵³ After General Ne Win took power in 1962, he nationalized the Christian schools, and forced all Christian missionaries to leave Burma.¹⁵⁴ Since 1962, the Burmese military regime has persecuted Chins because of their religion, ethnicity, and political opinion. As recently as May 2011, it was designated a “country of particular concern” for severely restricting religious freedom.¹⁵⁵

Economy. Some 73% of the people in Chin State live below the poverty level, giving Chin State the highest poverty rate of Burma's 7 states and 7 divisions.¹⁵⁶ Over 50% of total employment in Chin State is in the agrarian categories of agriculture, hunting, and forestry.¹⁵⁷

[142] Unrepresented Nations and Peoples Organization (UNPO), “Chin,” UNPO, March 25, 2008, <http://www.unpo.org/members/7866> (accessed Oct. 10, 2011). Many Chins live in Sagaing Division, Burma. HRW, *We are the Forgotten People*, p. 7 (full report).

[143] See academic explanation. Matisoff, James A., *Handbook of Proto-Tibeto-Burman: System and Philosophy of Sino-Tibetan Reconstruction* (Berkeley, CA: UC Press, 2003) available at e-scholarship, <http://escholarship.org/uc/item/19d79619> (accessed Dec. 24, 2011).

[144] Confirmed by Zo Tum Hmung, trip delegate, one of the report's writers and editors, who speaks Lai, Mizo, and several other dialects common to both states. Note that each of the dialects mentioned has more than one name. The Lai dialect, for example, is also referred to as Hakha.

[145] UNPO, “Chin: Statistics,” UNPO, <http://www.unpo.org/members/7866> (accessed Oct. 28, 2011).

[146] Maryland is 31,580 sq km (12,193 sq mi). MD Govt., “MD at a Glance: Land,” MD Govt., <http://www.msa.md.gov/msa/mdmanual/01glance/html/area.html> (accessed Oct. 28, 2011).

[147] Switzerland has 41,285 sq km (15,940 sq mi). Swiss Tourism, Swissworld, <http://www.swissworld.org/> (accessed Nov. 11, 2011).

[148] UNPO, “Chin: Overview: Geography” (gives Chin name for Mt. Victoria); *Encyclopaedia Britannica* (EB), “Mt. Victoria,” EB Inc., available at EB Online, <http://www.britannica.com> (provides height of Mt. Victoria) (accessed Nov. 29, 2011).

[149] The Kaladan River is also sometimes spelled Kolodyne River. It is known in Mizo as the Chhimtuipei.

[150] UNPO, “Chin: Climate,” UNPO, <http://www.unpo.org/members/7866> (accessed Oct. 10, 2011).

[151] Anurag 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).

[152] Myanmar Govt., “Religion: Other Religions,” Myanmar Govt., <http://www.myanmar.com/religion/index.html> (accessed Oct. 28, 2011).

[153] American Baptist Churches USA (ABC USA), “Who We are/Our History/A Brief History of American Baptists,” ABC USA, pp. 2-3, available at ABC USA, <http://www.abc-usa.org> (accessed Oct. 17, 2011).

[154] Rev. Dr. Stephen Hre Kio, “Fleeing Burma Where Life Is at Risk and Liberty Curtailed,” Jan. 24, 2001 (a public statement by this Chin Christian leader after 960 asylum seekers from Burma sought refuge in Guam), available at Chin Human Rights Organization (CHRO), <http://www.chro.ca/resources/refugee-issues/293-fleeing-burma-where-life-is-at-risk.html> (accessed October 28, 2011).

[155] 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).

[156] Myanmar Govt., *Poverty Profile*, sec. 2, “Poverty and Inequality,” p. 12, available at UNDP, <http://www.mm.undp.org/> (accessed Oct. 28, 2011).

[157] *Ibid.*, sec. 4, “Economic Activities of Household Members,” p. 37.

Health. Burma's health system was ranked 190th out of 191 countries.¹⁵⁸ Life expectancy is 64 years.¹⁵⁹ For children in Burma under 5 years of age, 40% have stunted growth, and 71 die per 1000 live births; for people in Chin State 32% have no access to healthcare.¹⁶⁰ Moreover, the PHR recently studied the impact of human rights abuses on the health of Chins in Burma and found that 92% of 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.¹⁶¹

Education. Chin State's literacy rate is 87%;¹⁶² 27% of Chin children have no access to primary school.¹⁶³



A bridge over the Tiau River links India and Burma. This bridge links the border village of Zokhawthar in Champhai District, Mizoram State, India, with Rih Village, Tiddim Township, Chin State, Burma.

[158] WHO, "World Health Report 2000," WHO, <http://www.who.int/whr/2000/en/> (accessed Oct. 10, 2011).

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

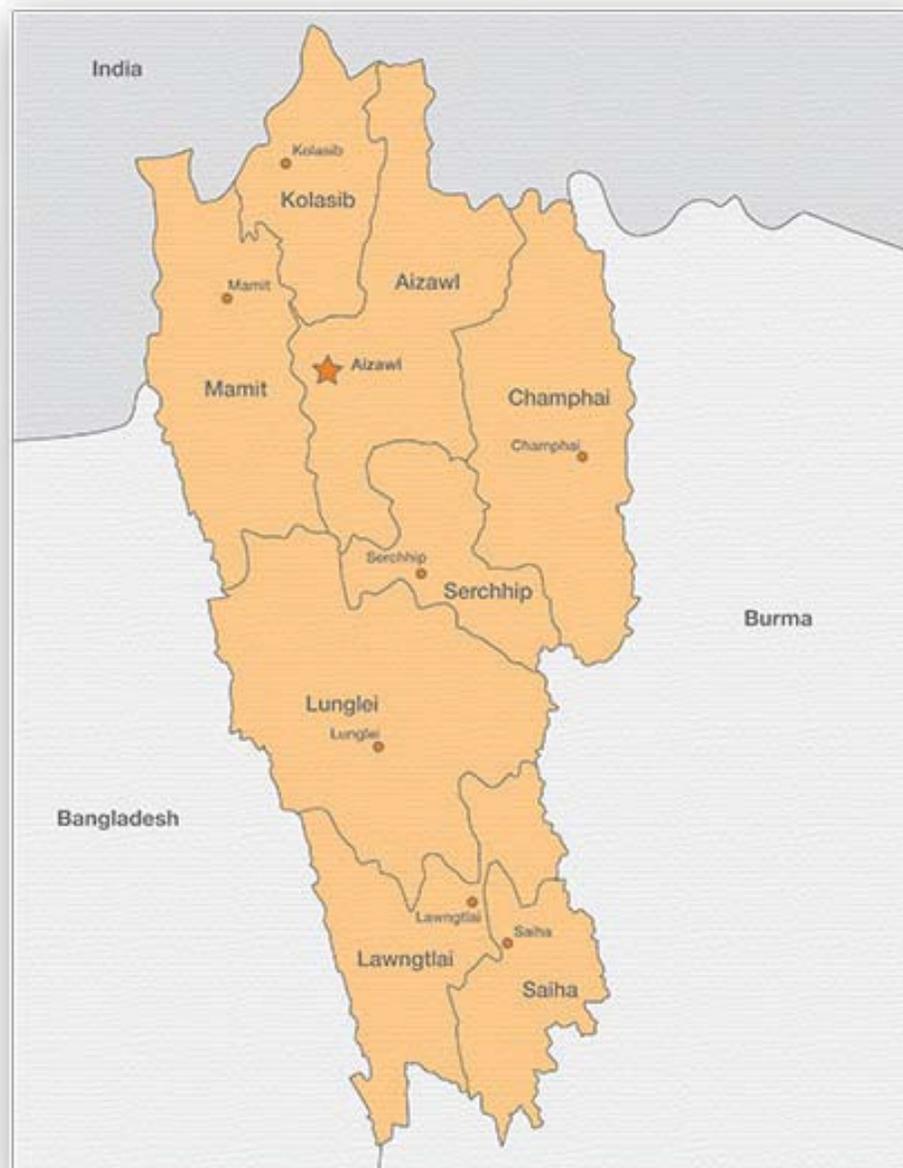
[160] Burma facts are from WHO, and Chin State facts from Burma govt. WHO, "Data for Global Health Observatory 2009: Myanmar Health Profile," WHO, [http://www.who.int/countries/mmr/en/\(select "country health profile"\)](http://www.who.int/countries/mmr/en/(select%20country%20health%20profile)) (accessed Oct. 10, 2011); and Myanmar Govt., Poverty Profile, sec. 7, "Health and Nutrition," p. 81, available at UNDP, http://www.mm.undp.org/ihlca/01_Poverty_Profile/index.html (accessed Oct. 28, 2011).

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

[162] Myanmar Govt., Poverty Profile, sec. 8, "Education," p. 89, at UNDP, <http://www.mm.undp.org/> (accessed Oct. 28, 2011). Chin community leaders believe that the literacy rate in Chin State is remarkable given the lack of access to primary schools and also the absence of any colleges in Chin State to train teachers or to help create a culture of learning. Generally, the lowest literacy rates in Burma are in the rural, ethnic states, with Shan State and Rakhine State having a 75% literacy rate, while the highest rates are in the more urban areas, such as Yangon Region with 96%. Ibid.

[163] Ibid., p. 100, available at UNDP, <http://www.mm.undp.org/> (accessed Oct. 28, 2011)

MAP OF MIZORAM STATE, INDIA¹⁶⁴



Derived with permission from a map by Physicians for Human Rights (PHR) © PHR 2010.

[164] 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.

C. Facts about Mizoram State, India

Population and language. There are 1,091,014 people in Mizoram State, India.¹⁶⁵ An estimated 100,000 are Chins or nearly 10%.¹⁶⁶ Mizoram's race, language, and religion are different from those of most Indians. Their race is Mongoloid, and they originally come from China.¹⁶⁷ Their primary language is the Tibeto-Burman dialect of Mizo, and English is the most prominent second language. Some in Mizoram State speak Tibeto-Burman dialects common to Chin State, such as Lai, Mara, and Zomi. Some in Chin State also speak Mizo. If someone from Mizoram speaks the same dialect as a person from Chin State, they understand one another. If they do not speak the same dialect, they may recognize some vocabulary or linguistic structure common to different Tibeto-Burman dialects, but they have trouble communicating with each other.¹⁶⁸ India's primary language is Hindi; a small percentage of the Mizoram population speaks Hindi.¹⁶⁹

Location and size. Mizoram is one of India's 35 states and union territories. Mizoram shares 318 km (198 mi) of international border with Burma to the east and south, and 404 km (251 mi) with Bangladesh to the west. With 21,081 sq km (8,139 sq mi),¹⁷⁰ it is slightly larger than the U.S. state of New Jersey¹⁷¹ or the country of El Salvador.¹⁷² It has 52 people per sq km (84 per sq mi),¹⁷³ being slightly more densely populated than Afghanistan.¹⁷⁴ India's national density is 373 people per sq km (603 people per sq mi).¹⁷⁵

Physical geography.¹⁷⁶ Mizoram's eastern half has north to south mountain ranges covered by wooded forests. The highest peak is Phawngpui (Blue Mountain) which is 2,157 m (7,077 ft) high. In the western half, Mizoram has lower ranges with an average elevation of 450 m (1,476 ft). These are covered with bamboo forests. Its biggest river is Chhimituipui (known in Burma as the Kaladan or Kolodyne River) which flows from Chin State through eastern Mizoram State and back into Chin State, then through Rakhine State, Burma, to the Bay of Bengal.¹⁷⁷ A few small flatlands are scattered around Mizoram. The largest is an 11 by 5 km (6.8 mi by 3.1 mi) area in Champhai District that is under rice cultivation; another is a large overgrown, unused area in western Saiha District known as Chamdur.

Climate.¹⁷⁸ Mizoram's temperatures are moderate, ranging in the winter from 11-21° C (52-70° F) and in the summer from 20-30° C (68-86° F). The average annual rainfall is 250 cm (8 ft 2 in) with most of it falling during the monsoon season from May to October.

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

[166] Bureau of East Asian and Pacific Affairs, U.S. DOS, "Background Note: Burma," Bureau of East Asian and Pacific Affairs, U.S. DOS, posted Aug. 3, 2011, <http://www.state.gov/r/pa/ei/bgn/35910.htm> (accessed Oct. 28, 2011). A leader from the YMA, a major nongovernmental organization in Mizoram, estimated that there are at least 80,000 Chins in the state. The leader was from the Central YMA in Aizawl, the capital of Mizoram State.

[167] Mizoram State Govt., "About Mizoram: History," Mizoram State Govt., <http://mizoram.nic.in/about/history.htm> (accessed Oct. 28, 2011).

[168] Confirmed by Zo Tum Hmung, trip delegate, a native Lai speaker who also speaks Mizo and several other dialects common to both states. Note that each of the dialects mentioned is referred to by more than one name. The Lai dialect, for example, is also referred to as Hakha.

[169] In 2001, 8,694 out of 888,573 or about 1% of those in Mizoram spoke Hindi. See Registrar General and Census Commissioner, "Distribution of Scheduled Languages," *2001 Census of India*, available at Registrar General and Census Commissioner, Ministry of Home Affairs, GOI, http://censusindia.gov.in/Census_Data_2001/Census_Data_Online/Language/parta.htm (accessed Oct. 28, 2011).

[170] Registrar General and Census Commissioner, "Provisional Population, Mizoram," *2011 Census of India*, p. 15, available at Registrar General and Census Commissioner, <http://censusindia.gov.in/> (select "Provisional Population Totals Paper 1" then "Mizoram") (accessed Oct. 28, 2011).

[171] New Jersey has a land area of 19,047 sq km (7354 sq mi). U.S. Census Bureau, "State and County Quick Facts," available at U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/34000.html> (accessed Oct. 28, 2011).

[172] Ministry of Tourism, El Salvador, "Official Tourism Site of El Salvador," El Salvador Impresionante, <http://www.elsalvador.travel/en/sobre-el-salvador/> (accessed Oct. 28, 2011).

[173] Registrar General and Census Commissioner, "Prov. Population, Mizoram," *2011 Census of India*, p. 13, Registrar General and Census Commissioner, <http://censusindia.gov.in/> (select "Prov. Population Totals Paper 1" then "Mizoram") (accessed Oct. 28, 2011).

[174] Afghanistan has 48 persons per sq km (78 persons per sq mi). UN Dept. of Economic and Social Affairs (UNDESA), "World Population Prospects: 2010 Revisions," UNDESA, http://esa.un.org/unpd/wpp/Sorting-Tables/tab-sorting_population.htm (accessed Oct. 28, 2011).

[175] Ibid.

[176] This is the source for this section's facts, unless otherwise noted. Rintluanga Pachuau, *Mizoram: A Study in Comprehensive Geography* (New Delhi: Northern Book Centre, 2009), p. 33-35.

[177] Chhimituipui, a large river in Mizoram and Chin State. It is known in Burma as the Kaladan River, sometimes also spelled Kolodyne River.

[178] Mizoram State Govt., "About Mizoram: At a Glance," Mizoram State Govt., <http://mizoram.nic.in/about/glance.htm> (accessed Oct. 28, 2011).

Religion. An estimated 95% of the population in Mizoram State, India, is Christian.¹⁷⁹ India's population is 2% Christian, and Hinduism is the primary religion.¹⁸⁰ Beginning in 1891, Christian missionaries from Great Britain worked in the area now known as Mizoram State; they included Welsh Presbyterians, English Baptists, and evangelical missionaries from England.¹⁸¹ The largest Christian denomination in Mizoram is the Mizoram Presbyterian Church Synod (MPCS) and the second largest is the Baptist Church of Mizoram.¹⁸²

Economy. Agriculture is the largest economic sector with more than 70% of the population engaged in it.¹⁸³ 78% in Mizoram live above the poverty line;¹⁸⁴ 79% live in “pucca” or well-constructed houses or in semi-pucca housing and 21% in “kutcha” construction, such as bamboo.¹⁸⁵ As Mizoram works toward its goal of providing all its own food, the central government of India contributes to its food security with the Targeted Public Distribution System (TPDS).¹⁸⁶ The state and central governments also continue to improve power and transportation infrastructure. Mizoram now provides 22% of its own electricity,¹⁸⁷ and 100% of the towns and 81% of villages have access to electricity.¹⁸⁸ Mizoram State has 6,840 km (4,250 mi) of single lane roads, including about 1,000 km (621 mi) that are paved.¹⁸⁹ About 500 km (311 mi) of the paved roads were recently rehabilitated or improved with funding from the World Bank, increasing the average speed to 25-30 km/hr (16-19 mph).¹⁹⁰ Besides the network of mountain roads between major towns and villages, the state has one airport, several miles of train tracks, but no seaport.

Health. Mizoram is faced with serious health challenges. Some 36% of the population have full access to ample safe drinking water,¹⁹¹ some suffer from food insecurity, and mosquitoes cause a health risk, given the tropical location. Consequently, there are a range of health problems, including water borne diseases such as diarrhea and dysentery, mosquito borne diseases such as malaria, and malnutrition and vitamin deficiencies from food insecurity. About 28% of the children age 3 years and under are underweight.¹⁹² The child mortality rate is 23 per 1000 live births, the maternal mortality rate is 60 per 1000 live births, and 50% of the population is not fully immunized.¹⁹³

[179] Mizoram State Govt., “About Mizoram: People of Mizoram: The People,” Mizoram State Govt., <http://mizoram.nic.in/> (citing the National Sample Survey, 1997-1998) (accessed Oct. 28, 2011).

[180] Registrar General and Census Commissioner, “Distributions of Populations by Religions,” *2011 Census of India*, <http://censusindia.gov.in/> (select “Census Newsroom: Drop in Articles” on Census of India, 2011) (accessed Oct. 28, 2011).

[181] Ron Ellis, “A Brief Illustrated History of the Early Years of the Church in Mizoram, 2010,” pp. 1-21, available at http://mizostory.org/mizostory/Mizo_Story_Home.html (linked to the Mizoram Presbyterian Church Synod website) (accessed Nov. 2, 2011).

[182] Dept. of Economics and Statistics (DES), Mizoram State Govt., “No. of Local Churches and Total Members of Denominations in Mizoram,” *Statistical Handbook, Mizoram 2010*, Table 43.6, DES, Mizoram State Govt., available at <http://desmizo.nic.in/file/hanbook2010.pdf> (accessed Dec. 15, 2011).

[183] Mizoram State Govt., “Mizoram: Economy,” Mizoram State Govt., <http://mizoram.gov.in/home/economy.html> (accessed Oct. 28, 2011).

[184] Health and Family Welfare Dept.(HFWD), Mizoram State Govt., “State Profile,” HFWD, Mizoram State Govt., <http://healthmizoram.nic.in/> (select “State Profile” under NRHM) (accessed Oct. 28, 2011).

[185] “Pucca” means made from sturdy materials, e.g., fired bricks, cement blocks, or timbers, with roofs of tile, corrugated iron, etc.; semi-pucca has pucca walls and less sturdy roofing; and “kutcha,” is made from bamboo, mud, reeds, etc. Ministry of Statistics and Programme Implementation (MOS-PI), GOI, *Statistical Yearbook of India, 2011*, MOSPI, available at http://mospi.nic.in/Mospi_New/upload/statistical_year_book_2011.htm (select “Service Sector” then “Housing”) (accessed Dec. 14, 2011).

[186] Dept. of Food and Public Distribution, GOI, “PDS: Targeted Public Distribution System (TPDS),” Dept. of Food and Public Distribution, GOI, <http://www.fcamin.nic.in/> (select “Public Food Distribution” then “PDS”) (accessed Nov. 1, 2011).

[187] Mizoram can generate 22 MW of the 102 MW needed for the state's restricted peak load demand or 22%. Mizoram State Govt., “Mizoram: Economy: Energy Sector,” Mizoram State Govt., <http://mizoram.gov.in/home/economy.html> (accessed Oct. 28, 2011).

[188] Ministry of Statistics and Programme Implementation (MOSPI), GOI, *Statistical Yearbook of India, 2011*, MOSPI, available at http://mospi.nic.in/Mospi_New/upload/statistical_year_book_2011.htm (select “Industry Sector” then “Number of Towns and Villages Electrified in India”) (accessed Dec. 14, 2011).

[189] The transportation challenges facing Mizoram are described. World Bank, “Mizoram State Road Project,” *World Bank Project Portfolios, 2009*, p. 68, available at World Bank, <http://go.worldbank.org/SS2NJDLG20> (select “Mizoram State Road Project” in the light blue portion of the chart titled “Single State Project in Mizoram”) (accessed Aug. 30, 2011). The World Bank also presents the hopeful side of the road developments. See World Bank, “New roads open up Mizoram's fertile but remote interior,” *The World Bank in India*, vol. 9, no. 1, July 2010, pp. 1-5, available at World Bank, <http://www-wds.worldbank.org/> (search “56450” then select “pdf 56450”) (accessed Oct. 28, 2011).

[190] World Bank, “Mizoram State Road Project,” World Bank, <http://go.worldbank.org/SS2NJDLG20> (select “Mizoram State Road Project” in the light blue portion of the chart titled “Single State Project in Mizoram”) (accessed Oct. 28, 2011).

[191] Samir K. Mahajan, “Attainment of Human Development: A Study of Northeast India,” *Delhi Business Review*, vol. 10, no. 2, July to Dec. 2009, p. 69, available at *Delhi Business Review*, <http://www.delhibusinessreview.org/latest> (select “Latest” then “vol. 10, no. 2”) (accessed Oct. 28, 2011). Mizoram stakeholders mentioned that access to water in some places was more of a seasonal challenge during the dry winter months.

[192] World Bank, “Mizoram,” World Bank, <http://go.worldbank.org/SS2NJDLG20> (accessed Sept. 12, 2011).

[193] Health and Family Welfare Dept.(HFWD), Mizoram State Govt., “National Rural Health Mission (NRHM) Action Plan, 2011-2012,” HFWD, Mizoram State Govt., p. 7, available at Ministry of Health and Family Welfare, GOI, http://pipnrmh-mohfw.nic.in/index_files/high_focus_ne/mizoram/0.pdf (Oct. 28, 2011).

Life expectancy in India is 67 years.¹⁹⁴ Several of these are notable advancements over the same benchmarks earlier in the decade; for example, maternal mortality improved by 75% from 163 per 1000 live births in 2005 and the percentage of those immunized improved by 33% from 32.6% in 2004.¹⁹⁵ Mizoram has 1 hospital bed for every 536 persons.¹⁹⁶ Mizoram has 24 hospitals with the government providing 10 hospitals (1 state, 7 district, and 2 subdistrict) and churches and private groups providing 14 hospitals.¹⁹⁷ There is 1 physician for every 2623 people.¹⁹⁸ Government officials have secured 54% of the doctors needed at Public Health Centers.¹⁹⁹ While Mizoram State and India continually improve the state's healthcare infrastructure and outreach, especially through the National Rural Health Mission (NRHM), health officials observe that further investment is needed to fulfill the national and state aspirations for health benchmarks and infrastructure.²⁰⁰

Education. Mizoram has a literacy rate of 92%, second among India's 35 states and union territories.²⁰¹ The State runs most public schools, oversees standards for all schools, and makes grants to some private schools. In all, Mizoram has 1,783 lower primary schools (I-V), 1,253 upper primary schools (VI-VIII), 502 lower secondary (IX-X), and 86 upper secondary schools (XI-XII); and the state runs 48% of lower primaries; 43% of upper primaries; 40% of lower secondaries, and 27% of the upper secondary schools.²⁰²

D. Four Factors in Mizoram State, India, that Impact Chins

There are at least four factors in Mizoram that will impact the Chins' future in the state. One is whether they can earn an adequate livelihood and meet their humanitarian needs. Another is whether they receive ongoing welcome and support, especially from the Christian church which makes up 95% of Mizoram's population. Another important aspect of the welcome is that it be officially recognized under the law and by enforcers of the law. A third important factor is whether Chins can build strong, positive, mutually beneficial working relationships with Mizoram's nonprofit organizations and contribute together with them toward the common good of Mizoram. And fourth, the Chins' future, their prospects for protection and humanitarian help in Mizoram, will also depend on whether the Mizoram State government and the central government of India can creatively address the Chins' protection and humanitarian situation and Mizoram's burden, as they did for the Chins in 1988 and continue to do today for Chins seeking refuge in New Delhi, India.

[194] U.S. Census Bureau, "International Statistics/Vital Statistics, Health, Education/Births, Deaths, and Life Expectancy by Country or Area 2010 and 2020," *2012 Statistical Abstract*, U.S. Census Bureau, http://www.census.gov/compendia/statab/cats/international_statistics.html (select "excel document 1339") (accessed Oct. 10, 2011).

[195] Mizoram's NRHM Action Plan shows some of these health advances. HFWD, Mizoram State Govt., "NRHM Action Plan, 2011-2012," HFWD, Mizoram State Govt., p. 7, available at Ministry of Health and Family Welfare, GOI, http://pipnrhm-mohfw.nic.in/index_files/high_focus_ne/mizoram/0.pdf (accessed Oct. 28, 2011).

[196] Mahajan, "Attainment of Human Development: A Study of Northeast India," *Delhi Business Review*, p. 69, available at *Delhi Business Review*, <http://www.delhibusinessreview.org/latest.htm> (accessed Oct. 28, 2011).

[197] HFWD, Mizoram State Govt., "NRHM Action Plan, 2011-2012," HFWD, Mizoram State Govt., p. 6, at Ministry of Health and Family Welfare, GOI, http://pipnrhm-mohfw.nic.in/index_files/high_focus_ne/mizoram/0.pdf (accessed Oct. 28, 2011).

[198] HFWD, Mizoram State Govt., "State Profile," HFWD, Mizoram State Govt., <http://healthmizoram.nic.in/> (accessed Oct. 28, 2011). India as a whole has one physician for every 1667 people; the United States one for every 435 people. World Bank, "Physicians Per 1000 People," *World Development Indicators*, World Bank, available at World Bank, <http://search.worldbank.org/data?qterm=Physicians+per&language=EN&format=> (U.S. for 2004; India for 2005) (select "State Profile" under NRHM) (accessed Oct. 28, 2011).

[199] Mizoram has 51 of the 94 doctors needed for its PHCs. HFWD, Mizoram State Govt., "NRHM Action Plan, 2011-2012," HFWD, 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. 28, 2011).

[200] *Ibid.*, p. 5.

[201] Registrar General and Census Commissioner, "Provisional 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).

[202] Education Reforms Commission, Report of the Education Reforms Commission, 2010, Mizoram State Govt., chap. 5, pp. 46, 52, 55, available at Dawrpui School of Science & Technology, <http://www.dsst.in/?p=116> (accessed Oct. 28, 2011). The Chief Minister of Mizoram State appointed the Education Reforms Commission, a group of educational experts, to recommend reforms for the school systems in Mizoram State after the Parliament of India passed the Right to Free and Compulsory Education Act, 2009.



A family lives in this house in Mizoram. An estimated 21% of people in Mizoram State, India, live in homes made of bamboo or similar construction, like this one.

Livelihood and humanitarian well-being may be enhanced by continued positive changes in Mizoram. As often happens in refugee situations, the host community is already faced with its own economic priorities and challenges for its people. As noted in subsection IIIC above, even without factoring in the humanitarian needs of 100,000 Chins, the central government of India and Mizoram State have not yet achieved all of their development goals for the state related to jobs, housing, water, food, sanitation, healthcare, education, and power and transportation infrastructure. They have made important progress, but in several categories the lower 20% of the population face a variety of ongoing humanitarian challenges. The lives of low-income individuals, including the Chins, would appear to benefit the most from continued improvements in the state's resources and infrastructure in these areas. At the same time that Mizoram and India are moving forward with hopes and aspirations, large numbers of Chins are seeking refuge in Mizoram where they now form 10% of the population. The Chin's migration is a forced migration, as discussed earlier. For just such circumstances, the international community has established funds and resources, administered through UNHCR and concerned countries, to enable hosts like the central government of India and its state of Mizoram to continue addressing their own economic priorities and challenges while hosting a large refugee group. Funders often find that the best way to help both those seeking refuge and the host country is to build the host community's infrastructure and capacity. As a leader within the international community, India is well aware of the cooperation and mutual support within the community and plays an important role in it. India serves on the Executive Committee of UNHCR, the committee of nations that oversees the humanitarian work of UNHCR; and India through its own Indian Technical and Economic Cooperation (ITEC) programme and related programs, has shared Indian expertise and development experience and resources in mutually beneficial ways with 158 different countries since 1964.²⁰³ The well-being of the Chins will likely depend on building up infrastructure related to them as low-income people in Mizoram, whether that comes through domestic developments or in partnership with the international community.

[203] Indian Technical Cooperation Division, Ministry of External Affairs, GOI, available at <http://itec.mea.gov.in/> (accessed Dec. 15, 2011).



This hillside is farmed using jhum cultivation. Pu Lal Thanhawla, the Chief Minister of Mizoram State, with the central government of India, is working to reform the agricultural system in Mizoram State, including a conversion from jhum cultivation to more modern methods.

Long-term livelihood opportunities in Mizoram State, India, may be enhanced with a revitalized agricultural sector. Pu Lal Thanhawla, the Chief Minister of Mizoram, with the central government of India, has introduced reform of the agricultural system in Mizoram State, India, through a new land use policy.²⁰⁴ He is encouraging better land use, especially by introducing alternative, modern agricultural methods. More than 70% of the state's population engages in agricultural work.²⁰⁵ Much of the land is currently cultivated using slash and burn agriculture, so-called jhum cultivation.

What is the jhum method? Workers cut down the trees and vegetation from a piece of jungle with an ax and machete. They burn what remains, plant seeds, weed the plot two to three times as needed over a period of several months, and harvest the crops. They then leave that piece of ground fallow while the jungle grows back. They go on to another piece of ground the next season and repeat the practice.

[204] National Land Use Policy (NLUP) Board, Mizoram State Govt., "NLUP" at NLUP, <http://nlup.mizoram.gov.in/> (accessed Oct. 28, 2011).

[205] Mizoram State Govt., "Mizoram: Economy," Mizoram State Govt., <http://mizoram.gov.in/home/economy.html> (accessed Oct. 28, 2011).

Some have noted that compared to modern methods, jhum cultivation makes inefficient use of the land, is labor intensive, and leads to low yields, deforestation, and serious erosion.²⁰⁶ Many valuable trees and forests are destroyed, and the erosion causes an estimated loss of 16.4 metric tons of soil per hectare.²⁰⁷ More modern agricultural methods are said to put more acres into cultivation, decrease erosion, and increase the yield. One aspect of conversion from jhum farming, according to one church leader, is that traditional jhum farming is tied culturally into the rural community's life and activities.²⁰⁸ This would appear to make conversion from jhum farming to modern methods not only a technological adjustment but also a cultural adaptation.

Most of Mizoram State's land is privately owned although much of the land use is controlled by government officials, including by the Village Councils. Since the Chin people come across the border from Burma, they are not owners of the land in Mizoram State and generally have no status with the government officials. Consequently, although virtually all of them come from farming backgrounds, they generally have no place to cultivate and earn their own livelihoods through farming, and their skills are under utilized. At best, they are allowed to work land for local land owners. If their skills and hard work were fully harnessed in a revitalized agrarian economy, they could join with local people to potentially play a very positive role in the new the agrarian economy.

As a side note, Mizoram State, already challenged with continuing to build up resources and infrastructure in livelihood and other areas, is tested periodically by natural disasters. These include landslides, cyclones, earthquakes, and Mautam famines. During the delegation's visit, an earthquake registering 4.3 on the Richter scale struck Mizoram on April 19, 2011.²⁰⁹ In a separate incident, a landslide delayed traffic for the delegation and many others travelling on the single-lane mountain road between Aizawl and Lunglei. Undeterred, Mizoram has developed a disaster management department to prepare for and respond to such emergencies.²¹⁰ The people also get support for such emergencies from the central government of India and the churches and NGOs of Mizoram.

The Chins' future in Mizoram State would be enhanced if the Chin community could build strong, positive, mutually beneficial, working relationships with Mizoram's nonprofit organizations. Some of the larger groups include the Young Mizo Association (YMA), Mizo Hmeichhe Insuihkhawm Pawl (MHIP) (Mizo Women's Association), and Mizo Zirlai Pawl (MZP) (Mizo Students' Association).²¹¹ The Mizo Hmeichhe Insuihkhawm Pawl is a women's organization for the uplifting of women and children founded on July 6, 1974. MHIP's motto is "to help the needy help themselves," and they are very resourceful in raising money for humanitarian projects that they identify. The Mizo Zirlai Pawl is an organization for students in Mizoram founded on October 17, 1935. MZP is active in encouraging sports, positive Mizo values, higher education for Mizos, and good citizenship. See information about the YMA in the next section.

[206] Several Mizoram stakeholders mentioned jhum agriculture, its shortcomings, and their desire to reform agriculture and land use in Mizoram. Their analysis often echoed the one provided by author Rintluanga Pachuau. Pachuau, *Mizoram: A Study in Comprehensive Geography*, pp. 82-85.

[207] Pachuau, *Mizoram: A Study in Comprehensive Geography*, pp. 82-85.

[208] Lalpekhlu, *Contextual Christology: A Tribal Perspective*, p. 68-69.

[209] WebIndia, "Quake measuring 4.3 on the Richter scale jolts Mizoram," WebIndia, April 19, 2011, <http://news.webindia123.com/news/articles/India/20110420/1733143.html> (accessed Dec. 15, 2011). Mizoram is in Zone V, the most vulnerable for earthquakes. Ibid.

[210] Mizoram State Disaster Management and Rehabilitation Dept., Mizoram State Govt., "History," Mizoram State Disaster Management and Rehabilitation Dept., http://mizoramdmr.nic.in/function.htm#Status_of_Disaster_Management_in_Mizoram (this department also was responsible for rehabilitation of returnees to Mizoram from the Mizo National Front (MNF)) (accessed Nov. 3, 2011).

[211] The following information about MHIP and MZP comes from the following sources. Mizoram State Govt., "More Info: Nongovernmental Organizations: Mizo Hmeichhe Insuihkhawm Pawl (MHIP)" [Mizo Women's Association], Mizoram State Govt., <http://mizoram.nic.in/more/mhip.htm> (accessed Nov. 4, 2011); Mizo Zirlai Pawl (MZP)[Mizo Student Organization], <http://mzpgqh.blogspot.com/> (accessed Nov. 4, 2011).

The Young Mizo Association (YMA) is the largest voluntary nongovernmental organization in Mizoram.

After fleeing to Mizoram, Chins have resided in towns and villages across the state, and they have inevitably come into contact with the Young Mizo Association (YMA), with its branch offices in most villages and towns across the state. Since the relationship between the YMA and the Chins is so important, an explanation of YMA's history and its vital role throughout Mizoram society is also important.

In 1935, Christian missionaries and church leaders in Mizoram formed the NGO that is now the YMA.²¹² One of YMA's major goals is to promote positive cultural values. This especially includes promoting "tlawmngaihna," a sought after way of life in Mizoram that requires "helping others at the cost of oneself" and "respect for elders."²¹³ It calls on one "to be hospitable, kind, unselfish and helpful to others."²¹⁴ It requires "selfless service for others, humility, patience, stoicism, honesty, accountability and trustworthiness."²¹⁵

These are the organization's three mottos:

1. Good use/ Proper utilization of leisure time.
2. Reverence for a good Christian life.
3. Striving towards a holistic development of the Mizo society.²¹⁶

With headquarters in Aizawl, Mizoram, the YMA is a registered Indian NGO with branches in other northeastern Indian states of Assam, Manipur, Meghalaya, Nagaland, and Tripura. The NGO plays a major role forming the character of young people and has been a proving ground for many Mizo leaders since its inception. Male and female Mizos can join at age 14, and there is no upper age limit.²¹⁷ The last two Chief Ministers and Members of Parliament representing Mizoram State, for example, are all proud members. It has 5 subheadquarters, 46 regional groups, and 774 branches spread all over Mizoram State and other northeastern Indian states.²¹⁸ YMA members pay annual dues of Rs 2 (\$.04).²¹⁹

The YMA is lauded within Mizoram, including by the Chins, for its positive community service roles and activities. YMA members carry out many humanitarian activities such as building houses for widows, recovering bodies of those who drowned, preventing wildfires, caring for the physically and mentally ill, responding to natural disasters, contributing to education, reforming social life, spearheading blood drives, working to stop the spread of HIV/AIDS, doing famine relief work, being a watchdog over the election process, working for Mizo clan unity, conserving native forests and wildlife, and promoting sports.²²⁰ For all this community work and service, YMA has been honored with the Indira Priyadarshini Vrikshamitra Award in 1986 by the central government of India, the Excellence Service Award by the government of Mizoram for three consecutive years from 1988 to 1990, and the Indira Gandhi Paryavaran Puruskar Award in 1993 by the central government of India.²²¹

[212] Young Mizo Association (YMA), *Young Mizo Association Profile* (Tuikhuahtlang, Aizawl District, Mizoram State, India: Central YMA Press, 2010), p. 2; also available at Central YMA, <http://centralyma.org.in/> (select "Profile of YMA" on left side of home page) (Oct. 28, 2011).

[213] *Ibid.*, p. 14.

[214] Mizoram Presbyterian Church Synod (MPCS), "Mizoram," MPCS, <http://www.mizoramynod.org/> (select "Mizoram") (accessed Oct. 28, 2011).

[215] Lalpekhluva, *Contextual Christology: A Tribal Perspective*, p. 168.

[216] YMA, *Profile*, YMA, p. 3, also available at Central YMA, <http://centralyma.org.in/> (select "Profile of YMA" on left side of home page) (Oct. 28, 2011).

[217] *Ibid.*

[218] *Ibid.*, p. 4.

[219] *Ibid.*, p. 3.

[220] *Ibid.*, pp. 11-16.

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



YMA protects trees in Mizoram. The Young Mizo Association, YMA, is well-known in Mizoram State, India, for public service work, which includes encouraging reforestation. Newly planted trees such as these, marked by YMA's colors, can be seen across Mizoram State.

NGOs play an important role in supporting peaceful democratic governance in Mizoram State, India. NGOs in the state play an important, supportive role in assuring that the democratic system in the state functions well with full participation and accountable governance. The YMA leaders, for example, joined Christian church leaders to create the Mizoram People Forum (MPF), a non-partisan forum to encourage full participation and accountability in electoral politics. In Section IV of this report, the next major section, there is an examination of further ways that NGOs support the democratic system in Mizoram. Meanwhile, what follows is a discussion of the important role of Christianity in Mizoram.



A Christian procession in Lawngtlai. At 6 a.m. on Palm Sunday morning, Christians commemorated Jesus' journey into Jerusalem at the end of his life.

One can hardly overstate the influential role that Christianity plays in the daily life of Mizoram. In the 1800s, U.S. Christian missionaries worked in what is now Chin State, Burma, and British missionaries in Mizoram State, India. According to local estimates, the Christian populations have grown to 90%²²² in Chin State, Burma, and 95%²²³ in Mizoram State, India. The delegation witnessed the influential role of Christianity firsthand, especially since the trip coincided with the Christian celebration of the death and resurrection of Jesus Christ. On Palm Sunday in Lawngtlai, for example, by 6 a.m. the streets were filled with people walking, singing, and dancing in processions, carrying palms to commemorate the entry of Jesus into Jerusalem at the end of his life. Groups were accompanied by someone playing a guitar. From services around the towns and villages throughout the week, one could hear the sound of a large bass drum which seemed to give life and order to the groups' prayers and singing.²²⁴ As the prayer and celebration continued during the week leading up to Easter, local people and Chins alike fully participated in their communities' celebrations.

[222] 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/> (Nov. 3, 2011).

[223] Mizoram State Govt., "About Mizoram: People of Mizoram: The People," Mizoram State Govt., <http://mizoram.nic.in/> (select "People" in "About Mizoram" list) (cites the National Sample Survey, 1997-1998)(accessed Oct. 28, 2011).

[224] "The Mizo saying, 'Khuang lova chai ang' (dancing without a drum), which describes doing something together without proper planning or a leader, reflects the importance of a drum in Mizo culture." Lalpekhluva, *Contextual Christology*, p. 195.



Mizoram State has many Christian denominations. This view of Lawngtlai illustrates the many Christian denominations in the state.

Mizoram State has many Christian denominations. The Mizoram State government lists the Mizoram Presbyterian Church Synod (MPCS), the Baptist Church of Mizoram (BCM), the Roman Catholic Church, and the Salvation Army as major Christian denominations in Mizoram.²²⁵ The MPCS, headquartered in Aizawl, is the largest Christian denomination, counting 51% of Mizoram State's Christians as its members,²²⁶ including the last two Chief Ministers, most recent Members of Parliament, and the leaders of YMA. BCM is headquartered in Lunglei District, and the Roman Catholic Church and the Salvation Army have their main offices in the capital city of Aizawl. In addition to the denominations already mentioned, some other large Christian denominations listed in alphabetical order with the districts in which their headquarters are located, are the Evangelical Church of Maraland (Saiha), the Lairam Jesus Christ Baptist Church (Lawngtlai), the Seventh Day Adventists (Aizawl), the United Pentecostal Church of Mizoram (Aizawl), and the United Pentecostal Church of Northeast India (Aizawl).²²⁷

[225] Mizoram State Govt., "More Information: Churches in Mizoram," Mizoram State Govt., <http://mizoram.nic.in/more/churches.htm> (select "More Information") (accessed Oct. 28, 2011).

[226] In Mizoram, 463,185 of the 901,764 Christians are Presbyterians. Dept. of Economics and Statistics (DES), Mizoram State Govt., "No. of Local Churches and Total Members of Denominations in Mizoram," *Statistical Handbook, Mizoram 2010*, Table 43.6, DES, Mizoram State Govt., available at <http://desmizo.nic.in/file/hanbook2010.pdf> (accessed Dec. 15, 2011).

[227] *Ibid.*

Churches contribute vital social services in Mizoram.²²⁸ The Christian denominations in Mizoram focus not just on serving the spiritual needs of the community but also on the physical, emotional, and intellectual needs through church-run hospitals, clinics, nursing homes, orphanages, hostels, schools, and community development and assistance programs. The brief descriptions below just begins to tell the story of humanitarian programs and outreach by churches. There are more institutions, denominations, nongovernmental organizations, and others providing these services than those listed below.

The Mizoram Presbyterian Church Synod (MPCS)²²⁹ runs the 83-year-old, 300-bed Presbyterian Hospital in Aizawl which is staffed by 23 doctors, half of them specialists, and 114 nurses. MPCS has 3 outreach centers outside the main hospital for substance abuse treatment and outpatient care. The hospital charges patients minimal fees and the Synod absorbs the rest of the costs. MPCS also runs 39 health centers, a mobile clinic, and an orphanage. They run a higher secondary school, a primary school for girls, and two training centers for vocational and pastoral training. They do relief work during times of natural disasters. They publish and have 30 book distribution centers. The MPCS hired a minister to do outreach to Chins in Aizawl. His duties include mission, evangelism, and social services. He coordinates the important, monthly prayer gathering called “Prayer for Burma,” which includes all Chin churches and fellowships in Aizawl.



Private hospitals and clinics complement the governmental health system. This church-run Saiha hospital cares for local people and Chins. While the government provides some reimbursements for the care of indigent people, the sponsoring denominations generally also absorb hospitals' deficit spending related to indigent patients.

[228] The information about the denominations' social ministries was provided by church leaders with whom the delegation met in Mizoram. There are often additional facts added from the websites of the denominations.

[229] MPCS, “Mizoram Presbyterian Church Synod,” <http://www.mizoramsynod.org/> (select “Mizoram Presbyterian Church Synod” above English paragraph on website, and for additional information also select “Committee/Department/Boards” on left) (accessed Nov. 3, 2011).



An orphanage staff person is gently placing mosquito netting over one of the infants in her charge. Most of the Christian denominations in Mizoram run orphanages or “homes for motherless children” to complement the governmental child welfare programs.

The Baptist Church of Mizoram (BCM), headquartered in Lunglei District, runs the Christian Hospital Serkawn with 7 doctors and several nurses; a drug and alcohol rehabilitation center; malaria clinics and prevention outreach in 3 heavily infested areas; and conducts community health education. BCM oversees 4 high schools, 6 middle schools, 24 primary schools, 2 student hostels, and provides children with school materials. Since 1990, through its Relief and Development Department, BCM has provided community development and assistance for low-income people, including vocational training to learn typing, tailoring, food preservation, and new agricultural methods. They now provide interest free loans to facilitate self-employment and plan future loans for those seeking job and vocational training. BCM also provides relief during times of major natural calamities.

The Lairam Jesus Christ Baptist Church (LJCBC), headquartered in Lawngtlai District, runs the Lairam Jesus Christ Hospital which has 1 full-time doctor, 3 part-time doctors, and 16 nurses. They receive no government funding and serve mostly the indigent, including local people and Chins. They mostly treat people suffering from cholera, typhoid, and malaria. They hope to have resources one day to equip an operating room and add beds for a maternity ward. They rent a building for the hospital, unable to purchase one. LJCBC runs 9 high schools. Its Mizoram Light Welfare group and Central Young Lai Association help to meet local community needs and develop youth. They also run an orphanage.

The LJCBC, BCM and the Zomi Baptists are collaborating on the “Lydia Project,” a program to serve both low-income locals and Chins (see sidebar in section IV).

The Roman Catholic Church in Mizoram is deeply involved in serving young people, with 49 educational institutions. These include 1 technical institution, 3 senior secondary schools, 8 lower secondary schools (through grade X), and 37 primary schools.²³⁰ The Catholic Church also runs 28 youth hostels, 8 socio-economic training centers, 7 dispensaries, 1 charity home for the elderly and 1 for youth, a prison ministry to the Central Jail in Aizawl, and a printing press.²³¹ It has pastoral outreach ministries to serve women, family, youth, and those with health and social service needs.²³² The Aizawl Catholic Diocese has also done pastoral outreach work with the Chins, especially in the Champhai area.

The Salvation Army established the Community Health Action Network (CHAN) in 1990, a registered nongovernmental organization in Mizoram State. CHAN partners in many ways with the local community. It seeks change and reconciliation in the lives of people, their families and their communities that are impacted by poverty, human trafficking, HIV/AIDS, substance abuse, sexual exploitation, and alcohol dependence. Through CHAN, the Salvation Army is deeply committed to fighting the root causes of these problems however they may be manifested. Programs include community awareness campaigns, legal and human rights literacy, advocacy and networking, relocation and repatriation, shelter for victims, and economic development and empowerment for vulnerable communities.

The Evangelical Church of Maraland (ECM) runs a school, a hospital, an orphanage, and rescue shelters in the Saiha District. The hospital, built in 2005, has 6 part-time doctors, 7 nurses, 6 hospital staff workers, 1 pharmacist, and 1 manager. The hospital buys medicine from Aizawl. Fees are collected but not imposed on the patients, including locals and Chins, and ECM donations cover the hospital’s operating deficit. Unmet needs include upgraded medical equipment, such as an ultrasound machine, and additional bed space beyond its 30 beds. ECM hopes to build a maternity ward and an operating room for the hospital. The most urgent medical issues of the patients include child birth, malaria, gastroenteritis, typhoid, pneumonia, and cancer.

[230] Catholic Bishops’ Conference of India (CBCI), “North East Region/Aizawl Diocese,” CBCI, <http://www.cbcsite.com/> (accessed Oct. 28, 2011).

[231] *UCA News*, “Aizawl Diocese Profile,” *UCA News*, http://www.ucanews.com/diocesan-directory/html/dps-ia_aizawl.php (accessed Oct. 28, 2011).

[232] *Ibid.*



A sick man awaits his diagnosis regarding severe abdominal pain. This man is receiving treatment in a church-run hospital in Lawngtlai.

Chin Christians have autonomy from and some integration with the Mizoram churches. According to both Chin and local church stakeholders, the Chin Christians in Mizoram have autonomy from and some integration with the local Christian churches in the state. Most Chin Christians in Burma are Baptists since their forebears were converted to Christianity by American Baptist missionaries prior to 1962. Most Chins who migrated to Mizoram State continue to be Baptists. They generally tend to practice their religion within their own community. They have their own congregations, worship in their native dialects, and tend to their own communities' needs. About 12 of the Chin congregations are part of the denomination of the Lairam Jesus Christ Baptist Church, probably because the Lai ethnic group in Mizoram is close in ethnicity, language, and customs with the Chins in Burma who speak the Hakha dialect. Likewise, the Chins who migrated to Maraland, that is, Saiha District, tend to be of the same ethnicity and language as the Maras already residing in Mizoram. Thus, some of them are part of the congregations of the Evangelical Church of Maraland. Some Chins in Mizoram State are Catholic, especially in the Champhai District. They worship in local Catholic churches but also gather together on their own to keep alive their customs and community ties. The MPCs hired a minister to do outreach work to the Chin community and to coordinate the Prayer for Burma effort, a monthly ecumenical prayer meeting attended by all of the Chin churches and fellowships. Mizoram church leaders expressed an interest in seeking a deeper understanding together about the complex challenges of the Chins' humanitarian plight and Mizoram's burden. Many also are ready to help find solutions.



An attentive child with her family at a church service. Most Christians in Mizoram spend many hours each week in church services, celebrations, and meetings.

The Christian churches play a positive, influential role in Mizoram. The Mizoram landscape is homogeneously Christian with most people in the state sharing common Christian beliefs and values. At the same time, there are many different denominations of Christianity, a legacy from the early missionaries that several church stakeholders referred to a “denominationalism.” Another legacy is the ability of different denominations to work together for the good of all the people of Mizoram. As mentioned earlier, it was the persistent collaborative efforts of Christian leaders from different traditions that helped lead to the cessation of over twenty years of armed conflict in Mizoram.

Recently, Christian leaders of the largest Christian denominations of Mizoram provided a good example of unity, collaboration, and social concern when they formed the Mizoram People Forum (MPF) together with the YMA and others to offer non-partisan guidance to the Mizoram electorate at the time of the last election.²³³ The MPF is led by the Moderator of the MPCCS, the denomination’s leader in Mizoram. While avoiding partisan politics, the forum gave church and community leaders a platform to properly use their strong, positive influence in the state.

[233] MPCCS, “Socio-Political Concern,” MPCCS, <http://mizoramsynod.org/index.php?phkek=bawm&bid=45> (accessed Oct. 28, 2011).

Some stakeholders have suggested that the MPF might provide a good mechanism for Christian and community leaders to collaborate among themselves and reach a better understanding and help the community work toward a thoughtful consensus about the Chins' situation and Mizoram's burden. Through the MPF, the leaders could communicate about these issues, exploring information and solutions in an appropriate way with the State's people and leaders. With a deeper understanding of the Chins' forced migration and current humanitarian challenges, the Mizoram church leaders could help to provide a strong, positive influence in Mizoram State and help to encourage a climate of thoughtful deliberation on how to protect and help the Chins. Moreover, as Mizoram State and India continue to develop the state's infrastructure and resources, the churches' strong community ties, social service capacity, and partnership will be indispensable for improving livelihood, health, and education for all in Mizoram.

The history, economics, and social and religious dynamics in Mizoram are important factors to take into account as stakeholders together seek to understand and address the Chins' plight and Mizoram's burden. It is also important to understand the political systems and political realities involved in meeting these challenges in the long and short term.

Key Mizoram political leaders from the local, state, and national levels expressed concern about the Chins' plight and Mizoram's burden. ²³⁴ India is a federal republic and a parliamentary democracy. The President is the head of state and the Prime Minister the head of government. The Parliament of India is bicameral with the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). Mizoram State has one representative in each. State level leaders include the Governor,²³⁵ the Chief Minister, and members of the unicameral legislative body, the forty-member Assembly. Mizoram State has eight districts. Each District has a Deputy Commissioner, who is an appointed civil servant. Lawngtlai and Saiha Districts also have Autonomous Districts, parallel governmental structures established through the Sixth Schedule of the Indian Constitution by the central government of India for minority ethnic groups. Lawngtlai District has two Autonomous Districts within its area, one for the Lai people and one for the Chakma people, while Saiha District has one Autonomous District for the Mara people. These Autonomous Districts each have an Autonomous District Council headed by an elected Chief Executive Member.²³⁶ The ruling party in Mizoram State is the Indian National Congress Party, led by Pu Lal Thanhawla, the Chief Minister of Mizoram; the opposition party is the Mizo National Front (MNF), led by Pu Zoramthanga, President of the MNF and former two-time Chief Minister of Mizoram State.

Currently, the Prime Minister of India, the Chief Minister of Mizoram State, the Member of Parliament (Lok Sabha), and the Chief Executive Members of the Mara and Lai Autonomous Districts are members of the ruling Indian National Congress Party. The Chief Minister, Member of Parliament, and the Chief Executive Members of the Lai and Mara Autonomous Districts all expressed concern for the Chins' plight and for Mizoram's burden. This is an alignment of concern among Mizoram leaders at the local, state, and national levels who are from the ruling party and who share a concern about the two challenges. This common concern could potentially create a positive collaborative role between local, state, and central government officials to work together to address the Chins' plight and Mizoram's burden.

Pu Zoramthanga, the MNF opposition leader, also expressed concern about the Chins' plight and Mizoram's burden. This creates the potential of addressing these complex challenges in a bipartisan way, with the ruling party and opposition party working together to achieve the common good for Chins and the people of Mizoram.

[234] The political structure of India and Mizoram State were described to the delegation by Indian stakeholders.

[235] Shri Vakkom B. Purushothaman, a long-time public servant, became Mizoram State Governor on Sept. 2, 2011, after his appointment by the Prime Minister of India. Mizoram State Govt., "Governor," Mizoram State Govt., <http://mizoram.nic.in/gov/governor.htm> (select "About Government" then "Governor") (accessed Oct. 28, 2011).

[236] Each of Mizoram State's eight districts also has a rural district block development office, and there are twenty-six rural development blocks across the state. Rural Development, Mizoram State Govt. "Organization Set-up," Rural Development, Mizoram State Govt., http://rd.mizoram.gov.in/?page_id=7 (accessed Oct. 28, 2011).

Further, the concern expressed by the Chief Executive Ministers of the Autonomous Districts of Maraland and Saiha may be a helpful development for the Chins in Mizoram State. Over 72% of the Mizoram population is Mizo, and as noted above, they live primarily in six of Mizoram's eight districts.²³⁷ As mentioned above, Lawngtlai and Saiha have large populations of minority ethnic groups. Lawngtlai has Autonomous Districts for the Lai people, who make up 5% of Mizoram's population, and the Chakmas, who make up 8%; and Saiha has an Autonomous District for the Maras, who make up 4%.²³⁸ The Autonomous District Council, led by the Chief Executive Member (CEM), can pass rules and laws that are rectified with state laws, as necessary. The Chief Executive Member leading each district is an elected official, who also has executive functions and judicial authority over customary law matters. CEMs have close ongoing contact with state officials. Also, due to the autonomy afforded by the Constitution and the underlying central government concern for minority ethnic groups, CEMs also have some direct access to the central Indian government.

Leaders of the Mara And Lai Autonomous Districts acted to help Chins in New Delhi, India. As mentioned earlier, large numbers of Chins live in the Saiha and Lawngtlai Districts because the ethnicity and language of the Maras and the Lai are similar to those of the Chin groups that live in Burma across the border from those districts. Leaders from the two Autonomous Districts have shown concern in the past about the Chins from Burma. In 2009, Pu S. Khipo, the Chief Executive Minister for the Mara Autonomous District in Saiha, and Pu C. Ngunlianchung, the Chief Executive Minister for the Lai Autonomous District in Lawngtlai, worked successfully with the Home Minister of India to improve government policies and practices that were detrimental to the Chins living in New Delhi.²³⁹ India has allowed UNHCR to open an office in New Delhi where Chins seeking refuge and protection can register and be screened by UNHCR. When they are recognized by UNHCR as refugees, they are then allowed by India to register with the Foreigners Regional Registration Office (FRRO) to further protect themselves against arrest as foreigners. The arrangement for Chins to register with the FRRO is part of the policy of the central government of India to protect Chin refugees in New Delhi. Unfortunately, there were reportedly high fees being charged for their registration with the FRRO, and there were delays in the registration of Chins. With the intervention of these two local Mizoram State elected officials, Shri P. Chidambaram, the Minister of Home Affairs of India, became aware of the situation and remedied it. Consequently, Chins in New Delhi have been able to register in a more affordable and expedient way with the FRRO.

Local, day-to-day life in Mizoram's villages also impacts the Chins. Mizoram State has 719 villages.²⁴⁰ Villages are led by Village Councils. Each council has an administrative and judicial role and is led by a Village Council President. The Autonomous District Councils have administrative, legislative, and judicial authority related to villages and towns in their areas. This includes authority to create Village Councils and determine the scope of their power; to make laws about village or town administration, police, public health, sanitation, land use of unreserved land, forest management, irrigation, jhum farming, property inheritance, marriage and divorce, and social customs; and to establish judicial procedures for Village Councils and hear appeals from Village Council courts.²⁴¹ The Local Administration Department of the Mizoram State Government serves an administrative function over Village Councils that are not in the Autonomous Districts, while the Deputy District Commissioner in each of the eight districts has an administrative and judicial role in his/her district.²⁴² Local activities, decisions, and operations by these councils and officials greatly impact the daily lives of Chins and locals alike.

[237] Pachuau, *Mizoram: A Study in Comprehensive Geography*, p. 61.

[238] *Ibid.*

[239] This initiative was described to the delegation by Pu S. Khipo, the Chief Executive Member for the Mara Autonomous District in Saiha, and Pu C. Ngunlianchung, the Chief Executive Member for the Lai Autonomous District in Lawngtlai. They carried a joint letter to New Delhi, describing the Chins' difficulties, and they had a successful problem-solving meeting in New Delhi with the Minister of Home Affairs of India.

[240] Registrar General and Census Commissioner, "Provisional Population, Mizoram," *2011 Census of India*, p. 20, Registrar General and Census Commissioner, <http://www.censusindia.gov.in/> (select "Prov. Population Totals Paper 1" then select "Mizoram")(accessed Oct. 28, 2011). The same chart also lists 23 towns, such as Aizawl, the capital. *Ibid.*

[241] Constitution of India, arts. 244 (2), 275 (1), and Schedule VI, sec. 3(a-1), 4, among others, pp. 150, 165-166, and 294, 295, 296, 297, available at GOI, <http://lawmin.nic.in/coi/coiason29july08.pdf> (accessed Dec. 15, 2011).

[242] Local Administration Dept.(LAD), Mizoram State Govt., "Roles and Function," LAD, Mizoram State Govt., <http://lad.mizoram.gov.in/> (accessed Dec. 12, 2011); see e.g., Aizawl Deputy District Commissioner, "Aizawl Deputy District Commissioner," India National Portal, GOI, available at <http://dcaizawl.nic.in/power.html> (accessed Dec. 12, 2011).



Much of life in Mizoram still revolves around the village. Village Councils play an administrative and judicial role. The Autonomous District Councils, Deputy District Commissioners, and the Local Administration Department of the Mizoram State government also play important roles in local civic life.

Immigration can be a political issue at the national, state, and local levels. Irregular migration can be a volatile national issue, and at times there have been restrictive measures in India against undocumented migrants. For example, in 2003 India changed its citizenship laws, partly as a way of “preventing illegal migrants from becoming citizens.”²⁴³ One of the fundamental rules of acquiring Indian citizenship used to be that any child born in India of at least one Indian parent became an Indian citizen at birth. With the 2003 amendment, if one of a child’s parent’s is an “illegal alien” at the time of the child’s birth in India, the child does not become an Indian citizen at birth.²⁴⁴

Also on the state and local levels, anti-immigrant sentiments against the Chins led to widespread deportations in the past, as will be discussed in the coming section about protection. If such anti-immigrant sentiments continue to be stirring at the national, state, or local level, they could create an obstacle to addressing the Chins’ humanitarian plight and reducing Mizoram’s burden. On the other hand, some Mizo stakeholders pointed out that a public immigration debate might actually work in favor of the Chins by shedding positive light on Chin migrants as a compatible migrant group, given the common ethnic roots and religion shared by Chins and the people of Mizoram.

[243] In the legislative history of the Citizenship (Amendment) Act 2003, the parliamentary committee noted among the aims of the legislation was “preventing illegal migrants from becoming eligible for Indian citizenship.” Standing Committee on Home Affairs, GOI, 107th Report on The Citizenship (Amendment) Bill, 2003, objective ii, New Delhi: Rajya Sabha Secretariat (Dec. 12, 2003), available at http://164.100.47.5/book2/reports/home_aff/107threport.htm (located right after introduction) (accessed Nov. 3, 2011).

[244] Citizenship Amendment Act, 2003, no. 6 of 2003, sec. 3(c), Parliament of India (Jan. 7, 2004), available at UNHCR, <http://www.unhcr.org/refworld/docid/410520784.html> (accessed Sept. 12, 2011).

With its geopolitically strategic location, Mizoram State's politics, trade, and security involve India's regional and international interests and project. Around 60% of Mizoram State's borders are international, with 449 mi (722 km) bordering Burma to the east and south and Bangladesh to the west.²⁴⁵ Neighboring Chin State, Burma, is a trading partner with Mizoram State, India, as evidenced especially by traders and trucks in the Indo-Burma border towns of eastern Mizoram. As a further sign of their trade aspirations, the central governments of India and Burma are engaged in cross-border development, such as transit projects for Mizoram State, India, and Chin State, Burma. The Kaladan Multi-Modal Transit Transport Project revolves around the Kaladan River,²⁴⁶ known in Mizo as Chhintuipui, a major river in both Mizoram State, India, and Chin State, Burma. The project's goal is to provide trade and transportation links between Burma and India. The project includes construction of two segments of connecting highways, including a 117 km (73 mi) highway that links Indian National Highway 54 (NH54) in Nalkawn, Lawngtlai District, Mizoram State, India, to the Indo-Burma border, and a 62 km (39 mi) highway from that point on the Indo-Burma border to Setpyitpyin (Kaletwa), Chin State, Burma, a port on the Kaladan River. There the overland transport would link with the navigatable inland water route of the Kaladan River. From Setpyitpyin (Kaletwa), Chin State, goods could be further transported down the Kaladan River to the river port of Paletwa, Chin State, Burma, and from Paletwa to the seaport of Sittwe, Rakhine State, Burma. This total inland water route from Setpyitpyin (Kaletwa) to Sittwe is 225 km (140 mi). Traders could then link to the 539 km (333 mi) sea route across the Bay of Bengal from Sittwe, Rakhine State, Burma, to Kolkata, West Bengal, India.²⁴⁷ The central government of India is investing \$134 million U.S. dollars in this project, the biggest Indian investment yet in Burma.²⁴⁸ Started in late 2010, the project is set for completion by the end of 2013.²⁴⁹ This project is meant to greatly increase trade between India and Burma, and to provide Mizoram State and the rest of Northeast India with more direct, inexpensive access to Kolkata. It also is meant to provide India with a trade gateway to Asian countries, such as Thailand and Malaysia, and beyond.

As neighbors, India and Burma also have mutual security concerns about the other's border area. Armed opposition groups from India, mostly from states other than Mizoram State, reside in the border area in Burma and vice versa. India has other important international concerns in addition to increasing these regional collaborations on trade, development, and security between Chin State, Burma, and Mizoram State, India. India reportedly views Burma as one of the potential gateways for India to further extend trade with Asia and also as a strategic buffer between China and India. India and China each appears to want to be a strong strategic partner with Burma.

[245] Mizoram State Govt., "About Mizoram: Mizoram At a Glance," Mizoram State Govt., <http://mizoram.nic.in/about/glance.htm> (accessed Oct. 28, 2011).

[246] The Kaladan River is sometimes spelled Kolodyne River.

[247] Pu Lal Thanhawla, Chief Minister of Mizoram, discusses, among other things, the importance of the transit projects involving the Kaladan River, "Interview with CM Lal: I Dream of a Modern and Prosperous Mizoram," *Northeast Sun*, Jan. 15, 2010, p. 31, available at Mizoram Govt., <http://www.cmmizoram.nic.in/articles.html> (accessed Dec. 15, 2011). The Ministry of Development of the Northeast Region, GOI, provides details about the transportation links. Ministry of Development of the Northeast Region, GOI, "Kaladan Multi-Modal Transit Transport Project," Ministry of Development of the Northeast Region, GOI, <http://www.mdoner.gov.in/writereaddata/sublink2images/KaladanMultiModal2172726384.htm> (accessed Nov. 5, 2011). The media offers additional background about who is carrying out the work. "Essar Signs Contract for Kaladan Multi Modal Transit Transport Project," *Mizzima News*, May 19, 2010, available at *Mizzima News*, <http://www.mizzima.com> (accessed Oct. 28, 2011).

[248] C. Lalremruata, Zo Indigenous Forum, "India: Zo Indigenous Forum Raises Awareness on Transnational Development Project," Sept. 17, 2011, available at Asia Indigenous People's Project (AIPP), <http://www.aippnet.org/home/daily-sharing/568-india-zo-indigenous-forum-raises-awareness-on-transnational-development-project> (accessed Nov. 5, 2011).

[249] Ibid.



The Kaladan River flows through eastern Mizoram. India and Burma have some joint development projects related to the Kaladan River, a major river for both Mizoram State, India, and Chin State, Burma.

Over the years, India, even with sometimes competing geopolitical interests, has honored its commitment to human rights and democracy, as the world's largest democracy. In 1993, India granted its prestigious Jawaharlal Nehru Award for International Understanding to Daw Aung San Suu Kyi, the Burmese pro-democracy leader.²⁵⁰ Some stakeholders are hopeful that India may be able to extend protection and assistance to Chins in Mizoram State, once again fulfilling its humanitarian role, as it did with the Chins in 1988 and continues to do with Chins who have sought refuge in New Delhi, India, where India allows UNHCR to provide protection and assistance. (See sections II and V of this report for more details.) There was a recent hopeful sign of the central government of India's humanitarian interest and good-will toward the people of Chin State, Burma, reported in July of this year. India provided \$6 million for Chin State development mostly in "the health, education, and social sectors."²⁵¹ Perhaps this is a sign that the central government of India may also be favorably disposed to Chins in Mizoram State.

The next section focuses on the current challenges for Chins seeking refuge in Mizoram. It explores their protection, livelihood, health, and education challenges currently and explores some possible solutions to those challenges.

[250] Indian Council for Cultural Relations, GOI, "List of the Recipients of the Jawaharlal Nehru Award," Indian Council for Cultural Relations, GOI, <http://www.iccrindia.net/jnaward.html> (select "Neru Award Recipients" under "Awards and Lectures") (accessed Sept. 12, 2011).

[251] *Khonumthung News*, "India Provides U.S. \$6 million to Chin State, Burma," July 29, 2011, *Khonumthung News*, <http://khonumthung.org/?p=193> (accessed Nov. 4, 2011)



These are the capital city and the edge of town. Top photo: Aizawl, capital city and largest in Mizoram State, 1132 m (3715 ft) high on the Tropic of Cancer. Some 260,000 people, 25% of the state's population, reside in Aizawl, a major center for government, religion, culture, healthcare, education, and business.²⁵² Bottom: Many of Mizoram's 23 towns and 719 villages are built on the ridge roads of the state's mountains. This is a house on a ridge road outside of Champhai.

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

Overview of the Protracted, Urban Refugee Situation of Chins in Mizoram State, India. Chins who are seeking refuge in Mizoram fled persecution by the military regime of Burma or fear persecution if returned to Burma. They cannot safely go home. Nonetheless, these Chins have unfortunately not yet been able to establish full new lives. They are not officially recognized under the law as refugees or even as lawful residents but are treated as illegal aliens. Further, no third country has come forward to welcome them. Forced by the Burmese regime to flee, the Chins remain in Mizoram in what is known as “a protracted, urban refugee situation.” UNHCR defines a protracted situation as one “in which refugees find themselves in a longstanding 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.”²⁵³ Further, UNHCR notes the particular challenges of creating a “protection space” for “urban” refugees. These are people who are fleeing to cities, towns, and villages like the Chins in Mizoram, instead of being protected, processed, and provided for in traditional refugee camps.²⁵⁴ Urban refugees are much more a part of the local population, and the approach for refugee assistance and protection must flow from collaboration not just with the national authorities of the host country but with the state and local community and its leaders.

Despite sharing a sense of kinship with local people, Chins are experiencing a time marked by fear and chronic economic insecurity. As described in the previous section, Chins in Mizoram have humanitarian challenges related to livelihood, food security, living conditions, and healthcare. For some, every day is a struggle to survive. However, it was clear from focus groups and interviews that in addition to sharing the obstacles and suffering facing low-income people, many Chins in Mizoram face additional hardships because they are “foreigners,” refugees, and Chins.

As in many protracted, urban refugee situations around the world, the Chins in Mizoram have found local integration to be extremely challenging, and this has resulted at times in strained relationships and resources within the local communities. While Chins have settled in many communities and rural areas throughout Mizoram, the delegation found that they often seem to live and work on the margins of those communities. For example, virtually all of their work is in the informal sector. In addition, they are mostly Christian, like the local residents, but as mentioned earlier, they almost always form their own Christian churches and fellowships apart from the local church, pray in their own dialects, and watch after one another rather than look for help from the local community. It does not appear that their isolation is born out of arrogance, aloofness, or ethnic exclusivity but out of fear and a desire to protect themselves. As a community, they stay in the margins, keep to themselves, do not raise their voices, and rarely assert or identify themselves as Chins. Asked why they did not form an umbrella organization of their many fellowships, churches, and social service groups, they said that they feared that doing so would draw unwanted attention to their community which they feared would lead to a wave of anti-Chin activity.

[252] Information about Aizawl from the photo caption on page 80 comes from the following source. Mizoram State Govt., “More Information: Aizawl-The State Capital,” Mizoram State Govt., <http://mizoram.nic.in/more/aizawl.htm> (accessed Nov. 12, 2011).

[253] 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, no. 3, available at UNHCR, <http://www.unhcr.org/40c982172.html> (accessed Nov. 1, 2011).

[254] UNHCR, *Policy on Refugee Protection and Solutions in Urban Areas* (Geneva, Switzerland: UNHCR, September 2009), available at UNHCR, <http://www.unhcr.org/> (search “2009 urban refugees” then select title) (accessed Oct. 31, 2011). Kofi Kobina and Leilla Cranfield, “Literature Review: Urban Refugees,” Refugees Branch, Citizenship and Immigration Canada, September 2009 (this document does not express views of the Canadian government), available at UNHCR, <http://www.unhcr.org/> (search “2009 urban refugees” then select title) (accessed Oct. 31, 2011).

While there are those in Mizoram who welcome Chins in their hearts and in their communities, the law does not reflect that welcome. Chins have no legal status and no legal standing to protect themselves; they are not officially included in the food safety net program that India provides for the poor; and they are not recognized or responded to as refugees who have additional vulnerabilities beyond poverty. They are not recognized as refugees for whom UNHCR and the international community are deeply concerned and willing to help. As the next sections show, Chins live on the economic and social margins of the low-income community in Mizoram and have serious problems related to protection, livelihood, health, and education.

A. Protection: The Challenge of Finding Legal and Social Protection

Chins lack refugee protection, legal status, and legal protection. Chins remain in Mizoram State, India, continuing to seek refuge. Even though they have fled persecution, they have not been recognized as refugees and given refugee protection. They have no legal immigration status. Thus, many Chins report being arrested, detained, and fined for being foreigners, some report being deported, and some report that as victims of crime and labor exploitation, they fear seeking the protection of the law.

Legal status enables a person to participate in the community on equal footing, benefiting from opportunities and being protected from calamities. The Chins' lack of legal status affects every aspect of their daily life and places them in a position of vulnerability and insecurity. For example, most Chins in Mizoram have been told that they need to prove Indian citizenship or legal status to teach at a Mizoram government school, to secure virtually any job in the formal economy, to get a permit to sell goods, or to get a ration card. The ration card would allow them to buy food at a rate subsidized by the government or to get government rations at a further reduced rate or free if they fall into the Indian economic categories of "below the poverty line" or "poorest of the poor." Some have been told that their children need an Indian birth certificate to enroll in the government schools.

The arrests, detention, fines, and deportations of Chins for being foreigners illustrate their lack of legal and social standing. While there have been no widespread arrests and deportations since 2003, the Chin community and local media report ongoing arrests, evictions, and deportations of Chins. In Champhai, for example, in one focus group of Chin pastors and church leaders, 11 of 19 had been arrested for being foreigners. In Lunglei, in a town hall meeting of Chins, 22 of 35 had been arrested for being foreigners; 17 of 35 detained; and 4 of 35 deported. In several places there were examples of women vendors being arrested, with most being released after paying fines of Rs 300 (\$6.67). With these arrests, Chins are deeply aware that they have no refugee protection and no legal standing in Mizoram. Even when an arrest does not result in a deportation, the Chins recognize their powerlessness and their low place in Mizoram and Indian society.

Chin church and community leaders were very clear that they do not condone people being involved in drug offenses, theft, assault, or other crimes. They believe that criminal activity is harmful to everyone in the Mizoram community. They believe such matters should be settled in the proper way through official police procedures and the criminal justice system of Mizoram State, whether the offense involves Chins or local people. However, the concerns that they raised about current official enforcement activities were about Chin people being arrested, detained, fined, and sometimes deported because they are foreigners. Most Chins have no way of securing official immigration papers from the Mizoram or Indian government that would authorize them to reside or work in Mizoram. As a consequence, they live “in limbo” and in fear. The ongoing reasons for the Chins’ fear can be seen in this chart with arrests and deportations (push backs) for 2009 followed by a profile describing an undocumented woman’s three arrests.

Annual Return of Foreigners Arrested and Push Back for the Year Ending 2009²⁵⁵

S #	Head of Crime	# of Cases Registered	# of Foreigners Arrested	Cases Under Police Inv.	# of Foreigners In Jail	# Acquitted	# Deported	Cases
1	Foreigner Act ²⁵⁶	19	45	2	31	21	1	17
2	Passport Act/MSA ²⁵⁷	41	247	6	207	3	212	25
3	ND & PS Act/ Excercise Act ²⁵⁸	35	41	3	22	2		14
4	Arms Act ²⁵⁹	3	5	3				
5	IPC ²⁶⁰	18	19	9	10		2	9
6	Other/MLTP Act ²⁶¹	5	6	3	4			2
7	Total	121	363	36	247	26	215	67

[255] Human Rights Legal Network (HRLN), an NGO from Mizoram State, provided these statistics from the Mizoram State Government. For more about HRLN, see their website at <http://www.hrln.org/hrln/>.

[256] Foreigner Act, 1946, no. 31, Parliament of India (Nov. 23, 1946), available at Ministry of Home Affairs, GOI, <http://www.mha.nic.in/> (select “Acts & Rules” then “Foreigners Act, 1946” under “Foreigners Division Acts”) (accessed Nov. 1, 2011); Foreigner (Amendment) Act of 2004, no. 16, Parliament of India (Feb. 20, 2004), available at PRS, <http://www.prsindia.org/> (select “Recent Acts” under “Downloads” select “2004” then select “Foreigner (Amendment) Act”) (accessed Nov. 1, 2011).

[257] Passport Act, 1967, no. 15, Parliament of India (June 24, 1967); available at Consular, Passport, and Visa Division, Ministry of External Affairs, GOI, <http://www.passport.gov.in/> (select “Passport Act”) (accessed Nov. 1, 2011); Merchant Shipping Act of 1958, VIII c. 282 w, No. 44, Parliament of India, (Oct. 30, 1958)(requires pilgrims who arrived by Indian ship to have a passport or pilgrim’s pass), available at Scribd, <http://www.scribd.com/doc/6662942/MSA-1958> (accessed Nov. 1, 2011).

[258] Narcotic Drugs and Psychotropic Substances Act, 1985, no. 61, Parliament of India (Sept. 16, 1985), available at Narcotics Control Bureau, GOI, <http://narcoticsindia.nic.in/NDPSACT.htm>. For excise laws, see Dept. of Finance and Revenue, GOI, <http://www.cbec.gov.in/>(select “Central Board of Excise and Customs: Central Excise: Acts”)(accessed Nov. 1, 2011).

[259] Arms Act, 1959, no. 54, Parliament of India (Dec. 23, 1959), available at Ministry of Home Affairs, GOI, <http://www.mha.nic.in/> (select “Acts and Rules”)(accessed Nov. 1, 2011).

[260] Indian Penal Code, Ministry of Home Affairs, GOI, available at <http://www.mha.nic.in/> (select “Acts & Rules” then “Indian Penal Code,” under “Judicial Division Acts”) (accessed Nov. 1, 2011).

[261] Mizoram Liquor Total Prohibition Act (MLTPA), 1995, no. 10, Assembly of Mizoram State Govt. (Dec. 14, 1995); MLTP Amendment, 2007, no. 10, Assembly of Mizoram State Govt. (April 5, 2007), available at Mizoram State Govt., <http://mizoram.nic.in/printing/acts/2007/mltpamend2007.pdf> (accessed Nov. 1, 2011).

Chin Profiles...

OL, an undocumented, 40-year-old, single mother of 2 sons has been living in Mizoram for 6 years, working on commission to sell various goods at the local market, such as hair bands, women's jewelry, and also vegetables like mustard, cabbage, and tomatoes.²⁶²

While selling her goods, she has been arrested 3 times. The first time, she was selling fruit and local police approached her and asked her to pay Rs 300 (\$6.67). Most daily laborers earn Rs 150-200 (\$3.33-\$4.44) per day. When she could not pay, they put her in jail in a very small room. She stayed one night and the next morning was asked to pay again. She borrowed money from a friend and was released. After the second arrest, she was taken to the local jail where the magistrate told her she was a foreigner and thus needed to pay Rs 500 (\$11.11). There were about 45 other Chins in the jail with her, many of them charged with being foreigners. She was released several days later after borrowing money from friends again. Her greatest dream is to live in Mizoram peacefully, she says, and to eventually own her own house and start her own business without fear of arrest.

Some Chins are exploited in the workplace but fear seeking police protection because they are undocumented.

One long-time Chin leader in Mizoram explained that although it was possible for Chins to find some work in Mizoram it was sometimes hard to get paid. The delegation heard numerous examples of Chin men and women not being paid in full or not being paid at all. For example, one Chin woman had not been paid for over two months. Because of their undocumented foreigner status, many fear going to the police for help, and those who did go to the police said that it did not lead to them getting paid for their work. Those who were mistreated wanted to change jobs, but continued on because of their family's dire need for money and their fear of being without income for any length of time. In sum, the Chins are often paid very little, they have no legal recourse if mistreated, and these factors contribute to their chronic economic insecurity.

Single and widowed Chin women seeking refuge in Mizoram face discrimination, harassment, arrest, detention, and fines. Chin women who fled Burma, especially widowed or single women, described ongoing gender discrimination and sexual harassment by male employers and said that they felt powerless to stop it. They often received less pay than male workers for the same work. Women often sell goods in the market place without permits and have no supervisor present, and thus many of them are vulnerable to arrest, detention, and fines (see above profile of OL). Other Chin women work as housemaids, that is, women who live with local families and clean their homes, cook, and do other household chores. The Chin women social welfare organizations in Mizoram as well as many church leaders said housemaids are often the most vulnerable because they depend on the local families for not only their livelihoods but shelter as well. Some of these women are sexually harassed on the job and work for long hours at a time. Some Chin housemaids and other workers also have jobs that separate them from their children for long periods. Their children live with Chin family members in Mizoram who take care of them, while the women work as housemaids in local homes or in restaurants where they are provided room and board.

[262] From a delegation interview with OL.

Chin women sometimes marry local men and have happy successful marriages. In other cases, the cultural and socioeconomic differences of the couple have resulted in Chin women being verbally and physically abused by their husbands and feeling discriminated against by their husbands' families, often the only family that they have in Mizoram. In Aizawl, the Women's League of Chinland established the Safe House, a shelter that protects Chin women who are victims of domestic violence. In one instance, staff from the Safe House gave shelter to a woman who was 7-months pregnant and had been kicked out of her home by her local family. They also sheltered a single woman with children who could not afford to pay rent after not being paid by her employer.

Chin Profiles...

NM, an undocumented, 36-year-old, single mother divorced her local husband in 2006 because he physically abused her and looked down on her, and she now struggles to support their daughter.²⁶³

She grew vegetables for a local landowner until she found her current job at a restaurant. She now lives and works at the restaurant. This is because of her long working hours from 4 a.m. to 6 p.m., Monday through Saturday. She cleans tables, cooks, and delivers orders, earning room and board and about Rs 1,500 (\$33.33) per month. Her 8-year-old daughter cannot live with her at the restaurant and instead lives with NM's mother, who takes care of her. She is able to see her daughter once a week. NM said she "really wants to get out of the restaurant and find another job where I can live with my daughter."

Chin youth seeking refuge in Mizoram are often at risk, especially those who are unaccompanied by parents or family. As described earlier, many Chin youth are fleeing the new Burmese military conscription laws. Both boys and girls often end up as day laborers, working in agriculture, quarries, or road maintenance and construction. Girls sometimes serve as housemaids, caring for a local family's house and children. These minors are also often unaccompanied by parents or family. This makes them even more vulnerable to exploitation than the adult workers described above. In addition to risks at work, many face greater risks than adults if they lack housing, food, water, healthcare, and education. The fortunate ones live with relatives or people from their village. Others live with one another, at their work places or with people whom they do not know.

Overall, the Chins' greatest fear is a recurrence of 1994 and 2003. The Chin community's fear was palpable in the town hall meetings, focus groups, and individual interviews conducted in Aizawl, Saiha, Lawngtlai, Lunglei, and Champhai. 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 10,000 arrested and trucked to the border; a reported 8,245 Chins were deported between July and October of 2003.²⁶⁴

[263] From a delegation interview with NM. All conversions in this report from rupees to U.S. dollars are at the conversion rate of Rs 45 to \$1.

[264] At least 1000 Chins were deported in September and October of 1994 and 8245 between July and October of 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 in trucks to the Indo-Burma border where "...many of the refugees were able to surreptitiously escape before being deported." South Asia Human Rights Documentation Centre (SAHRDC), "Survival, Dignity, and Democracy: Burmese Refugees in India, 1997," South Asia Human Rights Documentation Centre (online resources), <http://www.hrdoc.net/sahrdc/> (see the "Mizoram Crackdowns" section) (accessed Oct. 10, 2011).

Chin Profiles...

XC, a 52-year-old Chin church leader expressed his people's deep, abiding fear of widespread, anti-Chin activities, such as occurred in 1994 and 2003.²⁶⁵

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.

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 noted, this occurred on a large scale most recently in 2003,²⁶⁶ but has also occurred 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.²⁶⁷

Some of the enforcement activities 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 can place 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 ordinarily subjected to under the full 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 democratic 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.²⁶⁸ The anti-Chin 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 involved that no large-scale, anti-Chin activities have occurred 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 larger scale enforcements of 1994 and 2003. They contribute to the sense of fear that is already palpable in Chin communities across the state.

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

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

[267] 23 families, including 143 people, were reportedly evicted from their homes after informal accusations were made but no arrests or trial occurred. Zo Indigenous Forum, "Mizoram: Complaint To Stop Forcible Eviction Of The Myanmar Origin From Phaibawk 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.indigenouspeoplesissues.com/> (select "Central Asia" search "Mizoram") (accessed Oct. 10, 2011). Reportedly, 22 more families--45 total families--were ordered to leave their homes 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 as many individuals as the first 23 families.

[268] Similar small scale enforcement actions by NGOs preceded the widespread deportations in 2003. See, e.g., Suhas Chakma, Director, Asia Centre for Human Rights (ACHR) "Complaint Regarding Forcible eviction of the Myanmar Chin refugees from Lunglei areas, 9 June 2003, ACHR," available at ACHR, <http://www.achrweb.org/> (select "Info By Country/India/Mizoram/Campaign") (accessed Oct. 26, 2011).



The lives of Chin youth have often been quite different from those of their Mizoram peers. Many experienced or witnessed human rights abuses and had to flee Burma, seeking refuge in Mizoram State, India. Some fled alone, unaccompanied by parents or family.

Stakeholders suggest legal and social changes that might help protect Chins in Mizoram State, India.

Special concerns were raised about the protection of children. For example, Chin children need adequate documentation that will help them enroll in schools and help them prove their residence or citizenship. Likewise, unaccompanied children could benefit from organized protection and assistance from governmental and nongovernmental child welfare service providers and institutions. For refugee protection, unaccompanied children would benefit from “best interest determinations,” a professional child welfare screening that evaluates what long-term, durable solution might be most appropriate for each child.

Looking at the overall picture, several stakeholders felt that some protection framework and legal standing for Chins would greatly facilitate refugee protection and legal protection. They suggested that a registration of the Chins by UNHCR might become the basis for issuing some form of protective identification documents or establishing a protective registration with the central government of India or the government of Mizoram State.

Options might include UNHCR opening up a full-time office in Mizoram that would operate like the New Delhi office; or UNHCR might conduct a registration and other operations in Mizoram with mobile units from the capital city office in New Delhi like UNHCR operations from Kuala Lumpur that serve refugees throughout Malaysia. Others suggested that if India will not allow UNHCR to come to Mizoram State, it might be possible to set up protective measures guided by UNHCR or protection measures similar to the ones that UNHCR would provide. But they would be provided through local NGOs, churches, and the international community in coordination with the government of Mizoram and the central government of India.

On the Thai-Burma border, for example, the Thai government, the international community, and local and international NGOs have created what is called the Thai Burma Border Consortium. This collaborative effort addresses the protection and humanitarian needs for those fleeing Burma and seeking refuge in Thailand. Whichever approach India might take in Mizoram State, most stakeholders believe that the Chin and Mizoram churches could play an important and helpful role in the humanitarian effort. The system would have to be one that the Chins trust and one that would assure that the Chins' basic human rights are respected by the Mizoram State and Indian authorities. A successful system also would be one in which the UNHCR and the international community would help to reduce the burden on Mizoram State, India, as the host community.

Some Chin stakeholders believe that some Chins need education to better understand Mizoram culture and traditions and to find ways for them to participate in the larger community life of Mizoram. Also, they encourage Chin pastors to urge Chins who are drawn to illegal activities to stop those activities and fulfill their Christian and civic duty to be law-abiding residents of Mizoram State.

Other stakeholders noted that such positive changes would not end anti-Chin activities altogether unless there are also social changes in the local community. They suggested continuing dialog and education to help prevent future anti-Chin activities and to encourage welcome and compassion toward Chins seeking refuge in the community. The dialog might explore how Chins could economically and socially benefit Mizoram. There could be a sharing of information, especially with the political, religious, and community leaders, about Chin culture and traditions, and the plight of the Chins being forced to flee from persecution by the Burmese military regime. A fuller understanding of the Chins' situation might improve social attitudes, empathy, and policy towards them.

Since Mizoram is a predominantly Christian state, the education might also include certain Christian values that could be discussed and used to guide a community response to the refugees among them. The Mizoram Christian churches, especially the leaders of the churches, could thus play a critical role in encouraging fellow Christian believers to think about immigration from a faith perspective and base their response towards the Chins on Christian love and compassion.²⁶⁹ The church speaking out for the vulnerable in their community would help to prevent anti-Chin activities. Education could also be undertaken regarding the obligations of the central government of India to protect the Chins from deportation back to Burma. Comparable education could be done about the willingness of UNHCR and the international community, including sympathetic countries like the United States, to support Mizoram and India to protect the Chins and reduce the burden on Mizoram State as a host community.

[269] Jenny Yang, Director for Advocacy and Policy for World Relief, and a member of the trip delegation, and contributing writer and editor of this report, has co-authored a book to help facilitate this kind of discussion. Matthew Soerens and Jenny Hwang [Yang], *Welcoming the Stranger: Justice, Compassion, & Truth in the Immigration Debate* (Downers Grove, IL, InterVarsity Press, 2009).

Riangvaite Thlanmual²⁷⁰

(The Sojourner Cemetery)



One sign of the Chins being on the margin of the local community is the way that they bury their dead in Lunglei. There is a cemetery in town that is used by local people, but Chins are not allowed to use it. Instead, they use the Riangvaite Thlanmual (Sojourner Cemetery) outside of town, 40 minutes beyond the one that local people use. Transportation is expensive for the mourners and for transporting the body that distance. The expense makes it prohibitive for many to be a part of the burial service at the cemetery, and for them to make later visits to the grave sites of loved ones. Chins counted obstacles to burial in Lunglei and also in Aizawl as among their most painful experiences in Mizoram. A hopeful sign is that in other places around the state the Chin community and the local community have worked together to find mutually agreeable arrangements for the burial of Chin people who die in Mizoram.

[270] From the delegation's visit to this cemetery in Lunglei.

B. Livelihood: The Challenge of Overcoming Chronic Economic Insecurity

Chins have livelihood challenges. Mizoram's greatest strength is the human capital of its people. It is a close-knit, population with strong, shared values, and a 92% literacy rate, the second highest among India's 35 states and union territories.²⁷¹ Nonetheless, lack of sufficient livelihood continues to be a challenge for many in Mizoram. Some 22% of the population in the state lives below the poverty line, including many Chins.²⁷² Mizoram and the central government of India are pursuing improvements in infrastructure related to livelihood opportunities. This includes adding greater power and transportation infrastructure, modernizing jhum agricultural methods, and diversifying the Mizoram economy, including adding new growth areas such as tourism. Among those who could benefit from such improved infrastructure are the low-income people in the population, including Chins.

Chins have little access to jobs in the formal sector of the economy. The formal Mizoram employment sector includes 56,239 government jobs.²⁷³ It also includes jobs with churches, banks, and large businesses. The overwhelming majority of these jobs are held by locals. According to Chin job seekers, the state requires applicants for government jobs to be Indian citizens; the churches and large businesses also generally require their workers to prove Indian citizenship or other legal status. One stakeholder mentioned that a government high school teacher makes about Rs 360,000 (\$8,000) per year.²⁷⁴ Within families and extended families, such jobs can serve as anchor jobs that provide a large enough stable income to help the whole family survive. Most Chins have no access to such anchor jobs.

Chins usually work in the informal sector of the economy because they are undocumented foreigners.

The informal sector mostly involves manual labor jobs, jobs in open air markets, and various kinds of self employment. Chins have the reputation of being hard workers. In fact, many of the local Mizo people acknowledged that the Chins often take jobs that the local Mizos do not want to do. Most Chin men do manual labor, working on farms owned by Mizo landowners, in quarries, in construction, in the jungle harvesting trees for planks and timbers, and in markets, selling produce or dry goods. The women work on farms, in quarries, in markets, in hotels and restaurants, and as housemaids and weavers. Most of the Chin men and women work one or more jobs to support their families while their children often work as well. As mentioned earlier, the women often are harassed by local authorities for selling goods and in some cases have been arrested, detained, and fined for working without permits.

Chins who are day laborers receive low wages. Many Chins are day laborers who cannot find work every day, earn low wages when they do, and too often are not paid. Typical pay for a day laborer is Rs 150-200 per day (\$3.33 to \$4.44), and many say that they find only 2 to 3 days of work per week. This provides a salary ranging from Rs 15,600 to Rs 31,200 per year (\$347 per year to \$693 per year).²⁷⁵ This is 31% to 62% of the average per capita income of Mizoram which is Rs 50,021 (\$1112 per year).²⁷⁶ Chins with low incomes struggle to support themselves and their families. They struggle to pay for their families' necessities, including rent, food, healthcare, and education.

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

[272] HFWD, Mizoram State Govt., "State Profile," HFWD, Mizoram State Govt., <http://healthmizoram.nic.in/> (select "State Profile" under "NRHM") (accessed Nov. 1, 2011).

[273] Dept. of Economic and Statistic, Mizoram State Govt., *Mizoram Statistical Handbook, 2009*, DES, Mizoram State Govt., p. 70, available at <http://desmizo.nic.in/> (accessed Nov. 1, 2011).

[274] From delegation interview with CX.

[275] The low figure is for someone working twice per week for 52 weeks at Rs 150 (\$3.33) per day, and the higher end of the range is for one working three days per week for 52 weeks at Rs 200 (\$4.44) per day. The exchange rate is Rs 45 per \$1 (U.S.).

[276] *Indian Express*, "Mizoram Per Capita Income: Rs 50,021 [\$1,112]," *Indian Express*, March 29, 2011, available at *Indian Express* at <http://www.indian-express.com/news/mizoram-per-capita-income-rs-50-021/768758/> (accessed Nov. 1, 2011).

Chins are not covered by India's Targeted Public Distribution System (TPDS).²⁷⁷ Under the TPDS, all Indians can benefit from government price control for basic commodities of wheat, rice, sugar, and kerosene. Indians below the poverty line are granted lower priced or free commodities, depending on their income level. Additional commodities are covered but vary state to state. The food commodities come from the central government and are distributed by each state government in Fair Price Shops. Ration cards are used to allow the holder to access the TPDS. For people in Mizoram State, there are 1,239 Fair Price Shops, and 315,818 ration cards have been issued.²⁷⁸ Despite their poverty, most Chins do not have ration cards and do not benefit from this generous safety net.



The Indian ration card helps assure food security. Ration card holders can access India's Targeted Public Distribution System (TPDS), a program of the central government of India to prevent food insecurity. If Chins seeking refuge in Mizoram could be included in this system, it would help the Chin community maintain its food security.

Chins face chronic economic insecurity and unstable lives. Most Chins arrived in Mizoram after being impoverished by the persecution of the Burmese military regime. As undocumented people in Mizoram, most lack access to the formal economic sector, to police and courts to redress employment exploitation, and to the Indian food safety net. They face chronic economic insecurity. One sign of it is their unstable housing situation. During the delegation's focus groups, it was not unusual for Chins to describe being evicted a dozen times. Some said they had never made it through a year in Mizoram without being evicted. They were usually evicted because they did not have money to pay rent. Chin leaders said that the instability caused by eviction was especially hard on children, who were frequently pulling up stakes and changing neighborhoods, villages, and schools. Other symptoms of the Chins' chronic economic insecurity will be discussed in the following sections about health and education.

[277] Dept. of Food and Public Distribution, GOI, "PDS: Targeted Public Distribution System," Dept. of Food and Public Distribution, GOI, <http://www.fcamin.nic.in/> (select "Dept. of Food and Public Distribution" then select "PDS") (accessed Nov. 1, 2011).

[278] Dept. of Economic Security, Mizoram State Govt., *Mizoram Statistical Handbook, 2010*, DES, Mizoram State Govt., Tables 15.1, 15.2, available at <http://desmizo.nic.in/> (accessed Nov. 1, 2011).

Chin Profiles...

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 State, India.²⁷⁹

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.

MN and LO work for a hand loom project established by a local church in Mizoram.²⁸⁰

The church employs workers to create beautiful shawls to sell. This project has three workers, one man and a couple with a child. The church provides a hand loom which costs Rs 7,000 (\$156), threads to make the shawls which are Rs 300 (\$6.67) per spool, and space in which to live and work. A complicated shawl can take up to a month to make while a more simple shawl can take two weeks to make.

[279] From a delegation interview with WH.

[280] From delegation interviews with MN and LO.

Livelihood in Mizoram



Livelihoods vary in Mizoram. Clockwise from top. Women, including Chins, often sell vegetables and spices in Mizoram's numerous open markets, either selling on consignment or for a fixed salary. Chin and local families often raise a hog or chickens for food and to sell to build scarce capital; these men sing the hair off this hog to prepare it for market. Chins also frequently work in Mizoram's quarries. Here a group of men breaks down large rocks from a local quarry to be used for building construction and road construction and maintenance.

Stakeholders suggest short-term, long-term, and interim solutions for increasing livelihood opportunities for Chins. Some stakeholders are already starting promising livelihood projects that establish self-help groups for low-income locals and Chins. The groups promote self-reliance and cooperation and help people to build capital. Others further suggest that training and micro finance for self-employment might help Chins and low-income local people increase the number of existing jobs and capital. Learning from and expanding these efforts could be one solution for the livelihood challenge.

Others suggest that livelihood will be best addressed in the long run if Mizoram builds up its resources and public infrastructure by increasing transportation capacity and electrical power, and by expanding and diversifying the economy, including the fuller utilization of Mizoram's agricultural capacity and the modernization of agricultural methods. Several noted that there are large sections of unused farmland in places like Saiha. With more capital, these could be put into cultivation, creating jobs and more food security for Mizoram. Chins could be an important human resource in such an endeavor because most of them come from farming backgrounds.

While these short-term and long-term solutions are being pursued, some stakeholders suggest that the central government of India extend the food security safety net to include Chins in Mizoram to address their food insecurity problems.



Delegation focus groups discussed livelihood challenges for Chins. Left to right, concerned Chin leader, Polly Mondal, LWSIT, Matthew Wilch, JD, U.S. lawyer, and an interpreter. A key topic in delegation focus groups with the Chin leaders and community was livelihood, such as at this focus group at a church hall in Mizoram.

The Lydia Project²⁸¹



The Lydia Project was begun by the Baptist Church of Mizoram (BCM). Pu Malsawn Dawng Liana, the coordinator of the Lydia Project, explains the project to the delegation at BCM headquarters in Serkawn, Lunglei District, Mizoram State, India.

The Lydia Project which started in 2011 was first developed by the Baptist Church of Mizoram (BCM) to assist displaced Chins and low-income local people. The Baptist Union of Norway (BUN) and Asia Pacific Baptist Aid (APBAid) are funding partners, and local partners include Lairam Jesus Christ Baptist Church and Zomi Baptist Church.

BCM originally surveyed 10,000 individuals. They collected names of the displaced, analyzed their humanitarian needs, determined why each one came to Mizoram, and focused on the most vulnerable and the long-stayers in Mizoram. They developed 33 self-help groups of 408 total members, with 7 to 15 per group. Members contribute funds monthly which are deposited into the bank in their names. There is also a program for children and one for community counseling.

The Lydia Project is focusing on small income generating projects for these groups, which include 80% Chins and 20% local people. Through project trainings on capacity building, the groups will become aware of government funded opportunities, for example, resources for women to do gardening and banking. Other trainings will focus on how to manage specific trades, like farming and gardening for flowers and vegetables and how to participate in the local market. Trainings also will help groups with income generation activities like growing crops, raising pigs and chickens, weaving, and vending. Besides these self-help groups, the project includes education and reconciliation activities such as counseling, discussions, and meetings between groups. BCM's relief and development department provides overall coordination with churches and Chin communities in Champhai, Lunglei, Lawngtlai, and Saiha. Project leaders emphasize how critical it is to not separate out the Chins from the local population for humanitarian assistance.

[281] From delegation interview and follow-up with Baptist Church of Mizoram, Lairam Jesus Christ Baptist Church (LJCBC), and Zomi Baptist Church. Also see LJCBC, "Lydia Project," LJCBC, <http://lairamchristbaptist.org/social-mission/lydia-project/> (accessed Oct. 31, 2011).

C. Health: The Challenge of Securing Healthy Conditions and Healthcare

Many of the serious health problems for Chins in Mizoram stem from their poverty. For many Chins in Mizoram, their poverty means that they lack clean water, food security, and decent and stable shelter. As a consequence of these conditions, they often face health problems, and some have trouble affording treatment or transportation to treatment.



Clean water can be scarce, especially in the winter months. Many Chins and low-income locals in Mizoram spend hours a day getting water for family needs from the shallow public wells, like this boy in Saiha. Water can be scarce during the dry season; and despite increased testing of the water by the government many low-income people still suffer from water-borne diseases.

Chins and others sometimes lack enough clean water. Many Chins and local people depend on shallow wells and captured rain water for their water supplies. One communal well often serves over 400 households. Especially in the dry season, the water from these shallow communal wells becomes a trickle and low-income youth and women spend hours each day trying to secure water for their families. At some of the wells in Saiha, individuals are allowed to take only two buckets of water at a time. They often wait in line for an hour or more to carry five gallon buckets of water to their households. Higher-income people in these areas have additional options for getting their water supply. For example, in Saiha, companies transport water by trucks from nearby rivers. In Champhai, wealthier residents have running water. Chins and low-income local people cannot afford water transported by truck, which according to local people costs Rs 2,500 (\$56) for 10,000 l (2,641 gal) of water. They also cannot afford installation of running water for their homes. In the past, these wells sometimes had contaminated water, but in recent years, the government reportedly instituted regular inspections to monitor the water safety. Clinics serving the poor in the area, however, still report water-borne health issues such as kidney problems and dysentery.

Chins lack food security but most are not covered by India's Targeted Public Distribution System (TPDS).

Since most of the 100,000 Chins are not counted for official government purposes, the central government of India does not send Mizoram State food commodities to cover the increased population created by the Chins. In most places, the local officials give no rice to the Chins; in a few places, they reduce the portions and hand rice out to everyone based on need. Either way, many families fall short of food. With inadequate livelihood and no access to subsidized food, Chin families often suffer from malnutrition and multiple vitamin deficiencies. Chins also explained that when they do not get enough to eat, they become run down and are more susceptible to illness. If they get sick, they cannot continue doing manual labor and their lack of resources becomes even more dire as they are caught in a downward spiral of poverty and illness.

Chins lack protection from malaria and other ailments. In a Chin town hall meeting in Lunglei, 31 of 35 present said that they had suffered from malaria. Many local church leaders noted that they also frequently suffered from malaria. Indeed, malaria is often the leading cause of death in Mizoram, although recently that leading cause has been cancer.²⁸² Chins and locals also frequently suffer from tuberculosis, diarrhea (especially children), respiratory infections like pneumonia, urinary tract infections, sexually transmitted diseases, stomach and intestinal maladies, heart diseases, and cancer. Local hospitals that serve the poor, including Chins, also described ongoing problems with typhoid, malnutrition, vitamin deficiency, HIV/AIDs and chronic kidney problems.



A man receives treatment for malaria in a church-run hospital. Chins and low-income local people often suffer from mosquito- and water-borne diseases such as malaria, dysentery, and kidney ailments. At a focus group meeting with 35 Chin leaders, 31 of 35 had suffered from malaria. It is a major cause of death in Mizoram.

[282] Dept. of Economics and Statistics (DES), Mizoram State Govt., *Mizoram Statistical Abstract, 2009*, DES, Mizoram State Govt., p. 83, DES, Mizoram State Govt., <http://desmizo.nic.in/file/> (accessed Nov. 1, 2011).

Chins often cannot afford treatment for their conditions and also face transportation barriers. In at least one case, Chin church members raised enough money for one of its members to have successful stomach cancer surgery. However, Chins often cannot afford medicine and treatment. Another issue for them is transportation. Especially in Lawngtlai, Saiha, and Mamit Districts, people sometimes cannot access local medical facilities because the roads become inaccessible during the rainy season.²⁸³ In addition, hospitals away from Aizawl have more limited staff expertise and facility capabilities, so people are often referred to Aizawl for treatment. Chins often cannot afford the transportation. Mizoram State and the central government of India do have some health reimbursements for indigent people. For example, there is a grant-in-aid program for “fell diseases” such as TB, cancer, chronic heart and lung disease and life threatening illnesses that provides up to Rs 2000 (\$44) per person, and an illness assistance fund for life threatening diseases and debilitating accidents with reimbursements of up to Rs 3000 (\$67) per patient at a Mizoram District Hospital or a state recognized private hospital or Rs 5000 (\$111) at the State Hospital.

Chin Profiles... ²⁸⁴

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 treatment for her kidney problems, but she has no money to pay for transportation. 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.

JQ is a 59-year-old grandmother whose 26-year-old daughter passed away in 2010.

Her daughter started having heart problems after the roof of their home collapsed during a windstorm. Her daughter was referred for treatment in Aizawl, but they could not afford the journey so she passed away at the local hospital. JQ is now taking care of her 3-year-old granddaughter and is herself worried about her vision problems and inability to work regularly, selling chickens. In 1998, she was “pushed back,” that is, deported to Burma, but she returned shortly thereafter and has moved more than 10 times while in Mizoram. She says, “We don’t feel at home, but we can’t go back. So we make do with staying.”

[283]The State has identified this issue and begun to address it. HFWD, Mizoram State Govt., “NRHA Action Plan, 2011-2012,” HFWD, Mizoram State Govt.Ministry, p. 16, at Ministry of Health and Family Welfare, GOI, http://pipnrhm-mohfw.nic.in/index_files/high_focus_ne/mizoram/0.pdf (accessed Nov. 1, 2011).

[284] From delegation interviews with VE and JQ.



Private hospitals' face challenge of funding capital projects. The health infrastructure in Mizoram includes governmental and private hospitals and clinics. One of the most difficult challenges is securing funds for a building project, such as this effort by a church to build a hospital in Lawngtlai.

There are also subsidies for family planning. For the “felled diseases” program, one has to prove permanent residence in Mizoram and an income below Rs 2000 (\$44) per month.²⁸⁵

Mizoram and India continue to address physical and technical health infrastructure needs, including in areas with a large numbers of Chins. As previously detailed in the background section of this report, there are a number of serious health challenges for people in Mizoram, including Chins. For example, 28% of children under age 3 are underweight,²⁸⁶ the maternal mortality rate is 60 per 1,000 live births,²⁸⁷ the immunization rate is 50%, and the number of doctors hired is at 54% of those needed for the state Public Health Centers.²⁸⁸ The Mizoram State Government and the central government of India continue to work hard to address these challenges, focusing among other things on improving infrastructure and health outreach in Saiha and Lawngtlai, which include a large number of Chins. Meanwhile, communities are working hard to help themselves.

[285] HFWD, Mizoram State Govt., “The Manner of Execution of Subsidy Programs,” *The Right to Information Act, 2005 Manual for Health and Family Welfare Dept.*, Mizoram State, HFWD, Mizoram State Govt., sec. 4(I)(b)(xii), pp. 26-35, available at National Portal of India, GOI, india.gov.in/allimp-frms/alldocs/12028.pdf (accessed Dec. 15, 2011).

[286] World Bank, “Mizoram,” World Bank, <http://go.worldbank.org/SS2NJDLG20> (accessed Sept. 12, 2011).

[287] HFWD, Mizoram State Govt., “NRHA Action Plan, 2011-2012,” HFWD, Mizoram State Govt., p. 7, available at Ministry of Health and Family Welfare, GOI, http://pipnrhm-mohfw.nic.in/index_files/high_focus_ne/mizoram/0.pdf (accessed Nov. 1, 2011).

[288] *Ibid.*, pp. 7, 6.

Church-run hospitals and clinics that supplement the state facilities face many of the same challenges as the state system, including the need for updated facilities and more doctors. Also, when these facilities care for the sick who are indigent, they are often not fully reimbursed for that care. Many of these church-run hospitals and clinics thus bear the burden of deficits. If they turn away the sick, they report feeling burdened for not fulfilling their Christian obligations of caring for the sick. Some church leaders noted that if they received more funding, they would be able to help more low-income sick people, including more Chins and more locals.

Stakeholders suggest ways to improve health. Stakeholders suggest that better health would come with improved water infrastructure, including continuing to expand the rainwater collection systems and water monitoring. Others noted the possible health benefits of opening the Indian Targeted Public Distribution System (TPDS) for the Chins, or providing some comparable level of food assistance to the Chins, to stave off food insecurity, especially for children. Others noted the plans of Mizoram State and India to improve, upgrade and modernize the state's health facilities, equipment and staff, and increase the number of doctors, surgeons, and specialists. Some stakeholders suggested that it would also help to upgrade clinics and hospitals run by church and community groups and increase reimbursements to both public and private hospitals and clinics for serving indigent patients, including Chins and local people.

Community leaders observe that with additional support they could strengthen facilities, personnel, and equipment and implement more mobile medical units to do outreach, prevention measures, and emergency care for under served, poor populations. This could include Chins and local people, especially in Saiha, Lawngtlai, and Champhai. Stakeholders also described the need for subsidized transportation for Chins and other low-income people who otherwise cannot reach nearby facilities or distant facilities to which they have been referred.

Another stakeholder observed that it would be helpful to include Chin leaders in healthcare planning and outreach in low-income urban neighborhoods, villages, and rural areas, especially involving needs assessments, immunization programs, prevention schemes, and access to transportation to treatment facilities. Previous experience in Mizoram and elsewhere has shown that the health of low-income people improves with focused policy to help them and with funds to reimburse both governmental and private care providers.

The delegation visited several hospitals and witnessed kind and professional care of Chins and locals. However, some Chins received treatment at local hospitals and reported being discriminated against while in the hospital because they were Chin. For example, medical procedures were abruptly cancelled at the last moment for a Chin woman. One stakeholder's suggestion was to use an effective training program employed by some hospitals to help assure professional, nondiscriminatory service and communication by healthcare workers.

Clinical Outreach to Low-Income Populations²⁸⁹

In Champhai, concerned Chin community members started a neighborhood medical clinic to serve low-income people in the community and also established mobile medical outreach once a week to the villages surrounding Champhai, with some outreach into Burma. The staff provides diagnosis of medical problems, vaccinations, and medicine. Last year, they also distributed eyeglasses. The clinic employs one full-time nurse and some support staff, but no doctors or dentists, so they refer further medical care or dental treatment to the government hospital. The clinic generally charges Rs 100 (\$2.22) for a consultation and for medicine, but they waive these fees for the Chins and indigent locals.

The clinic most frequently treats patients who suffer from malaria, tuberculosis, typhoid, pneumonia, and HIV/AIDS. There are often times when the needs of patients cannot be met, for example, during the rainy season when the mobile clinic vehicle cannot reach the remote villages. The clinic receives vaccines from the central government of India and buys medicine at pharmacies at a discounted wholesale rate.

Clinic administrators registered the clinic with the government. They receive funding from Medical Mercy from Canada. The same community members opened a clinic in 2001 in Zokhawthar near the Indo-Burma border. Its staff includes a Chin medical doctor, a graduate of Magwe College near Mandalay in Burma. Clinic staff members also include a mid-wife and a lab technician capable of testing for malaria, typhoid, urinary tract infections, hepatitis B, and HIV/AIDS. The clinic has an operating table where the doctor can do minor surgeries. Most of the year, the staff sees 20 to 30 patients a day, including locals and Chins. During the rainy season especially in June and July when the risk of malaria and typhoid is highest, they see about 40 patients a day. Medical services are free for all patients, and some Chins cross the border from Burma into Mizoram State to receive free medical treatment at this clinic. The clinic does not have HIV/AIDS or tuberculosis medicine, but it does offer some counseling of patients with these diseases and refers them to the government hospital in Champhai. Through the Mizoram Drug Control, the government drug distribution agency, the clinic has secured a drug license to distribute drugs to patients. The clinic was funded by A Better World Canada which built a new clinic facility in 2010. The clinic receives no funding from the central government of India or from churches.



This is a community run health clinic on the Indo-Burma border. Community run health clinics in rural Mizoram complement government facilities. This one provides medical care for Chins and low-income local people and a small number of beds for use in severe medical cases before individuals can be taken to the governmental hospital in Champhai.

[289] From delegation interview and site visit.

The Foreign Contribution Regulation Act of 2010²⁹⁰

The Foreign Contribution Regulation Act of 2010 (FCRA) regulates contributions of foreign money and foreign hospitality to individuals and organizations in India to avoid a prejudicial influence on government officials, the political process, and the media, and also to avoid having funds diverted for inappropriate purposes. Under the Act, among other things, non-governmental organizations (NGOs), including charities, churches, and other agencies, must either get prior permission to receive foreign contributions for specific projects or receive a certificate of registration to receive ongoing foreign contributions for their activities for a five year period. The Act also requires that NGOs follow rigorous banking, accounting, and auditing procedures.

For pre-approval, the group must show that it has a “reasonable project” to benefit society. To attain a certificate of registration, the organization must show that it is undertaking “reasonable activity in its chosen field” to benefit society. The central government would not grant the group permission to receive foreign money if it would “affect prejudicially” the nation’s sovereignty, State interests (e.g., security), public good, the election process, foreign relations, or the domestic harmony of India.

Under the previous Foreign Contribution Regulation Act, 1976, it had reportedly been difficult for some NGOs to receive foreign contributions. India has set up a website that explains the more recent FCRA process and provides relevant forms and information. The hope is that India will be able to carry out its important objectives under the Act while permitting nongovernmental groups to accept charitable foreign contributions that enable them to carry out good work that will benefit the community.

D. Education: The Challenges to Pursuing Education

The public school system in India is open to all children residing in India. In 2002, the Parliament of India passed a constitutional amendment giving children in India who are between 6 and 14 years old a fundamental right to free public education and further committed the central and state governments of India to work to provide pre-school education for all children who are under 6 years old.²⁹¹ In 2009, the Parliament of India passed a national law to implement the constitutional change called The Right of Children to Free and Compulsory Education Act (RTE).²⁹² Under this new law, public school officials are instructed to ask parents to bring, at the time of enrollment, birth certificates of their children or similar documents to assure that their children are properly placed with students of the same age; however, the lack of a birth certificate is not a proper reason for the school to deny admission.²⁹³ A few Chin parents reported having trouble enrolling their children without birth certificates. This clarification in the RTE is helpful for them and for Chin parents like them, who have had difficulty attaining birth certificates for their children born in Burma.

[290] The Foreign Contribution Regulation Act of 2010, no. 42, Parliament of India (Sept. 26, 2010), available at Foreigners Division, Ministry of Home Affairs, GOI, <http://mha.nic.in/fcra.htm> (accessed Dec. 15, 2011). Note that this is a simplified, three paragraph description of a 23 page law.

[291] “The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.” And “[t]he State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.” Constitution of India, art. 21A and 45 (as amended by Constitution (Eighty-sixth Amendment) Act, 2002), available at National Portal of India, GOI, <http://india.gov.in> (select “Government/Constitution of India”) (accessed Nov. 1, 2011).

[292] The Right of Children to Free and Compulsory Education Act (RTE), 2009, no. 35 of 2009, Parliament of India (Aug. 26, 2009); available at India Development Gateway, GOI, <http://www.indg.in/primary-education/> (accessed Nov. 1, 2011).

[293] *Ibid.*, sec. 14, p. 6.



Two happy students go to school in Aizawl. India declared primary education a fundamental right for children between 6 and 14 years old, and also committed the central and state governments to work to provide childhood care and education for all children until they reach age 6.

An obstacle to school enrollment for some Chin children is poverty. Some Chin families cannot afford to send their children to school. Mizoram State has 1783 lower primary schools (grades I to V), 1253 upper primary schools (grades VI to VIII), 502 lower secondary schools (grades IX and X), and 86 upper secondary schools (grades XI and XII); and the state runs 48% of lower primary schools, 43% of upper primary, 40% of lower secondary, and 27% of the upper secondary schools.²⁹⁴ Thus, over 50% of schools in Mizoram are private. Chin families often cannot afford the private school fees and costs. Even when they are considering public schools that are free of charge, there are uniform and book fees as well as the cost of providing meals to the children. 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. So instead of attending school, these children work with their mothers selling goods on commission on the streets, doing manual labor alongside their parents or other adults, or pursuing other work described earlier. Some indigent families are eventually able to save up enough money so that the child's earnings are no longer needed, and they send the child to school.

[294] Education Reforms Committee, *Report of the Education Reforms Commission, 2010*, Education Reforms Commission (July 2010), chap. 5, pp. 46, 52, 55, available at Dawrpui School of Science and Technology (DSST), <http://www.dsst.in/?p=116> (accessed Nov. 1, 2011). Pu Lal Thanhawla, Chief Minister of Mizoram State, appointed this commission of educational experts to recommend reforms for the state's educational system.

In Champhai District, some community members are attempting to address the financial obstacles to attending schools for Chins and other low-income children. Some Zomis, who share the same dialect with some Chins from Burma, started a low-cost school, charging about Rs 100 (\$2.22) per month. This school, the Zomi Baptist School, is now officially recognized by the government.

Children in rural Mizoram lack transportation to attend schools. Chins are sometimes from rural areas without nearby schools or without roads that would make daily busing a viable option. The government and some church groups run hostels that house children from some of these villages. Children are unable to attend school if they live where there are no such hostels or where there is insufficient space in the hostels.

Community leaders in Lawngtlai are working to overcome the transportation and financial obstacles to education for Chins and low-income local children. A local women's group is spearheading the effort. They built and run a hostel for girls from the most remote areas of the district who cannot otherwise afford to attend school. The group conducted a rigorous application process and chose 20 girls from the most difficult circumstances with the greatest potential. The girls attend a private school located in the urban center of Lawngtlai. The girls are housed and fed at the hostel at night and attend school during the weekdays, all for free.

Some Chin children experience discrimination in schools. Some Chin parents reported discrimination against and harassment of their children in schools. Some children are teased for their language, for their accent, and for being Chins. One man said that he and his wife even changed the name of their son to a Mizo name to avoid further harassment. The Chin children often befriend each other in school. The youngest Chins who were born in Mizoram and fluently speak Mizo, the most common dialect in Mizoram, reportedly have an easier time in school.

A call for improvement of education in Mizoram. Many people in Mizoram expressed a desire to improve the public school system and the educational system overall. Parents, especially those in the rural areas, talked about the need for better teacher training, more books and equipment, and better school facilities. Many parents prefer privately run schools saying that they more often provide English instruction and provide more opportunities for their children to further their education beyond grade X. However, as noted earlier, Chin parents often cannot afford private school tuition and fees.

Stakeholders suggest ways to improve education. Mizoram stakeholders were rightfully proud of the state's 92% literacy rate, second highest among India's 35 states and union territories,²⁹⁵ yet many also said that the educational system needs improvement and reforms. Such improvements would help all students in Mizoram, including Chins. Pu Lal Thanhawla, Chief Minister of Mizoram State, appointed the Education Reforms Commission to recommend improvements for the system. In a comprehensive report, the Commission examined fundamental educational questions such as access, equity, and quality. Access requires there to be enough schools to serve the number of students; equity requires that all sections of society be able to attend school; and quality means that the teachers, facilities, books, materials, and curriculum are of high caliber.²⁹⁶ The commission recommended, among other things, developing more pre-school and vocational education, and drafting rules for schools in Mizoram to assure compliance with the Right of Children to Free and Compulsory

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

[296] Education Reforms Commission, *Report of the Education Reforms Commission*, Education Reforms Commission, chap. 5, p. 38; available at DSST, <http://www.dsst.in/?p=116> (accessed Nov. 1, 2011).



Students work hard during exam time in a lower secondary school, Aizawl. The Education Reforms Commission recommended that the hallmarks of the school system in Mizoram State be access, equity, and quality.

Education Act, 2009 (RTE).²⁹⁷ RTE requires Indian states in conjunction with the central government to provide free, primary education at the neighborhood level (grades I to VIII) to all children living in the state; allows them to pursue preschool education for children between 3 and 6 years old; legislates against discrimination of children who are disadvantaged for social, cultural, economic, linguistic, reasons, or who are weakened by poverty; and ensures that migrant children are enrolled.²⁹⁸

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

[297] Ibid., chap. 15, pp. 182-185.

[298] RTE, chap. 2, sec. 3, chap. 3, secs. 11, 8(c), 8(k), Parliament of India, available at India Development Gateway, GOI, <http://www.indg.in/primary-education/> (accessed Nov. 1, 2011).

V. Chins Seeking Refuge in New Delhi, India

Overview of Chins seeking refuge in New Delhi. India allows UNHCR to provide refugee protection and humanitarian assistance in New Delhi, which hosts some 21,000 persons of concern to UNHCR.²⁹⁹ This includes an estimated 10,000 Chins.³⁰⁰ Only a small percentage of Chins in Mizoram can afford to travel to New Delhi due to financial restraints. Chins who have travelled to New Delhi include some who spent considerable time in Mizoram and others who travelled briefly through Mizoram on their way to New Delhi. They are attracted to New Delhi because of the presence of UNHCR and the hope for protection that comes with that presence. Over 10,000 refugees and asylum seekers in New Delhi come from Afghanistan; others include Somalis, Iraqis, Eritreans, Ethiopians, Congolese, Sudanese, Iranians, Pakistanis, Palestinians, and other ethnic minorities from Burma.³⁰¹

UNHCR has recognized many of the Chins in New Delhi as refugees, but most of them do not yet have a durable solution to their refugee situation. The durable solutions are repatriation, that is, return to the refugee's home country, local integration in the host country, or resettlement to a third country. For now, resettlement appears to be the most viable durable solution for Chin refugees in New Delhi. Increasing the strategic use of resettlement would likewise help to achieve family unity with family members already resettled to third countries and could also allow concerned resettlement countries to share India's burden of hosting the Chins.

To help Chins in New Delhi address their challenges, it is important to continue strengthening the refugee NGO capacity in the area, including, for example, the Chin Refugee Committee (CRC). The CRC is an effective, respected umbrella organization for Chin refugee groups in New Delhi. It provides a public voice for the community, helps to identify and meet community needs, and acts as a liaison with UNHCR and the local Indian community.

A. Chins Fleeing Burmese Regime Are Seeking Refuge in New Delhi

Chins in New Delhi are fleeing the Burmese military regime's ethnic, political, and religious persecution, or fear such persecution if returned to Burma. Also, growing numbers of Chin youth have fled to New Delhi recently to avoid conscription into the Burmese army. Burma passed a law in November 2010 that mandates universal conscription into military service for 2 years for citizens from age 18 to 27.³⁰² Further service of 3 years may be required of those with special expertise, affecting men until age 45 and women until age 35. During times of emergency, Burma may require up to 5 years of service. Many youth do not want to serve in the Burmese army because soldiers are known for their human rights abuses against Chins and other minority ethnic communities. Some 700 unaccompanied minors have fled from Chin State to New Delhi and 25 to 30 more arrive every month.³⁰³

[299] From delegation meeting with UNHCR in New Delhi, India, on April 27, 2011. UNHCR also has a field office in Chennai. Also see UNHCR, "UNHCR Country Operations Profile--India," UNHCR, available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4876d6> (accessed Dec. 15, 2011).

[300] Steven Ral Kap Tluang, who was then president of the Chin Refugee Committee (CRC), a Chin refugee umbrella group in New Delhi, provided this figure on April 28, 2011.

[301] Dale Buscher, *Bright Light Big City: Urban Refugees Struggle to Make a Living in New Delhi*, Women's Refugee Commission (WRC), July 2011, p. 1, available at WRC, <http://www.womenscommission.org> (search "bright lights") (accessed Nov. 15, 2011).

[302] The details about the law in this paragraph were all taken from this source. People Military Service Law of SPDC, Myanmar State Peace and Development Council Law No. 27/2010, Parts I and II, 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).

[303] Buscher, *Bright Light Big City*, WRC, p. 12, citing UNHCR figure from Feb. 2011, available at WRC, <http://www.womenscommission.org> (search "bright lights") (accessed Nov. 1, 2011).

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XX, 29-year old mother and wife of a Christian pastor in Burma, fled to India at her husband's urging.³⁰⁴

Her pastor husband started a new church. The Burmese army objected to his Christian activities, came to their house several times, and warned him to stop. She and her daughter fled, at her husband's insistence. They sought refuge first in Mizoram State, India, and then traveled to New Delhi. A church member wrote her and told her that her husband had been arrested and imprisoned by the military. She has not heard from him since she left and is very concerned about his well-being.

B. Background Information: Chins in the New Delhi Context

The New Delhi metropolitan area has a population of over 16.7 million.³⁰⁵ The area's prominent ethnicity is Hindu, the language Hindi, and the religion Hinduism. Thus, Chins in New Delhi have the integration challenge of having different ethnic, cultural, linguistic, and religious characteristics from the local population since they are ethnically Chins, speak various Chin dialects, and are predominantly Christian. Most also come with agricultural skills from a slow-paced, agrarian economy into the fast-paced, urban environment of New Delhi.³⁰⁶ About 12% of the refugee parents in New Delhi send their children to government schools; and reportedly some drop out of school because of harassment.³⁰⁷ Chins also face ongoing obstacles to earning their livelihoods, as detailed below. The central government of India allows UNHCR to run an office in New Delhi to serve the protection and humanitarian needs of refugees. UNHCR has worked closely with the Indian government to facilitate greater access for refugees to local schools and to basic local social and health services. Through implementing partners, UNHCR also helps facilitate refugees' access to some basic protection and livelihood related training and assistance described below. Nonetheless, serious protection and integration problems persist.

[304] From a delegation interview with XX.

[305] Registrar General and Census Commissioner, "Provisional Population Totals Paper 1, NCT of New Delhi," *2011 Census of India*, 2011 at Registrar General and Census Commissioner, <http://censusindia.gov.in/> (select "Prov. Population Totals Paper 1" select "NCT of New Delhi" then select "cover page" and go to chart on p. 9) (accessed Nov. 5, 2011).

[306] In their study of refugee livelihood in New Delhi, the Women's Refugee Commission noted the lack of transferable skills that Chin farmers have when they come to urban New Delhi. Buscher, *Bright Light Big City*, Women's Refugee Commission, p. 7, available at WRC, <http://www.womenscommission.org> (search "bright lights") (accessed Nov. 1, 2011).

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

C. A Challenging Humanitarian Refugee Situation

1. Protection

Access to registration, protection, and durable solutions.³⁰⁸ UNHCR continues to improve its overall initial refugee screening operations in New Delhi although its resources are taxed by the recent and ongoing influx of unaccompanied Chin minors. UNHCR's goal is to register people seeking refuge within 7 to 21 days after arrival in New Delhi. Chins who register with the UNHCR office receive an initial white document which provides them protection if they have an encounter with Indian police or immigration officials. Within a year, UNHCR conducts refugee status determinations. If Chins are recognized as refugees, they receive a blue document.³⁰⁹ With the second document they gain further protection because they can then register with the Foreigners Regional Registration Office (FRRO).³¹⁰ This registration must be repeated every six months. It is important to keep current since the registration provides Chins with protection from arrest and detention as undocumented foreigners.

Until recently, many refugees had been unable to get registered in a timely and effective way due to delays in processing at FRRO and to large fees associated with the process. Before August 2008, the Foreigners Regional Registration Permit (FRRP) was free, but after August 2008, the Foreigners Regional Registration Office (FRRO) charged fees for the permit that varied case-by-case, ranging from Rs 3,000 to Rs 50,000 (\$67 to \$1,111) per person per registration. This matter is much improved after the Chief Executive Members of the Lai and Mara Autonomous Districts in Mizoram State met with the Minister of Home Affairs of India and brought these irregularities to his attention.³¹¹

For the estimated 700 unaccompanied refugee minors (URMs), UNHCR conducts an initial screening process and a refugee status determination. UNHCR has conducted “best interest determinations” (BIDs) for 70 children over the last couple of years, including for all resettlement referrals, which are usually done through the embassies of concerned countries.³¹² “Best interest determinations” are thorough interviews and evaluations to determine what durable solution is in the best interest of each refugee child.

[308] Unless otherwise stated, processing information was provided at April 27, 2011, delegation meeting with UNHCR in New Delhi.

[309] Since the assessment trip, UNHCR was piloting a new type of identification card to replace the blue card, giving recognized refugees in New Delhi, including Chins, “smart cards,” that is, durable cards that also include biometric data. UNHCR, “UNHCR Distributes Pioneering Smart ID Cards to Refugees in India,” (Aug. 17, 2011) at UNHCR, <http://www.unhcr.org/> (search “smart cards India”) (accessed Nov. 1, 2011).

[310] 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).

[311] This is based on information provided by Chin refugees to the Chief Executive Members of Lai and Mara Autonomous Districts in Mizoram State, India. See prior detailed discussion in section IIID of this report about their intervention and the actions on this issue of the Minister of Home Affairs of India.

[312] Connie Daniels, Lutheran Immigration and Refugee Service (LIRS), shared this information with the delegation; she gathered it as follow-up from UNHCR after she met with UNHCR in New Delhi on Aug. 19, 2011.

Chin Profiles...

A New Delhi household of 7 Chin youth share why they fled and what their new life is like.³¹³

The 7 youth include 4 females and 3 , ranging in age from 14 to 18, with 1 over 21. Five of them had lost one or both parents. Several of them described fleeing from the military, from forced labor, and from recruitment. Several of them described living and working on road construction in Mizoram before travelling to New Delhi with the help of a pastor who was a family friend. One attends school. The others work in factories, restaurants, or as housemaids. One was fired from her factory job because she could not stand all day, as the job demanded. Her feet swelled. Another described getting sexually harassed and robbed of her phone and wallet, as she was coming and going from work. One described having gastritis and another malaria. Another described having to move 3 times since 2009 because she could not pay the rent. They pool their resources. They are registered with UNHCR which provides them some assistance. They attend a local Chin church.

Unfortunately, being recognized as a refugee and being registered with the Indian government does not qualify any refugees, including the Chins, for work permits. Without work permits, work is limited to the informal sector of the economy where the jobs call for unskilled labor and come with low-pay, long hours, poor working conditions, and exploitative labor practices. This limits livelihood opportunities, as detailed below.

Currently, the de facto durable solution available for most Chin refugees in New Delhi is local integration, since voluntary repatriation to Burma is not safe for Chins and only small numbers are being resettled to third countries. The United States, Australia, Canada, New Zealand, Norway, Denmark, and Sweden, for example, have resettled a small number from New Delhi in the last ten years, and UNHCR said that it relies on resettlement only on a case-by-case basis for Chin refugees in compelling humanitarian situations.

At-risk women and youth are especially vulnerable. Widows, single young women, and women heads of households are the especially vulnerable women in New Delhi. Many have been the victims of sexual harassment while conducting their daily activities, including while going to the night market to forage for leftover vegetables and fruit. New Delhi also has a significant number of unaccompanied minors seeking refuge, both girls and boys. When recognized as refugees by UNHCR, these children are referred to as unaccompanied refugee minors (URMs). Some of them do not attend school but instead work long hours in local industries as tea suppliers, sweepers, dishwashers, and helpers in factories and offices. There are households of youth and also some who attach themselves to groups of unrelated adults sharing rental space. They live together in cramped quarters. To help address protection issues in New Delhi, UNHCR established the Women's Protection Centre in western New Delhi, which provides counseling, assistance with access to food and accommodations, and protection intervention for Chin women who are at risk. They also fund social workers to serve the needs of refugees; they work in several neighborhood centers on the south side of New Delhi.

[313] From delegation group interview with 7 Chin youth in New Delhi: AA, BB, CC, DD, EE, FF and GG.



A single refugee mother knits to support her children. Among the most vulnerable Chin refugees in New Delhi are women at risk such as this single mother and her two children. She knits and sells the knitting to support them.

2. Livelihood

Chins lack sufficient livelihood in New Delhi.³¹⁴ Because of the barriers they face in securing jobs that pay a living wage in the informal sector in New Delhi, many Chin refugees are unemployed or underemployed. The men with employment often work in factories and local businesses, and the refugee women work in factories, as housemaids, or make and sell handicrafts in the community. The refugees face exploitation, discrimination, and harassment in their jobs and earn low wages, often not getting paid at all. Chin women who work are particularly vulnerable, sometimes facing sexual harassment at their workplaces and risk of assault as they travel to and from their work. With irregular livelihood, some refugee families also experience periodic evictions from their homes.

Until recently, UNHCR provided refugees in New Delhi with a Subsistence Allowance (SA) which helped with education, food, and housing needs. Due to budgetary constraints and UNHCR's efforts to find a more sustainable assistance strategy for refugees in urban settings, the SA has been phased out completely this year. Now only the most vulnerable refugees receive assistance and asylum seekers, those seeking refuge who have not yet been recognized as refugees, receive no assistance. UNHCR now emphasizes self-reliance even more in New Delhi as it continues providing livelihood training and education through its implementing partner Don Bosco Ashalayam (DBA), an Indian NGO run by the Catholic religious order the Salesians of Don Bosco. The school serves refugees and others in the local community.

[314] The delegation encourages people to read the recent report of the Women's Refugee Commission that details livelihood issues and solutions for urban refugees in New Delhi, including the Chins. Buscher, *Bright Light Big City: Urban Refugees Struggle to Make a Living in New Delhi*, WRC, July 2011, available at WRC, <http://www.womenscommission.org> (search "bright lights") (accessed Nov. 1, 2011).

3. Health

Chins lack food security. Due to the lack of employment and low wages, many refugees resort to going to the night markets to pick through the vendors' discarded fruit and vegetables to supplement their diet. Because of the lack of food and the poor quality of food that refugees do eat, some suffer from malnutrition, dysentery, and other food-related diseases.

UNHCR facilitates medical care from Indian government and private facilities. Refugees have access to Deen Dayal Upadhyay Hospital, a local government hospital for free medical care. UNHCR also has a medical reimbursement policy in which refugees can apply for reimbursement on a case-by-case basis for medical services received at a private hospital.



Activity at the night market is a painful sign of food insecurity in New Delhi. Chin refugees and asylum seekers lack livelihood and food security. They can be seen at New Delhi's night markets foraging for food in the discarded piles of vegetables and fruit.

4. Education

There is access to education from the central government of India and UNHCR. The Indian government generously allows refugee children to attend primary and secondary government schools. UNCHR and its implementing partner, the Young Men's Christian Association (YMCA), have helped a small number of Chin refugee children to enroll in several government schools. Unfortunately, Chin children face difficulties in these schools because they cannot speak, read, or write Hindi and are often taunted and discriminated against by the local students. Only a small number of Chin youth have accessed higher education. Most Chin refugees have reportedly found that their refugee documents are insufficient to secure them a place in government universities or in professional courses.

UNHCR also works through its implementing partners to provide classes specifically for refugees in New Delhi. The YMCA runs classes for children and Don Bosco Ashalayam runs a youth study center for basic English and computer classes. Due to the growing number of newly arrived refugees, however, these two schools cannot always accommodate all the children.

Stakeholders suggest ways to improve the situation for Chin refugees in New Delhi. After carefully considering the viability of the three durable solutions for Chin refugees in New Delhi, many NGO stakeholders suggest an increased strategic use of resettlement for Chins. This would help vulnerable refugees, facilitate family unity, and enable concerned countries share India's burden as host country. Voluntary repatriation to Burma is not viable for Chins. And even with the protection and support for the Chins from the central government of India, UNHCR, and UNHCR implementing partners, Chins continue to face serious, ongoing obstacles to protection and integration in New Delhi. NGOs note that Chins and other refugees from Burma have fled to Malaysia and Thailand, fleeing the same persecution that the Chins in New Delhi have fled. Those countries are finding the strategic use of resettlement to be a viable durable solution.

The Chin Refugee Committee (CRC) provided the delegation with a list of Chins who were recognized as refugees several years ago. One stakeholder suggested that the delegation encourage the UNHCR New Delhi office to do an audit of these old cases. Auditing an older refugee case load like this has been found to be both a humane and helpful exercise. It can provide renewed hope for individual refugees who are part of the old case load. Often times, with changes in time and circumstance, resettlement becomes a viable durable solution for an individual. Such an audit can also be a helpful exercise to examine and reconsider the systemic approach to the strategic use of resettlement in the New Delhi office. Perhaps in the future it could also stimulate helpful discussions between the central government of India, UNHCR, and concerned countries, such as the United States, Canada, Australia, New Zealand, Sweden, Norway, Denmark, and other resettlement countries about the strategic use of resettlement.

Special concerns were raised about the vulnerability of unaccompanied children. With the growing number of unaccompanied Chin children in Mizoram and in New Delhi, stakeholders urge that a comprehensive assessment of this population be done to better understand and respond to the children's protection and humanitarian needs. As a newly emerging population in New Delhi, the children could benefit from a coordinated protection and assistance effort by the Chin community, UNHCR, NGO partners, child welfare professionals, and the central government of India. This coordinated protection and assistance effort might include services to identify and meet their immediate protection and humanitarian needs and best interest determinations to decide what durable solution is best to pursue for each child. Child welfare NGOs from other concerned countries, such as the United States, can possibly offer support to UNHCR and to Indian child welfare professionals to build local systems and expertise to meet these needs. Establishing a viable system to protect and meet the various needs of refugee children would be an important way for India to carry out its commitment to children as a party to the Convention on the Rights of the Child.

VI. Findings

These are the findings from each section of the report. The stakeholders' suggestions for addressing the protection and humanitarian needs of the Chins as well as the humanitarian burden on Mizoram are included in the Recommendations section of the report.

I. The Opening and the Roundtable Approach

- **As many as 100,000 Chins seek refuge in Mizoram State, India.** Chins fleeing from ethnic, political, and religious persecution by the Burmese military regime seek refuge in Mizoram State, India.
- **Chins in Mizoram State have been out of sight and out of mind from the international community.** The central government of India maintained travel restrictions to Mizoram State and other northeastern states of India. Because of the travel distance to these states and the travel restrictions, the circumstances surrounding the Chins seeking refuge in Mizoram have been largely unknown to the international community.
- **The lifting of travel restrictions to Mizoram provided an opportunity to begin exploring a partnership to address the Chins' protection and humanitarian needs and to reduce the humanitarian burden on Mizoram.** The Minister of Home Affairs, GOI, lifted the Restricted Area Permit (RAP) requirement for at least one year effective in January 2011. This allowed the delegation to visit the area and begin a roundtable, problem-solving, solutions-oriented approach to help the Chins and Mizoram.
- **There are many concerned and engaged stakeholders.** A wide range of stakeholders actively participated in meetings with the delegation to understand and address the situation. Most want to continue understanding the complex situation and explore solutions and how people might work together to alleviate the Chins' humanitarian plight and reduce Mizoram's burden.

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

- **Chins seeking refuge in Mizoram State, India, who fled ethnic, political, and religious persecution by the military regime in Burma appear to fit the refugee definition.** Most Chins seeking refuge in Mizoram fled from persecution by the Burmese military regime based on their ethnicity, political opinion, or religion; they fear suffering persecution if they are returned to Burma; or both.
- **Most of the Chin population continuously arrived in Mizoram State, India, after 1988, and many in the population are children.** Some were born in Burma and some in India.
- **Chins who fled the Burmese military regime are not economic migrants victimized by a poor Burmese economy; rather their poverty springs from the persecution of the Burmese military regime.** The Burmese military regime persecutes Chins in ways that impoverish them. For example, they subject them to forced labor and take their agricultural produce without payment.
- **Many Chins may be potentially stateless.** Chins in Mizoram, especially Chin children born in Mizoram, may be stateless, that is, people without citizenship or country. Most Chins in Mizoram do not have access to Indian citizenship, even those born in Mizoram State, India.

- **India has obligations to Chins according to customary international law, treaty obligations, the Indian constitution and statutes, and moral and practical considerations.** India has a customary international legal obligation of non-refoulement to protect Chins from deportation to persecution in Burma. It is obliged under 4 human rights treaties, including the Convention on the Rights of the Child (CRC) which guides its treatment of Chin children. Its duty under Indian laws and its constitution is to provide free primary education for children in India. India also has the moral and practical challenges of providing Chins who are seeking refuge and who are stateless people with comparable legal protection and sustenance as are enjoyed by locals, and to work together with the international community for durable solutions to the Chins' protracted refugee situation.
- **The international community has compelling humanitarian and strategic reasons to help Chins and partner with India.** UNHCR and refugee resettlement countries such as the United States are concerned about Chins, having come to understand their plight, and are interested in helping them with protection and humanitarian assistance. They also may be interested in a humanitarian partnership with India, the world's largest democracy. Such actions would help the Chins and reduce the burden on Mizoram, the host community, and a strategic state of India.

III. Background Information

- **The people of Chin State, Burma, and Mizoram State, India, have common roots, religious values, and shared history.** Chins have common ethnic roots, history, political struggles, and Christian religion with the people of Mizoram, providing building blocks for Chins to build lives in Mizoram and for locals to welcome them to Mizoram as brothers and sisters, as one people no longer divided by the international border. It's important, too, for the central government of India to allow that welcome.
- **Chins unintentionally burden their hosts.** The Chins' forced migration and the birth of Chin children in Mizoram increases the state's population and creates an additional economic burden on the state's resources and infrastructure. Crime by a small percentage of the Chins also burdens Mizoram.
- **Chins are among the poor in Mizoram State, India.** Chins and low-income people from Mizoram suffer most from the state's lack of resources and infrastructure. Full integration of the Chins will remain very difficult for the Chins and burdensome for the local population without some additional resources and infrastructure for the state.
- **Chins are an untapped agricultural resource.** Mizoram State, India, has an untapped agricultural potential that Chins could join with locals to fulfill since Chins are virtually all experienced farmers.
- **NGOs play a strong role in shaping community life in Mizoram State, India.** How the wider community relates to Chins is probably greatly influenced by the relationship between the local NGOs and the Chin community. Building a mutually beneficial relationship between NGOs in Mizoram State and the Chin community could potentially enhance the Chins' time in Mizoram. Also, NGOs join the churches in playing an important role in addressing humanitarian challenges in Mizoram State. Their social services complement the social services provided by the central and state governments.

- **The Christian churches in Mizoram State are highly respected in Mizoram society and also are important humanitarian service providers.** Given their leadership role in Mizoram society and their experience with Chins, Christian leaders can collectively provide positive influence about how to welcome and provide humanitarian care for the Chins. Also, as social service providers, the churches can join with the government, local and international NGOs, and international donors to meet the Chins' protection and humanitarian needs and to reduce Mizoram's burden.
- **Ruling Mizoram politicians at the state, local, and national levels, and the state's opposition leader share concern about the Chins' humanitarian plight and Mizoram State's burden.** The Chief Minister of Mizoram, the Chief Executive Members from the Mara and Lai Autonomous Districts, and Mizoram State's Member of Parliament, Lok Sabha, all express concern about the Chins' humanitarian plight and Mizoram's burden. They are all from the Indian National Congress Party, which is the ruling party of the central government. This may help provide an opportunity for there to emerge a consistent implementation of a national, state, and local policy toward the Chins. The state opposition leader from the MNF is also concerned about the Chins and about Mizoram's burden.
- **Some people in Mizoram State consider Chins to be a compatible addition to the state's population.** The immigration issue is a possible political issue at the national and state levels. Some local people consider Chin migration to Mizoram State to be a compatible way to grow the population, given the common roots and shared history of the Chins and the people of Mizoram.
- **India may find it beneficial to help Chins and reduce their state of Mizoram's burden.** If India partnered with the international community to provide assistance to the Chins in Mizoram State, it could be a win-win situation. If funding from partners were thoughtfully targeted and administered, it could help both Chins and local people and also build up Mizoram's long-term resources and infrastructure.

IV. Protracted, Urban Refugee Situation

- **Most Chins live on the margins of society in Mizoram State as undocumented foreigners, as a minority ethnic group, and as poor people.** As undocumented foreigners, politically powerless members of a minority ethnic group, and low-income people, Chins lack protection, legal status, and social status. If the status quo continues, local integration will be ever more difficult for the Chins.
- **Chins face serious protection problems.** Chins have no refugee protection. The police's ongoing arrest, detention, and deportation of Chins as illegal aliens illustrate the Chins' lack of refugee status, legal immigration status, and legal standing. Their vulnerability to arrest, detention, fines, and deportation as foreigners, also leaves them unable to seek police and court protection when they are victims of crime and exploitation. Many Chin women are especially vulnerable.
- **Chins have a deep, abiding fear of anti-Chin activities, such as occurred in 1994 and 2003.** Besides the police enforcement against them as foreigners, Chins fear a recurrence of anti-Chin enforcement such as last occurred on a large scale in 2003. Their fear comes from that past experience and also because of ongoing small scale anti-Chin activities.

- **Legal and social protection would help assure a climate of welcome for Chins.** In addition to legal protection, social protection is needed to protect Chins and enable them to freely participate in the wider community of Mizoram. Legal protection would require government action; social protection would require Mizoram Christian churches and NGOs to use their social influence to promote understanding and cooperation between Chins and local people.
- **Chins do not have consistent or robust livelihoods.** Many Chins and their families have inadequate livelihoods and chronic economic insecurity because of the lack of access to jobs in the formal sector of the economy, to regular work at a living wage in the informal sector, to court remedies if they are not paid, and to a food safety net to assure food security.
- **Chins have serious health problems.** Because many Chins are poor, many lack clean water, food security, adequate shelter, and good health. Because they are undocumented, they have no consistent access to India's food safety net, its food distribution program. Thus, Chins often suffer from health problems related to their poverty including malaria, typhoid, pneumonia, HIV/AIDS, kidney problems, multivitamin deficiencies, and malnutrition.
- **Some Chin children lack a good education.** Some Chin children are not able to go to school because they have to instead work to help support their families or because their families do not have money to pay school expenses. Chin children that do attend public school sometimes feel discriminated against. Some desire to attend private schools, especially in order to access upper secondary education and to learn English.
- **The international community would be a good partner with India to address the Chin's protracted refugee situation and reduce Mizoram State's burden.** The international community may be willing to partner with India to help both Chins and Mizoram State with aid that could increase resources and improve infrastructure in the state.
- **Refugee protection systems have been successfully developed in New Delhi and in countries similarly situated as India.** Several different approaches to protection systems seem to work in politically sensitive situations. In India itself, UNHCR provides protection and humanitarian services for Chin refugees in New Delhi. UNHCR could potentially do outreach to Mizoram through the existing UNHCR office in New Delhi. Malaysia uses the support services of UNHCR in that way, where it has its main office in Kuala Lumpur and sends out mobile teams from the central office to do processing and outreach outside the capital. Or India might ask UNHCR to set up an office to operate directly within Mizoram similar to its operation in New Delhi. If India finds that the presence of UNHCR in Mizoram is problematic, India might work with concerned governments and local and international NGOs to establish a humanitarian framework like the Thai Burma Border Consortium, established by Thailand on the Thai Burma border. Stakeholders working together in good faith might tailor one of these options or develop some other approach that best suits the unique situation in Mizoram State, India.

V. Chins in New Delhi, India

- **There are a growing number of Chin refugees in New Delhi.** Approximately 10,000 Chins have fled to New Delhi after long or short stays in Mizoram. Many articulate strong refugee claims based on the Burmese military regime's ethnic, religious, and political persecution of them.
- **Increasingly, unaccompanied Chin youth flee from Burmese army conscription and face serious protection and humanitarian challenges in New Delhi.** These youth, unaccompanied by parents or family, face greater protection, livelihood, health and education challenges than Chin adults but without the experience or resources to address them. Similar youth can also be found in Mizoram State.
- **The central government of India and UNHCR have strengthened their protection of Chins in New Delhi with more efficient processing and more affordable and timely registration.** Improved UNHCR registration and processing and registration of Chins as foreigners by the FRRO generally better protects refugees from arrest as unauthorized foreigners.



Chins begin new lives in New Delhi, India. This young Chin woman and other Chin refugees in New Delhi must adapt to a community that has a different culture, language, religion, and racial and ethnic make-up. New Delhi's dynamic, informal, urban economy contrasts with the slower agrarian life of Chin State, Burma, and Mizoram State, India. Support comes from the Chin Refugee Committee (CRC), its many related organizations, and from the local churches that Chins and other refugees from Burma have established in New Delhi.

- **Chin asylum seekers and refugees, especially individuals from vulnerable groups, continue to experience serious protection problems in New Delhi.** Women at risk continue to experience gender-based harassment and violence. Women are subjected to sexual harassment, especially as they travel to and from work or the night market. Unaccompanied Chin children are also vulnerable since they often have precarious living and work situations, lack protections that children need, and often do not have the requisite coping mechanisms of adults.
- **Chins in New Delhi have serious integration challenges beyond protection.** Refugees in New Delhi do not receive work authorization so that Chins can only work in the informal sector. While UNHCR provides livelihood related education and training, many Chins lack steady employment and decent pay and resort to the night market where they can glean fruit and vegetables from the scrap piles that merchants throw away as unsellable. Some have medical problems stemming from their poor diet. Moreover, unlike in Mizoram State, India, Chins in New Delhi do not share common ethnicity, heritage, culture, linguistic roots, an agrarian way of life, and Christian religion with the locals. While UNHCR facilitates access to Indian public education and social services, most Chins remain isolated and marginalized from the broader community. Also, for many of them, their families are elsewhere, having been resettled to a third country such as the United States, Australia, Canada, New Zealand, Norway, Sweden, Denmark, and the Czech Republic.





VII. 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.

Since 2011 marks the 60th anniversary of the Refugee Convention, we urge the central government of India to become a contracting state to the Refugee Convention and Protocol and to the two conventions related to stateless people. We urge the government to take these actions at some date in the near future. By signing on to these important human rights treaties, India's commitment as the largest democracy in the world would add political strength and a strong, important voice to the struggle for human rights for refugees and stateless people.

- 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.

We encourage the central government of India to maintain the lifting of the RAP to promote tourism and to facilitate international partnerships to help address the Chins' humanitarian situation in Mizoram and reduce the burden on India and Mizoram of hosting the Chins.

- continue to support and expand the good work of UNHCR, headquartered in New Delhi, as it protects and assists refugees, asylum seekers, and other populations of concern throughout India.

UNHCR provides protection and assistance for 21,000 refugees, asylum seekers, and persons of concern in New Delhi, and another 188,567 in the rest of India.³¹⁵ With the central government of India's growing collaboration with UNHCR, one hope is that UNHCR might provide or facilitate protection and assistance for Chins in Mizoram State as well.

[315] UNHCR, "Country Operations Profile: India," UNHCR, at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4876d6> (accessed Nov. 1, 2011).

- reduce Mizoram State's burden by providing humanitarian and development assistance, enabling Chins to be part of India's food distribution system and also to be eligible for healthcare and educational opportunities available to the people in Mizoram.

Chins will likely be in Mizoram for the foreseeable future. They can best work for their own families and contribute to the common good of Mizoram and India if they have food security, decent health, and a basic education.

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

- establish and maintain refugee protection for Chins in collaboration with UNHCR and the international community.

This could facilitate the protection of Chins by providing an enhanced registration of those seeking refuge, identification of special needs, refugee status determinations as needed, and ongoing access to protection and humanitarian intervention as needed. Registration could also facilitate humanitarian and development funding to Mizoram from the Indian central government, from concerned countries, or from international community resources with the international community, including UNHCR, NGOs, and humanitarian donors. An enhanced registration could identify special needs individuals, for example, unaccompanied minors, widows, survivors of torture and gender-based violence, and seriously ill individuals. The central government of India might consider several different approaches to setting up such a system. One might be to set up an office in Mizoram and pursue an approach similar to the operations of the UNHCR office in New Delhi. Another might be one used by the Malaysian government, where it partners with UNHCR to use mobile field units that go out from the central national office in Kuala Lumpur to do registration, protection and humanitarian work as needed. A similar operation might come from the UNHCR office in New Delhi. A third might be the approach used by the Thai Burma Border Consortium where Thailand partners with NGOs and concerned governments to provide protection and humanitarian assistance, although traditional refugee camps are used in Thailand and in Mizoram the humanitarian effort would need to be tailored to an urban refugee situation, where those seeking refuge live throughout the towns and villages of Mizoram. A fourth possibility is that a unique Mizoram approach might emerge, an adaptation to the unique circumstances of Mizoram.

- provide Chins with legal status and access to legal and court protections that would give them freedom from arrest, detention, and deportation as foreigners and would give them protection of the law, as necessary, when they are victims of crime and labor exploitation.

This might be used by the government of Mizoram State and the central government of India as a prudent safeguard for those seeking refuge and would also help India assure that it fulfills its customary law obligation of non-refoulement. It would also likely reduce the climate of fear and insecurity in the Chin community and build their trust in the Mizoram police and court system.

- 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 Chins' humanitarian plight and Mizoram State's burden as host community.

Mizoram State, India, has the burden of hosting some 100,000 Chins who continue to seek refuge there. Given the human rights situation for Chins in Burma, reducing the burden by deporting the Chins would most likely be considered refoulement, a serious violation of international law with political consequences in the international community. One mutually beneficial solution for the Chins, Mizoram, and India might be to facilitate international partnership to meet the Chins' humanitarian challenges and to reduce the burden on Mizoram by building up the resources and infrastructure for all in Mizoram. UNHCR, the United States, and other concerned countries could partner with India in this collaborative effort. Another way to facilitate such collaboration, among others, might be for the central government of India to enforce its foreign contribution laws in such a way that ensures good governance and other important values underlying the law, but also facilitates vital contributions from international donors to local Indian groups for important humanitarian improvements.

- empower and support Chin community capacity building to facilitate the self reliance of its members and to maximize their contributions to the Mizoram community.

The Chins will likely be in Mizoram for the foreseeable future; and their similarity to the local population in culture, heritage, and religion, makes integration into Mizoram a possibility under the right conditions. Whatever the length of their stay, it would appear to be in the best interest of all concerned if the Chins can develop into an organized community that knows and uses its assets, is self reliant, and has a good, trusting relationship with the host community and government. All of these things are more likely if Mizoram and India facilitate Chin empowerment and capacity building.

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 enforcement activities, such as those in 1994 and 2003.

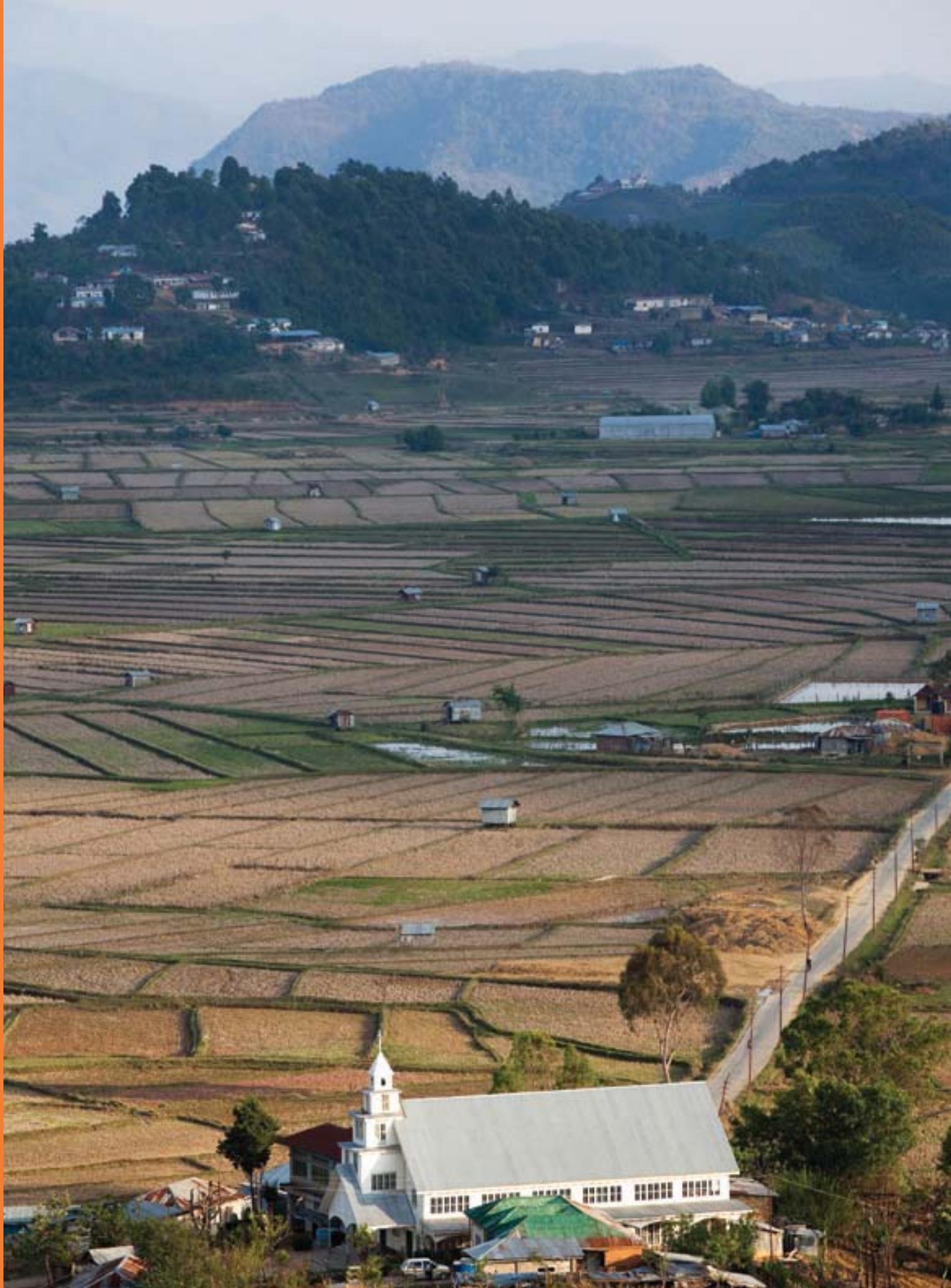
Mizoram's churches are among the most important positive influences in the state. They played a vital role as peacemaker to help end the long, armed struggle of the Mizo National Front (MNF). They can play a comparable role now by helping to create a climate of protection for the Chins.

- continue to play a critical role in providing community assistance to Chins and Mizos in Mizoram State through their hospitals, clinics, schools, and other community service outreach.

Across Mizoram State, churches have established health, education, and social service institutions and services to complement those of the government of Mizoram State and the central government of India.

- 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.

At this critical time, the Mizoram churches could provide a strong, positive influence on the state, its leaders and its people as they respond to the protracted refugee situation of the Chins. They could also play a complementary role to the government and NGOs to meet humanitarian needs by expanding infrastructure related to healthcare, social service, and education to the people in Mizoram, including the Chins. The churches' role in this regard is especially vital because they often establish outreach to the most under served areas and populations, including Chins and local people with low incomes.



We encourage the nongovernmental organizations in Mizoram State to

- continue playing their indispensable roles in the daily life of Mizoram.

We recognize, value, and applaud the vital roles that nongovernmental organizations (NGOs) play in Mizoram society.

- build a strong, mutually beneficial, working relationship with the Chin leaders and community.

NGOs play a major role in shaping public opinion and attitudes in Mizoram. We encourage the NGOs to help promote positive relations between Chins and local people from Mizoram, emphasizing their connections as one people separated by an international border, and encouraging ways that Chins and locals can reach out to one another and work together in mutual respect. One example might be to consider a careful approach to public statements about crimes involving Chins. This might involve discussing the crime in terms of the individual or the individuals directly accused, and not in terms of the ethnic identity of the criminals. In this careful approach, individuals are held accountable and punished for their actions, while the whole Chin community is not being held accountable and negatively characterized for the actions of one Chin or a small group of Chins.

- continue being engaged in the good faith, roundtable approach to address the humanitarian plight of the Chin people in Mizoram and to reduce Mizoram's burden.

NGOs, as vital community service organizations throughout Mizoram, can potentially play a strong role in addressing the plight of the Chins and reducing Mizoram's 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.

NGOs could complement the efforts of the central government of India, the Mizoram State government, and the churches. They could provide social services to the community, local people and Chins alike, focusing especially on healthcare and education and the needs of the groups most at risk.

- not be involved in enforcement activities that are ordinarily reserved for the government, if these actions are not authorized by the government or not subject to the full legal checks and balances and governmental executive or judicial oversight, as appropriate.

If NGO members carry out or encourage activities not legally authorized or not subject to full checks and balances and governmental oversight, activities normally reserved for the government, those activities are conducted outside the accountability and the checks and balances of the law. Even if such actions are well-meaning, such as to reduce crime in the community, this puts the NGO outside the oversight and accountability of the law. Such enforcement can overshadow the beneficial and selfless humanitarian work that NGOs do for the people of Mizoram and creates fear in the Chin community.

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

- continue working hard and providing mutual support to one another through their 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 of Mizoram.

Chins are known for their hard work and for their strong, Christian communities. These strengths have helped them to survive and begin to build new lives in Mizoram. Many in the community have had understandable reticence about going beyond their own communities, fearing arrest and deportation or fearing that they would not be welcomed and respected. Our hope is that this fear will dissipate with policy changes and social changes that are more welcoming to Chins. Without fear, Chins could carry out this recommendation more completely and build strong, constructive, mutually beneficial relationships with the local community. As a climate of protection hopefully develops, we would encourage Chins to build mutually beneficial, strong working relationships with Mizoram State's NGOs. This could include the Young Mizo Association (YMA), Mizo Hmeichhe Insuihkhawm Pawl (Mizo Women's Association), (MHIP), and Mizo Zirlai Pawl (Mizo Students' Association) (MZP), among other important NGOs.

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.

Concerned countries could partner with India by providing additional resources for UNHCR to operate in Mizoram and by sharing expertise, personnel, or funding to establish comparable or complementary protection mechanisms. Such partnership would help vulnerable, at-risk people, address a protracted urban refugee situation, and support and build trust with their valued partner India.

- 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.

Chins are struggling to locally integrate in New Delhi. Unaccompanied Chin children and single and widowed women are most at risk. There are also a number of individuals separated from family members resettled to third countries. India may find it beneficial for themselves if UNHCR and concerned countries, such as the United States, share part of India's burden by resettling Chins from New Delhi. This could help deserving women and children, facilitate family unity, address a protracted humanitarian situation, and support and build trust with their valued partner India.

- 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.

By addressing both the humanitarian plight of the Chins and reducing Mizoram's burden, the United States and other concerned countries could help begin to resolve a protracted refugee situation, care for a refugee population of concern, strengthen their partnership with India, and reduce the humanitarian burden on Mizoram, a strategic Indian state. We encourage governments to provide humanitarian resources working in a coordinated way through the central government of India, the Mizoram State government, the Mizoram Christian church, local and international NGOs, UNHCR, and the Chin community. These entities, working together in good faith, can help evaluate community needs, adapt social institutions to those needs, create strong relationships between the Chin and Mizoram communities, and address the Chin's protection and humanitarian needs and reduce Mizoram's burden in a way that has a positive, long-lasting impact on Mizoram State.

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.

UNHCR has not been granted access to Mizoram, but continued dialogue with the Indian government is critical. It can signal that the international community cares about the Chins and about Mizoram and that there is a willingness to partner with India to address the Chins' plight and reduce Mizoram's burden.

- 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 burden as host country.

Even with the efforts by the central government of India and UNHCR to improve protection and increase self-reliance, the discrimination, fear and insecurity Chins experience in New Delhi is significant. Chins in New Delhi cannot return to Burma, and they are generally struggling to locally integrate in New Delhi. Increasing individual referrals or group resettlement of Chin refugees in New Delhi should be strongly considered as the most viable durable solution.

- 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.

Chins, especially Chin children born in India, may be stateless because many may not be considered either Burmese or Indian citizens. Further legal and field research will help to establish how the complex Indian and Burmese citizenship laws impact different individuals and subgroups within the Chin community, how the governments are applying their citizenship laws, what the practice is among Chin parents of registering their children's Mizoram births with Indian and Burmese officials, how many Chin people might be stateless, and if needed, some solutions for Chins in need of citizenship.

- 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.

As a newly emerging population in New Delhi and in Mizoram, unaccompanied Chin children would benefit from a comprehensive study of their protection and humanitarian needs. Ideally the study would lay the foundation for a coordinated protection and assistance effort by the Chin community, UNHCR, the central government of India, the Mizoram State government, New Delhi officials, NGO partners, and child welfare professionals. Such a coordinated protection and assistance effort ordinarily includes a "best interest determination" (BID) to assure that the durable solution pursued by UNHCR and appropriate authorities is in the "best interest" of each child. Child welfare NGOs from concerned countries, such as the United States, can offer support to UNHCR and to Indian child welfare professionals to build local efforts and expertise to establish this approach. Establishing a viable system to protect and meet the various needs of these refugee children would be an important way for India to carry out its commitment to children as a party to the Convention on the Rights of the Child.

- audit UNHCR decisions in New Delhi regarding Chin refugees who arrived in New Delhi before 2007 who remain 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.

Some Chin refugees have been in New Delhi for up to ten years. The delegation encourages UNHCR to review older cases, most involving individuals who were granted refugee status more than four years ago, and a few other compelling cases. We ask UNHCR to review the cases that the delegation submits to determine whether the initial durable solution should remain the same or should change with the passage of time and circumstances. UNHCR could also explore how increased strategic use of resettlement might provide them additional opportunities to help vulnerable refugees, facilitate family unity, and enable concerned countries to share India's burden as host community.

- 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.

UNHCR operates throughout the world in a wide range of circumstances and has an international network of staff, a wide range of expertise, and strong relationships with donors and implementing partners that can often be helpful to individual host communities as they respond to humanitarian crises.

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.

Christian churches in Asian, the United States, the European Union, and around the world will be naturally concerned about the Chins' plight and Mizoram's burden. The populations of Chin State, Burma, and Mizoram State, India, are both over 90% Christian. Many Chin Christians are fleeing religious, ethnic, and political persecution in Chin State and seeking refuge in Mizoram. Chin Christians have historical ties to the American Baptist Churches USA. Mizoram Christians have historical ties to the Welsh Presbyterian and English Baptist and English evangelical churches. The MPCs partners with Presbyterian Church (USA), and the Baptist churches in Chin State and Mizoram State have ties to the Baptist World Alliance. There are many evangelical churches in Mizoram, including the United Pentecostal Churches of Mizoram and the Pentecostal Churches of Northeast India, the Salvation Army, Assemblies of God, and the Wesleyan Church. The Roman Catholic Church also has a strong presence in Mizoram State and in Chin State. Also, many churches in the United States and other resettlement countries have come to know and welcome Chin refugees and people from Mizoram into their own communities and will be moved to help the Mizoram churches support the large group of Chins seeking refuge in Mizoram. Also many other groups and individuals of good will have come to know and respect the Chins seeking refuge around the world.

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.

Just as there is strong international support for refugees from Burma along the Thai-Burma border and elsewhere, there could be similar support for the Chins seeking refuge in Mizoram, on the Indo-Burma border. Such a strong showing of international support can provide critical improvements to this protracted, urban refugee situation in a way that benefits not only the refugees but the host community as well. We urge governments to provide such development and humanitarian assistance through the central government of India, the government of Mizoram State, the Mizoram Christian churches, local, and international NGOs, UNHCR, and the Chin community. These entities, working together in good faith, could help evaluate community needs, adapt social institutions to those needs, create strong relationships between the Chin and Mizo communities, and address Chins' protection and humanitarian needs and reduce Mizoram's burden.





Conclusion

Stakeholders concerned about the Chins and about Mizoram State, India, face two interrelated challenges: how to address the protection and humanitarian needs of the Chins seeking refuge in Mizoram State and how to reduce the humanitarian burden that the migration of the Chin people has placed on the State.

The Chins' plight is that they were forced to flee from Burma because of ethnic, political, and religious persecution by the Burmese military regime. Despite this, the Chins are treated like illegal economic migrants. They have no access to refugee protection or legal status in Mizoram State, no protection from arrest, detention, and deportation, and no viable protection as victims of labor exploitation and crime. While the last large-scale deportations of Chins occurred in 2003, Chins continue to experience ongoing enforcement against them as illegal immigrants and continue to fear that large-scale deportations might resume because of reports of ongoing small-scale, anti-Chin activities in Mizoram. Chins also continue to suffer from chronic economic insecurity in what has become a protracted, urban refugee situation. Many of them are among the poorest of the poor in Mizoram. They work hard. Yet many lack livelihood opportunities that would enable them to better provide for their families and better contribute to the wider Mizoram community. Unlike local people in Mizoram, most Chins have no access to food through the public distribution system of the central government of India. Many cannot afford healthy living conditions and healthcare for their families. Due to lack of sufficient livelihood within their families, some Chin children go to work instead of school, perpetuating the cycle of poverty to the next generation.

Even without the many Chins seeking refuge, Mizoram State and India already have economic and humanitarian priorities and challenges concerning local residents of the state. With an estimated 100,000 Chins in Mizoram, the state is further challenged by this 10% increase in its population. Maintaining the status quo would not resolve either the Chins' humanitarian plight or reduce the burden on Mizoram, and it would be difficult for the Chins and unfair to their Mizoram hosts.

This report urges a roundtable, problem-solving, solutions-oriented approach to the two challenges. Motivated by humanitarian concerns, the delegation travelled to Mizoram to encourage a roundtable process, meeting with Chin and Mizoram leaders to better understand the complex humanitarian challenges. Key Mizoram political leaders at the local, state, and national levels who are all members of the current ruling Indian National Congress Party, all expressed concern about the Chins' plight and Mizoram's burden. The Opposition Leader of the MNF shares in that concern as well. Moreover, there appear to be legitimate motivations, for the good of their constituents, for Mizoram State government leaders to advocate with the central government of India and the international community to help the Chins and to reduce the State's burden. Within the Mizoram community, Christians and others of good will share common values and obligations to help the poor and welcome immigrants. There is great hope that Christian leaders will stand up and provide a strong, positive influence, encouraging the government to provide legal status, protection, and humanitarian help for the Chins while reducing Mizoram State's burden.

Over 100,000 refugees from Burma have fled from the Burmese military regime to the Thai-Burma border where for the last 20 years the international community has risen to the challenge of meeting their protection and humanitarian needs. This has helped to reduce the Thai government's burden of hosting them while also providing dignity and relief for the thousands who fled to them seeking refuge. The delegation's hope is that, whatever approach is chosen, the central government of India and the government of Mizoram State will work with UNHCR and the international community to create a similarly compassionate and effective international collaboration to help the Chins and to reduce the burden for Mizoram State, India.

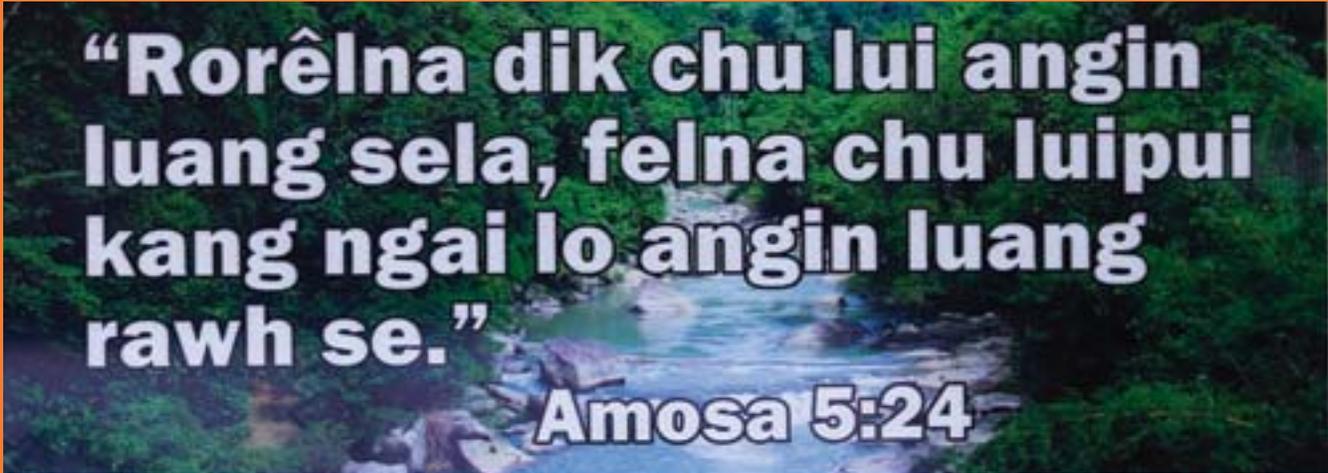
AFTERWORD

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, place challenges of mutual concern in the center of the table, and work toward a common understanding of those challenges, and how to meet those challenges 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 last 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 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.



**“Rorêlna dik chu lui angin
luang sela, felna chu luipui
kang ngai lo angin luang
rawh se.”**

Amosa 5:24

**“Let justice roll down like waters
and righteousness like an ever
flowing stream.”**

— Amos 5:24

This Bible passage in Mizo was posted in the waiting room of the office of Pu Lal Than-hawla, the Chief Minister of Mizoram State, India, and was also seen on the office walls of several Mizoram officials. It underscores the importance to Mizoram officials of their religious faith. For people from the United States, it is recognizable as a passage used by Dr. Martin Luther King, Jr., in the “I Have a Dream” speech, his nonviolent call for a just society.

12/1/00

09

Amh

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10/1/00