CHAPTER III

ANALYSIS: How Do the Lao Hmong Refugees Define Protection?

As I sat for every interview and explained the purpose and process of the encounter, the person in front of me would sigh heavily and look away and deeply into a corner of the room. When discussing protection, the first thing they would invariably recount were the atrocities they had escaped; the deadly enemy fire, the malnutrition, the constant run, the abandon of old rites of life and death, and the desperate hope for a better future for their children that had eventually driven them out. A married woman, mother of six children shared:

"*We ran every day. We could not stay in one place. Once we stayed too long, the men would tell us to move. One would lead the group of women to another man ahead and he would lead us to the next man... Like that from one man to another, we never knew whose husband we were going to see next. I would go for days without seeing my husband. You hear guns firing or you hear an explosion one day and you didn't know if you would see your husband again. And without your husband, you could not eat because when you dig for tubers, you need one person to dig and one person to keep watch for Vietnamese*[1] *soldiers. So first, he would dig and give me his rifle. He'd show me how to hold the rifle and how to fire it. I would hold it so tight in my hands and I would shake so loudly, he would tell me to stop making the leaves shake. [She laughs, covering her teeth with her hand.] Then, once he was tired, we would switch and I would dig and he would stand guard. Like that, until we had enough to eat. Our children didn't know how to eat rice until we arrived in Thailand. The French [Doctors Without Borders/MSF] would give them rice and they didn't know how to eat it. They would give them potatoes and they would take them and eat them. [...] [W]e could not bury our dead. We did not dare going back to the place where the attack was or people just would not return and we would keep moving. We*

[1] Lao Hmong refugees reported that attacks targeting them in the jungle of Pou Bia are carried out by both Lao and Vietnamese soldiers, based on conversations they overheard in both Lao and Vietnamese. They suspect that the Vietnamese are continuing to provide Laos with military training, arms and troops.

would find dead bodies days or weeks later and leave them because maybe the Vietnamese were looking. We didn't know how to be human anymore. [...] It was especially difficult to live as a woman. We [the women] lost all sense of shame. We didn't have anything so we would just crouch down, bloody [during our menstrual cycles]. We would not even bother covering ourselves up. Even if you wanted to, you didn't have anything to cover yourself with. [...] That is why it is so disheartening to be here now. We ran because we thought our children would not have a good future ahead living in those conditions. Now we are in the hands of the world [international community] and we still don't know if our children will have a future. I don't know how to be human."

(Refugee 3, Interview, July 16, 2010)

The facts related in her account are not particular to this participant. They conveyed poignantly the protection situation experienced by the urban Lao Hmong refugees. A founded fear of persecution was verified by UNHCR and resettlement agencies for all the individuals who participated in this research. Yet, despite having left terrifying circumstances behind, it is important to note the desperation and uncertainty they continue to face as refugees in Thailand: "we still don't know if our children will have a future." (Refugee 3, Interview, July 16, 2010). Her comment "I don't know how to be human" is a common, yet complex Hmong idiom that translates someone's hopelessness to have a dignified life and a deep sense of distress; the human life being the only dignified life in comparison to the life of an animal for instance (Fadiman, 1997). She was describing an existence that was devoid of human value and meaning, similar to that she endured while hiding in the jungle of Laos. Essentially, she longed to fully enjoy a sense of human dignity. "I don't know how to be human" would be repeatedly spoken to me by every interviewee during this research.

In the interviews conducted, recurring themes could be identified and classified according to their frequency of recurrence. The interviews were timed and coded by themes. When speaking of protection, the refugees expressed their concerns and needs according to the following top themes, in order of frequency of recurrence

(higher to lower): livelihood, fear, movement, education, and religion/culture. The other themes included interaction with refugee agencies and the Thai government, dealings with Thai Hmong, communications, etc. Let us study how the Lao Hmong refugees expressed their protection needs in each theme to understand better why these individuals who escaped serious security threats remained uncertain for their safety and future.

3.1 Livelihood

Livelihood is defined as "the capabilities, assets (stores, resources, claims and access) and activities required for a means of living" (Chambers and Conway, 1991:5). Those means are largely determined by both the characteristics of a person at birth (race, gender, physical abilities, etc.) and the social, economic and ecological environment in which a person lives (Ibid.). While conducting the interviews of this research, significant time was spent at the refugee's homes around meal times. Hmong customs of hospitality is to feed your guests, regardless of the amount of time they spend in your home. Observing the host family's actions and listening to their conversations during those times offered insightful indications of their means of livelihood. To better illustrate the range of livelihood challenges these refugees experienced, let me recount three short stories: a statement made by one refugee head of household to another, the provision of a family meal, and the celebration of a child's birthday.

"*To be completely honest, you lived better in [the Immigration Detention Center (IDC) in] Nongkhai than we do here [in Bangkok]. There, they give you food and housing. They pay for medicine if you or your children get sick. You don't have to be afraid of the police. Here, because they give you money, they expect you to pay for everything. [...] So at the end of the month, you barely have enough. We want to work, but we can't. [...] Maybe we're free, but we are too afraid to go anywhere. So I think it's more comfortable in Nongkhai.*"

(Refugee 2b, Interviews, July 19, 2010)

This was said during a conversation between a Lao Hmong head of household in Bangkok and a recent escapee from Phonekham resettlement village in Laos who, after the forced return of the Nongkhai group in December 2009, had found his way back into Thailand in April 2010.

When this particular conversation happened, we were sitting cross-legged on the floor, around a small, short table where lunch was being served. The table had foldable metal legs and a peeling linoleum-covered top; it would later be folded and tucked away behind the armoire after the meal was consumed to save precious living space in this one-room apartment. While I was speaking with their father and uncle about their protection concerns, the two teenage daughters were sent downstairs to purchase food from local street vendors. They were usually sent because "they speak Thai like the Thais" (Refugee 3, Interview, July 16, 2010) and were more likely to come back without any trouble from law enforcement and Thai neighbors. It was an extravagant spread of food for their means. It surprised me but only for a second, until I remembered the family's second youngest son's birthday.

Three months before this July meal, family and friends had filled the same small room to celebrate the eleventh birthday of the oldest boy. No table was used then, but rugs on the floor for the food to be served. Then too, I was amazed by the variety and quantity of food in front of us. "I don't have much but I want my son to be a child and have childhood memories," (Refugee 2a, Interview, May 29, 2010) his father had said to me as he excused himself for the simplicity of the festivities as rules of modesty would dictate him to. When I came back the following weekend, the parents were absent. After a little probing, their second daughter admitted her parents had traveled to Lopburi where it is easier find menial work without raising any suspicion with the local police. The birthday had put significant stress on their household budget and they had left for a week to cover the month's expenses (Refugee 4, Interview, June 6, 2010).

The observations from these three episodes can be generalized to describe the kind of hardship that affected the livelihood of these refugees: 1) Being a refugee in

an urban setting presented its own set of insecurity concerns, both in terms of safety and material comfort, 2) There existed significant obstacles to securing a job, including language barriers, discrimination and, again, security issues, 3) The overexposure of refugee youth to fulfill livelihood responsibilities resulted in rendering them especially vulnerable to all sorts of abuse. First, many of the interviewees concurred that living in a designated and closed-in facility such as the IDC in Nongkhai has its advantages, including those who lived in the IDC (Refugee 1b, Interview, July 23, 2010). As one head of household explained, UNHCR gave him 7,800 Bath monthly administered by the Bangkok Refugee Center (BRC) (Refugee 8, Interview, July 23, 2010). The medicine and hospital fees were fully covered by the BRC but, between rent (3,200 Bath/month), rice (1,200 Bath/month), there was little left to supplement his family's diet, afford school fees and purchase other household items (Refugee 8, Interview, July 23, 2010). While his family of eight lived on a little more than 100 Bath per day, he and other families were confronted with the reality of needing to supplement their household income.

Secondly, interviewees reported significant difficulties finding a job because of prejudicial attitudes from local Thais, language barriers, abusive working conditions, and the possibility of arrest and detention (Refugee 13, Interview, July 23, 2010; Refugee 2b, Interview, July 19, 2010; Refugee 8, Interview, July 23, 2010). Those in Lopburi faced similar obstacles though the semi-rural environment and the number of Thai Hmong residents in neighboring localities alleviated some of the constraints. As one refugee in Lopburi reports, Lao Hmong in Lopburi had a lesser tendency to live in close proximity to each other, which reduced xenophobic feelings from Thai neighbors and employers were used to hiring the local Thai Hmong to work (Refugee 10, Interview, July 20, 2010). It was the general opinion of those refugees interviewed that deterring factors in the urban setting were far more severe and more likely, pushing families to temporarily relocate to supplement household revenues.

Thirdly, besides the urban/rural differences, there was a generational divide in accessing the labor market and providing for the family. It was a direct reaction to the discrimination and security risks discussed above. As one mother explained, her

teenage daughters were often sent to run errands as they would blend in with the local Thais by their dress, their command of the Thai language and their demeanor (Refugee 3, Interview, July 16, 2010). One father explained: "I don't want my kids to work, but if they are caught, I can find a way to rescue them. If I am arrested, they won't know how to rescue me." (Refugee 2b, Interview, July 19, 2010). The effects of delegating the duties to provide livelihood to the family were dual. On one hand, it striped parents of their role as caregivers, further hindering their feelings of dignity. On the other hand, it disproportionately exposed youth to instances of abuse and arbitrary arrest while they had less experience and fewer recourses to deal with them.

"When the police raided my friend's house, I didn't know how I would tell my parents. They took everyone to the station and they took our phones. I had no way of getting help from my father."

(Refugee 6, Interview, July 17, 2010)

The result was a state of emotional desperation, financial uncertainty, and the subsequent practice of risky behaviors that dangerously undermined the security of the youth and that of the family.

As per Chambers and Conway's definition of livelihood (1991), both personal characteristics and environmental circumstances impacted negatively the Lao Hmong refugees' ability to provide for their families. Those in Bangkok reported to be further penalized due to the higher cost of living, stronger xenophobic sentiments and higher risks of being arrested or exploited. This latter was by far the strongest deterrence to access means of livelihood given that Thai law criminalized refugee employment, exposing refugees in dire financial state to abuse in the work place and police arrest (Lang, 2002). As it will be explained next, challenges to access meaningful livelihood was only one consequence of their illegal status.

3.2 Fear

As mentioned in a previous chapter, refugees were doubly vulnerable in Thailand because of their status as prima facie illegal immigrants under Thai law (Lang, 2002). Every interviewee had had one or more persons in their household arrested and/or detained by the police, including themselves. Sometimes, they were apprehended while working illegally, such as in this case where the refugee, her husband and her sister were hired to clean condominiums in downtown Bangkok.

"*I was arrested three times. [...] The third time I went out to buy lunch [for my sister, my husband and I] and the police stopped me. They asked me what I was doing and I said I was going to buy lunch. They asked me where I lived and I pointed to the condo building. They asked me to take them back and they found my sister and my husband. [...] We had to tell them we were cleaning the condos. They asked us if we were working illegally. Then, they asked us if we wanted them to help us not go to jail. They asked us for 4,000 Bath but we didn't have anything. So they asked for my husband's phone. They said to give them the phone or they would take us to immigration, so he gave them his phone. [...] The owner of the condo called my father to come and pick us up. He said he didn't want us to work there anymore because he didn't want any more trouble*"

(Refugee 7, Interview, July 17, 2010)

Others reported the extortion of small bribes by police officers while apprehended on the streets. One 20-year old male related a violent encounter with two police officers during which he was taken into a vehicle, beaten and later taken to a mobile phone store (Refugee 9, Interview, July 17, 2010). There, he was forced to sell his phone and give the proceeds to the officers. They later bought him a beer and gave him 50 Bath for his transportation home (Refugee 9, Interview, July 17, 2010).

Whether or not they were taken into custody seemed to depend largely on whether the station of the police officers where they were being taken and whether BRC workers or UNHCR officials could be alerted quickly to intervene (Refugee 7, Interview, July 17, 2010; Refugee 2b, Interview, July 19, 2010). For instance, if the police officers were from the Suthisan station which was located near the BRC, they

would most likely be aware of the Lao Hmong refugees, ask for a bribe and release them (Refugee 7, Interview, July 17, 2010; Refugee 2b, Interview, July 19, 2010; Refugee 9, Interview, July 17, 2010). Police officers from other stations would be harsher and take them to the Immigration Detention Center of Suan Phlu (Refugee 9, Interview, July 17, 2010). Based on their own personal experience, the interviewees had mixed feelings about the power that UNHCR could exercise to protect them in instances of abusive police practices.

Arbitrary arrests and other abuses by law enforcement forces were especially difficult on youth. The young participants surveyed expressed their powerlessness and helplessness to seek for help when apprehended by the Thai police.

"*I was crying because I didn't know whether or not I would see my family. The prison guards kept saying that we would be sent back home and I thought they meant our home in Laos. I didn't want to go back to Laos. I didn't want to leave without my family. [...] I was relieved when I saw Maipham*[2] *from UNHCR and she said, no, I was going home to my parents.*"

(Refugee 7, Interview, July 17, 2010)

They often played a difficult role as providers for their families but could not evade the feeling of also being a cause of stress for their parents while away from their home.

When seeking for help to be released from detention, some were disillusioned or even untrusting.

"*I used to believe UNHCR cared. But after they sent the Hmong in Nongkhai and in Petchabun back to Laos, I wonder how UNHCR can intervene if the Thai government decides they want to send us back too. I can't trust them.*"

(Refugee 5, Interview, July 16, 2010)

[2] Name was changed.

Another woman expressed her frustration at UNHCR after the police raided her apartment and they produced UNHCR-issued refugee documentation.

"*When my husband showed the police his refugee identification document, they used it to slap him on the head. They told him, how dare he use those papers in Thailand [...]. What is UNHCR worth in Thailand then? UNHCR is simply an insult to the Thai authorities.*"

(Refugee 3, Interview, July 16, 2010)

These statements above demonstrated that the interviewees were cognizant of UNHRC's protection mandate, but also of the agency's limited jurisdiction and protection authority in Thailand. It was the result of both education on the part of UNHRC (Refugee 5, Interview, July 16, 2010) and their first-hand experience with Thai law enforcement. They had a basic understanding of state sovereignty and the role it played in creating the situation of insecurity and uncertainty they lived in. They were also aware of the ramifications of living in such state of constant fear of Thai law enforcement bodies, especially in terms of livelihood opportunities as discussed before and of movement.

3.3 Movement

"*I will not go anywhere. I am too scared.*"

(Refugee 3, Interview, July 16, 2010)

This described succinctly, but profoundly the inhibition and the paralysis that the current Thai laws instilled in this refugee population. In all my interactions with this particular woman over seven months, I only witnessed her venturing down to the street one time. It was on the day of my departure and she came down to the foot of the building's door and waived me goodbye.

As *prima facie* illegal immigrants, refugees were not allowed to freely circulate in Thailand outside of the designed areas or camps (Lang, 2002). The fear of real and perceived threats of navigating an urban setting described previously was therefore further aggravated by an ill-fitted legal framework. In the refugees' own words, these direct and indirect restrictions on the refugees' movement undermined their security and their ability to provide for their family, negatively affected the health of their families, and fundamentally challenged their most basic human dignity. First, in the *Livelihood* paragraph above, it was clear that restricted movement posed serious impediments to effectively and safely seeking other revenue streams to supplement UNHCR cash allowances. Children would be left in the care of older siblings while parents travelled to neighboring provinces to work (Refugee 2b, Interview, July 19, 2010). Refugee youth themselves would have to look for small jobs in Bangkok, exposing them to possible abuse in their work place and arbitrary arrests in transit by Thai law enforcement to collect bribe monies (Refugee 7, Interview, July 17, 2010; Refugee 9, Interview, July 17, 2010). Among the individuals interviewed, financial distress and security concerns were constant conflicting forces, leaving the refugees in a desperate dilemma.

Secondly, as one refugee mother explained, restrictions on movement could have potentially devastating consequences on her ability to seek for medical attention for herself and her children.

"*My child was sick for two days before I went to the BRC. They gave me some medicine and told me to come back if my son was still sick after two days. The fever and hives on his back and arms did not go away. He couldn't swallow, not even water. Finally, I had to ask my neighbor to carry him to the BRC and they took us to the hospital. [...] I have waited before going to the BRC in the past because I don't want to walk on the streets. Even if it is close, I am afraid of the police and I would rather lie here at home and wait for the illness to pass.*"

(Refugee 5, Interview, July 16, 2010)

Another refugee reported constant pain and swelling in his legs from the daily inactivity of being confined in his studio (Refugee 1b, Interview, July 23, 2010). Medical expenses were fully covered, so were transportation costs; the services rendered at the medical facilities were reportedly good (Refugee 1b, Interview, July 23, 2010; Refugee 5, Interview, July 16, 2010). But it was deeply alarming that a person would be forced to contemplate jeopardizing her health and that of her children because she was not permitted by Thai law to freely travel a few street blocks to seek medical attention. In this particular case, she confessed that it was the state of disempowerment as a parent to care for her children that troubled her most (Refugee 5, Interview, July 16, 2010).

Finally, related to the statement of the refugee mother above, most refugees interviewed expressed their frustration at being "encaged like animals" (Refugee 10, Interview, July 23, 2010). A young father said:

"I want to work and earn money to raise my family. [...] But I can't help them if I am jail, so I stay inside every day. I am only thirty years old and I am still strong, but I watch television all day. I don't know how to be human. [...] Even now in Thailand, I don't know if I have a future. We are like wild birds in a cage."

(Refugee 11, Interview, July 23, 2010)

The social and emotional isolation was difficult and harder to understand for teenagers:

"When [my sister and I] met other Thai Hmong girls, we were so happy to speak to them. We asked them their names, but they would not respond to us. When I thought we had risked so much danger to come to the Hmong New Year, it made me sad. I thought that maybe it's better we stay inside."

(Refugee 6, Interview, July 17, 2010)

The inhibition and paralysis felt by the Lao Hmong refugees reduced them to a state of helplessness that was unworthy and subhuman in their eyes. Unable to fulfill

their responsibilities as bread earners and care givers, parents experienced restrictions of movement as an assault on their most basic human dignity. Youth experienced the isolation as an obstacle to their socio-economic development, leaving them helpless to meet their personal, educational and professional aspirations.

3.4 Education, Religion and Culture

When speaking with the refugees about their protection concerns, all demographics (i.e. youth, adult, elderly, female and male) expressed their anguish at the lack of opportunities to pursue an education, as well as the inability to practice religious and cultural preferences. In Bangkok, refugee children could access primary education in neighboring schools, and uniforms and school fees were paid for by the BRC (Refugee 9, Interview, July 17, 2010; Refugee 6, Interview, July 17, 2010). The BRC also offered daily English and Thai classes for teenagers and would subsidize more advanced courses at private language institutions on a merit base (Refugee 6, Interview, July 17, 2010). But for those who did not meet testing standards and/or reached the age limit, there are few options. One teenage girl recalled her desperate plea to remain in her English class.

"*They told me I hadn't passed my exam but I was too old to study. There were twenty students and I was the oldest; I was eighteen. After they told me that, I went to the BRC three days in a row to ask P'Dang*[3] *to let me back in the class. She said there wasn't anything new for me to learn. I said, I don't care if I learn the same lessons all over again. I told her, all I wanted was not to forget what I had learned. On the third day, I cried and begged her to let me back in the class. She asked: "Who is your father? Is it the one waiting for you guys every day after school?" I said yes and she finally said ok.*"

(Refugee 6, Interview, July 17, 2010)

[3] Name was changed.

Parents were grieved with the idea that escaping to Thailand didn't necessarily mean a brighter future for their children (Refugee 3, Interview, July 16, 2010; Refugee 2a, Interview, May 29, 2010). The sense of helplessness with regards to their parenting abilities, especially in terms of education, was a recurring theme in our conversations. Parents were fully aware that they were ill-equipped to prepare their children for the world they lived in and the countries they hoped to be resettled to, that the system was failing to provide those services in a meaningful way, and they perceived it was directly undermining their protection (Refugee 3, Interview, July 16, 2010; Refugee 2a, Interview, May 29, 2010).

"*If we can't speak English, I'm afraid Australia and the U.S. will not take us.*"

(Refugee 2a, Interview, May 29, 2010)

But the parents interviewed expressed their inability to educate their children in more ways than one. Beyond a formal education, they lamented their inability to keep their families safe and to transmit their religious and cultural beliefs to their children (Refugee 2b, Interview, July 19, 2010; Refugee 8, Interview, July 23, 2010).

"*We haven't called the spirits since we moved here [4 years ago]. There is no space. [...] We are lucky because our neighbors are nicer than in the case of other families, so we can have meetings for the elders in our home and invite family and friends for a meal or a celebration. But we don't want to upset our neighbors, so we don't have sacrifices and spirit calling rituals. When our children get sick or we get sick, we can only go to the BRC. We can't call their spirits back.*"

(Refugee 2b, Interview, July 19, 2010)

The Hmong normally live a very spiritual existence that requires complex and frequent rituals throughout the year and one's life in order to maintain harmony and health (Fadiman, 1997). For these parents, failing to do so was understood to bring illness and misfortune upon the household that did not practice (Ibid.; Refugee 8, Interview, July 23, 2010). In their mind, in order to avoid drawing unnecessary

attention to their homes, they were faced with a predicament that limited their ability to provide spiritual protection to their families.

In their own words, the participants of this study proposed a definition of refugee protection that is all-encompassing. They underlined the fundamental ways in which the lack of effective protection affected their livelihood opportunities, their sense of security, their ability to move, and their desire to cultivate and express a common identity. Regardless of the themes evoked, there was a common thread: the distinct perception that their most basic human dignity was eroding. They were finding themselves in a state of illegality that aggravated their vulnerabilities, regardless of their place and role in the family. In their own words, parents endured the infantilizing and dehumanizing effects of a highly dependent situation. Youth were desperate to build the social and educational skills towards a better future. In all cases, their experience presented fundamental challenges to their desire for meaningful participation and self-sufficiency that would help alleviate their protection concerns.