

# Algeria

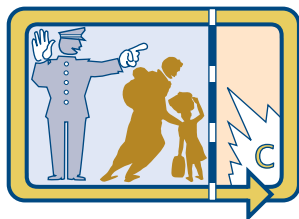
<b>Refugees and Asylum Seekers</b>	<b>95,000</b>
<b>Morocco</b>	<b>90,000</b>
<b>Former Palestine</b>	<b>4,000</b>

<b>New Asylum Seekers</b>	<b>740</b>
<b>Departures</b>	<b>Unknown</b>

**1951 Convention: Yes**  
**1967 Protocol: Yes**  
**Reservations: None**  
**UNHCR Executive Committee: Yes**  
**African Refugee Convention: Yes**

**Population: 32.8 million**  
**GDP: \$114.3 billion**  
**GDP per capita: \$3,400**

Algeria . Statistics .



### Refoulement/Physical Protection

There were no reports that Algeria forcibly returned refugees to their countries of origin but it deported an indeterminate number of refugees and asylum seekers registered with the

Office of the UN High Commissioner for Refugees (UNHCR) to its border with Mali. Authorities ordered others they arrested to leave the country within 15 days but took no further action. Monitoring of interception measures in border areas was not possible. Algeria also deported thousands of other migrants, some of them likely asylum seekers, to Sub-Saharan Africa without a chance to apply for asylum or challenge their deportation. UNHCR's operational capacity in terms of legal assistance was limited to the capital.

The Government threatened to deport some 66 refugees, mostly from the Democratic Republic of the Congo (Congo-Kinshasa), whom it had apprehended among some 700 migrants near the Moroccan border at the end of 2005, and sought *laissez-passers* from the Congolese Government. Third countries resettled six of them.

Algeria was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, without reservation. The 1989 Constitution provided that in no case may a "political refugee" with the legal right of asylum be "delivered or extradited." A 1963 decree established the Bureau for the Protection of Refugees and Exiles (BAPRA) in the Ministry of Foreign Affairs and called for an appellate board consisting of representatives of various ministries and the UNHCR but, because the authorities never requested UNHCR to designate its representative, the agency did not participate. The law required applicants to

submit appeals within one month after denial or within one week in cases of illegal entry, order of expulsion, or applicants the authorities deemed a security risk. The decree authorized BAPRA to decide cases and stipulated its recognition of those UNHCR had already recognized. The Government, however, granted asylum to only one refugee during the year, an Iraqi, and he received a three-year residence permit.

The Government recognized the Sahrawi and all 4,000 Palestinians as refugees but, as in the past, delegated virtually all other cases to UNHCR during the year. Algerian authorities told a delegation of the Office of the UN High Commissioner for Human Rights (UNHCHR) that responsibility for human rights and related matters lay with the government-in-exile of the Polisario rebel group from Western Sahara, a claim the delegation rejected. More than 700 persons applied in 2006, nearly half in the last quarter, including more than 300 from Côte d'Ivoire, nearly 200 from Congo-Kinshasa, and more than a hundred from Cameroon. The number of refugees (other than Sahrawi and Palestinians) and asylum seekers with cases pending at the end of the year was nearly 1,000, mostly from Congo-Kinshasa, Côte d'Ivoire, and Cameroon in urban areas and another 200 from Mali and Niger in the countryside. According to UNHCR, "Due to various factors, such as the restoration of peace and security in the country, the brisk pace of economic growth and the restrictive asylum policies in the EU zone, Algeria is in the process of becoming an asylum country for a growing number of sub-Saharan Africans. ... Durable solutions will have to be identified to a large extent locally." The official Algerian attitude, however, was that there were no bona fide sub-Saharan refugees in the country as they either should have sought protection in a neighboring state or presented themselves to the border authorities. Authorities considered all undocumented sub-Saharan Africans to be illegal aliens.

In February, torrential rains caused flooding that injured a number of Sahrawi refugees in the remote Tindouf camps and swept away the dwellings of about 12,000 refugee families. According to UNHCR, juvenile delinquency was also becoming a problem due to a lack of activities for young people.

### Detention/Access to Courts

Algeria continued to detain 66 refugees (58 from Congo-Kinshasa, 7 from Côte d'Ivoire, and 1 from Eritrea) whom it had apprehended among some 700 migrants at the end of 2005 in the



Maghnia region near the Moroccan border. It charged them with illegal entry and illegal journey in Algeria and moved them to a facility in Adrar. The Government denied UNHCR access to the facility until March 2006, whereupon a protection team from UNHCR's Geneva headquarters conducted status determinations and granted them refugee status. The Government did not inform UNHCR when it detained refu-



gees or asylum seekers. The Maghnia detainees managed to contact UNHCR themselves. They remained in detention as of April 2007.

Police arrested some 30 refugees and asylum seekers per month, generally sub-Saharan Africans, and presented them to the courts. With the help of lawyers and UNHCR's intervention, refugees and asylum seekers in Algiers challenged their own detention and generally won release. Those who authorities arrested outside the capital, however, did not have access to counsel or defense. Refugees and asylum seekers did not have access to courts to vindicate their rights as they had to avoid them for fear of arrest.

The 1963 decree empowered BAPRA to issue personal documentation to refugees. UNHCR issued some 500 "To whom it may concern" letters to asylum seekers, but was only able to do so in Algiers. The security forces respected UNHCR attestations certifying that a person is a refugee or a person of concern more than they did the letters. Security constraints left the rest of the country uncovered.

**Freedom of Movement and Residence** The Government allowed the Western Sahara rebel group, Polisario, to confine nearly a hundred thousand refugees

from the disputed Western Sahara to four camps in desolate areas outside the Tindouf military zone near the Moroccan border. According to Amnesty International, "This group of refugees does not enjoy the right to freedom of movement in Algeria....

Those refugees who manage to leave the refugee camps without being authorized to do so are often arrested by the Algerian military and returned to the Polisario authorities, with whom they cooperate closely on matters of security." Polisario checkpoints surrounded the camps, the Algerian military guarded entry into Tindouf, and the police operated checkpoints throughout the country. In May, a UNHCHR delegation attempted to examine human rights conditions in the Polisario-administered camps but was unable to collect sufficient information and said closer monitoring was "indispensable."

The Polisario did allow some refugees to leave for education in Algeria and elsewhere and to tend livestock in the areas of the Western Sahara it controlled and Mauritania. It did not, however, allow members to leave with their entire families. An unknown number reportedly held Mauritanian



**In February, flash floods destroyed thousands of refugees' mud dwellings in the camps around Tindouf, Algeria. Unlike the 4,000 Palestinians Algeria allowed to live and work in cities, it confined the 90,000 Sahrawis to desert camps where they were completely dependent on international aid. Credit: Saharaiak**

passports and the Algerian government also issued passports to those the Polisario permitted to travel abroad.

The Government issued no international travel documents.



### Right to Earn a Livelihood

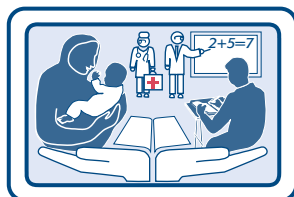
Algerian law severely restricted the rights of foreigners to work and made negligible exception for non-Palestinian refugees. The one refugee to whom the Government granted asylum during the year was

in the process of obtaining a work permit as of March 2007.

The 1981 Employment of Foreign Workers Law and the 1983 Order of the Ministry of Labor allowed only single-employer work permits for jobs for which no national, even one abroad, was qualified. Employers had to file justifications consistent with the opinions of workers' representatives. Permits were valid for no more than two years and renewal required repetition of the same procedure. Employees could not change employers until they completed their contract and then only in exceptional circumstances after consultation with the previous employer. Violators were subject to a fine and/or imprisonment from ten days to a month. The only unskilled foreigners the law permitted to work were those with "political refugee" status.

The 1990 Labor Law, amended in 1997, incorporated the same national labor protection requirements, without exception for refugees. A 2005 decree established regional labor inspection offices to enforce laws regulating the employment of foreigners and to take action "against all forms of illegal work." According to UNHCR, Palestinian refugees had access to the labor market under a special dispensation.

Although the Constitution provided that "Any foreigner being legally on the national territory enjoys the protection of his person and his properties by the law," refugees could own moveable property only. The desert surrounding Tindouf where the guerillas confined refugees from Western Sahara supported virtually no livelihood activity except that refugees could own goats and sheep.



### Public Relief and Education

In February 2007, UNHCR and the World Food Programme (WFP) found dire conditions in the camps including anemia among pregnant and lactating women.

The refugees were entirely dependent on humanitarian aid and agencies had to cut food supplies toward the end of 2006 and had only partially restored them later. In response to the February floods, the Government sent eight army planes with 4,000 tents, 14,000 blankets, and 62 tons of food and more aid in four convoys from neighboring provinces. The European Commission donated \$1 million in flood relief. Regular aid budgets included \$21 million for the

WFP, \$3 million for UNHCR, \$2 million for operational partners, and \$860,000 for implementing partners. Algeria itself donated \$60,000 to UNHCR.

Most of the refugees in the camps around Tindouf lived in brick or mud shacks, had precarious access to health services, and could not adequately educate their children. According to WFP, about 35 percent of children under five in the Tindouf camps suffered from chronic malnutrition. An observer in late 2003 described a "system of clientelism, permitting leaders to keep a strong grip on the population. ... Everyone has to beg for the leaders' favors. These favors can consist, for example, of a medical operation abroad, studies, a job with the Polisario, the right to leave the camps, and probably economic favors as well."

The Polisario and Algerian authorities tightly controlled the activities of international aid workers and the Polisario reportedly diverted substantial amounts of aid from refugees for its own purposes. Some aid agencies distributing European Commission aid, supportive of the Polisario's political and military enterprise, did not distinguish between the organization and the refugees. The Government claimed there were about 150,000 refugees in the camp but refused to allow a registration census.

Enrollment in public schools required residence permits, which de facto and UNHCR-recognized refugees did not have. Some 21 refugee children enrolled in private schools with UNHCR paying the fees. Refugees and asylum seekers, however, did have access to free public health facilities and UNHCR paid a pharmacy to provide their medicines.

Neither the national Poverty Reduction Strategy Paper Algeria prepared for international donors, the Common Country Assessment, nor the UN's joint plan of action with the Government for 2007-2011, included refugees.

## Angola

**Refugees and Asylum Seekers** 15,600  
Congo-Kinshasa 14,100

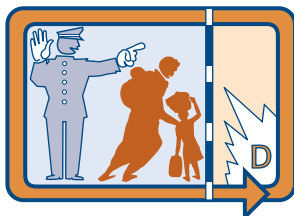
**New Asylum Seekers** 1,020  
**Departures** 10

**1951 Convention: Yes**  
**Reservations: Arts. 7, 8, 9, 13, 15, 17, 18, 24, and 26**  
**1967 Protocol: Yes**  
**UNHCR Executive Committee: No**  
**African Refugee Convention: Yes**

**Population: 15.8 million**  
**GDP: \$43.8 billion**  
**GDP per Capita: \$2,780**

Angola . Statistics .





## Refoulement/Physical Protection

Angola returned six Congolese refugees to the Democratic Republic of Congo (Congo-Kinshasa) and deported three Sierra Leoneans to Senegal.

During 2006, Angola reportedly

expelled hundreds of thousands of illegal migrants without meaningful screening for refugees or asylum seekers. The Office of the UN High Commissioner for Refugees (UNHCR) had no access to most deportees and, as it had no presence at border posts, could not determine if the Government turned back potential asylum seekers. Once aware of detained refugees and asylum seekers, UNHCR intervened to obtain their release, in one case, securing the return of a refugee deported to a third country.

Many of the deportees were from Congo-Kinshasa, and most had been working illegally as diamond miners. Many of the long-term Congolese refugees in Angola lived in the mining areas, along with refugees and asylum seekers from other nations, and many mined illegally. Mine security guards reportedly beat one 40-year-old Congolese miner to death in February, beat four Congolese miners in two April incidents, and kidnapped and robbed other Congolese miners.

UNHCR registered almost 1,100 asylum seekers during the year, with 2,500 from previous years still waiting for refugee status determinations (RSDs) from the *Comité de Reconhecimento do Direito de Asilo* (COREDA). About 1,000 asylum seekers had significant delays in their RSDs, some for more than three years. Delays were particularly bad in the remote provinces.

Angola was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (African Refugee Convention). It maintained, however, reservations to the Protocol's dispute resolution provision and the 1951 Convention's rights to work, freedom of movement, and residence. Angola's 1990 Law on Refugee Status provided for asylum based on the 1951 and African Refugee Conventions.

Angola hosted about 2,100 individually recognized refugees and asylum seekers; along with roughly 13,500 refugees from Congo-Kinshasa it had granted *prima facie* status in the 1970s. The number of Congolese refugees was likely higher, as there had never been any formal registration and births and deaths often went unrecorded.



## Detention/Access to Courts

During the year, Angolan authorities arrested refugees and asylum seekers on charges including illegal entry or stay in the country, illegal employment, and moving about without proper documenta-

tion. The Legal Assistance and Reintegration Centre (LARC),

UNHCR's implementing partner, learned of 158 such arrests in Luanda; in every case, UNHCR was able to secure their release. While the authorities sometimes informed UNHCR of the arrest of refugees and asylum seekers, UNHCR generally learned about these incidents from its field offices, LARC staff, or the detainees' friends and relatives.

UNHCR, the LARC, and local and international nongovernmental organizations (NGOs) were able to monitor detention facilities, but the only active LARC office was in Luanda.

The COREDA-issued card for refugees and asylum seekers was unlike any other government-issued card. Police frequently detained refugees and asylum seekers along with illegal immigrants despite the protection the Law on Refugee Status provided refugees from arrest for unlawful entry or presence.

Refugees had no access to the courts.

## Freedom of Movement and Residence

Lack of adequate documentation made it difficult for refugees to travel freely within Angola. Police frequently harassed and extorted money from travelers and the Government restricted access to diamond-rich areas.



Angola's 1994 Regulation on the Legal Regime of Foreigners granted foreigners freedom of movement and residence, subject to security restrictions imposed by the Ministry of the Interior. Refugees required permits to travel in security-restricted areas, unless traveling between home and work.

The Law on Refugee Status entitled refugees to international travel documents, valid for two years and renewable in Angola or at Angolan consulate. UNHCR provided blank travel documents to Angolan asylum authorities, who processed and issued them to 105 refugees during 2006.

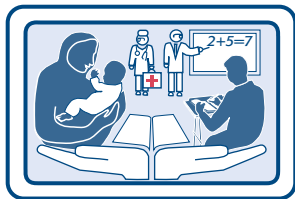
## Right to Earn a Livelihood

While the Law on Refugee Status said refugees "shall be entitled to engage in gainful activities," very few refugees were able to do so in the formal sector. Typically, UNHCR had to intervene to assist refugees in gaining access to formal employment, as there was a high unemployment rate among nationals and many employers, as well as immigration officials, did not recognize the COREDA-issued cards as valid for employment.

Many long-term Congolese refugees were unable to work formally because they lacked documentation.

Refugees did not enjoy the protection of Angolan labor legislation. Refugees could not legally form businesses and, because banks did not accept the refugee cards, could not open bank accounts.





### Public Relief and Education

The Government committed to no more than administrative support for refugee protection, but UNHCR and its partners were able to help refugees gain access to public services in and around the

capital, Luanda. A few hundred of the neediest refugees in Luanda received food aid from UNHCR. Outside the capital and adjoining provinces, UNHCR did not have the means to provide assistance.

In 2005, UNHCR turned over to Angola the operation of the Viana refugee camp schools, near Luanda. Angolan and Congolese refugee children attended them side-by-side. In 2006, Viana's schools offered education through grade four, as did those in the Sungui settlement in Bengo Province. Many refugee children did not continue past grade four because the national schools charged high fees and discriminated against them for their lack of documentation.

Angola did not include refugees in its development planning, but the international NGO Development Workshop ran a micro enterprise program for refugees.

for Immigration and Citizenship, but the latter granted it in only about five percent of cases between 1996 and 2003.

During 2006, Australia returned three asylum seekers from West Papua, Indonesia to Papua New Guinea, because they had spent more than one week in Papua New Guinea before seeking asylum in Australia.

The Edmund Rice Centre for Justice and Community Education interviewed 41 failed asylum seekers (37 Afghans, 2 Iraqis, 1 Palestinian, and 1 Congolese from Democratic Republic of Congo) after their deportations and found that authorities had returned all of them to dangerous situations. Two returned Afghan asylum seekers died and there was strong evidence of the deaths of seven others. Unknown assailants in Baghdad reportedly killed an Iraqi Shi'a refugee just a few months after Australia had deported him in 2004. Fellow émigrés speculated that ex-Baathists or al Qaeda agents killed him as they viewed Australian deportees as spies. Australia offered (though did not always give) financial inducements and conditions in Nauru and other Australian detention facilities were harsh, making the voluntary nature of the repatriations questionable. Only one of the asylum seekers interviewed remained in the country to which authorities deported him.

In 2001, Australia excised islands along its northern coast from its "migration zone" and did not permit asylum seekers who arrived at these locations or those it intercepted at sea to apply for visas in Australia. In March, Australia granted temporary protection visas (TPVs) to 40 asylum seekers who had arrived by boat in January from West Papua, Indonesia. The resulting tension with Indonesia prompted the Prime Minister to attempt to change the laws to include arrivals to the mainland by boat in the offshore policy, but the Senate defeated the measure in August. Officials from the Department of Immigration and Multicultural Affairs (DIMIA, re-named the Department of Immigration and Citizenship in January 2007) assessed asylum claims and more senior officials considered appeals. Australia detained those offshore arrivals it found to be refugees until other countries agreed to accept them, although the Minister for Immigration and Citizenship had discretion to grant them visas to stay in Australia. Australia returned those it found not to be refugees to countries where they had legal residency.

DIMIA tape-recorded and documented in writing all asylum hearings and provided results in writing, in both English and the asylum seekers' preferred languages. Rejected asylum seekers had seven days to appeal.

Refugees who arrived in the migration zone without visas were only eligible for TPVs permitting them to live, work, and receive health and social services in Australia for three years. TPVs did not, however, allow refugees to return after leaving the country or for family reunification. Refugees with TPVs could apply for further protection at any point during their stay and for renewal of the TPVs. In November, a court ruled that Australia did not have to give ongoing protection to refugees on TPVs when they reapplied if there was a change in the situation in their home countries that

## Australia

<b>Refugees and Asylum Seekers</b>	<b>14,800</b>
Sudan	3,100

<b>New Asylum Seekers</b>	<b>3,060</b>
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**1951 Convention: Yes**  
**1967 Protocol: Yes**  
**Reservations: None**  
**UNHCR Executive Committee: Yes**

**Population: 20.6 million**  
**GDP: \$754.8 billion**  
**GDP per capita: \$36,600**

Australia . Statistics .



### Refoulement/Physical Protection

Australia returned failed asylum seekers either to their country of origin or to a country where they had residency rights. The Government, however, maintained that it only did so after

rigorous refugee status determinations. While Australia offered complementary protection to those who did not meet the standard of the 1951 Convention relating to the Status of Refugees in its resettlement program, it did not for asylum claims. Asylum seekers could request relief from deportation on humanitarian grounds at the discretion of the Minister



obviated their need for protection. Since 2004, TPV holders had also been able to apply for other migration visas, including employment, business, regional migration, family, or temporary student visas.

Refugees with TPVs whom DIMIA found no longer in need of protection were eligible for 18-month Return Pending Bridging Visas when their TPVs expired, to allow them to make arrangements to leave the country. The Minister could grant Permanent Protection Visas (PPVs) to anyone who would otherwise be restricted to a TPV. About 1,000 remained on three-year TPVs.

Australia permitted asylum seekers who arrived with valid visas to apply for PPVs, providing they had not spent more than seven days in a country that could have protected them. Asylum seekers whose claims authorities rejected onshore could appeal to the Refugee Review Tribunal. In June 2005, the Prime Minister established a 90-day limit for interviews and appeals, with DIMIA reporting cases that missed the deadlines to Parliament.

Two Australian teens killed a Sudanese refugee near Sydney in February. One pled guilty to manslaughter in September, and a jury convicted the other of manslaughter at trial and a judge sentenced him to between four and six years in prison. In April, unknown assailants firebombed the home of a Sudanese refugee and her seven children in Toowoomba, Queensland.

The Refugee Program accepted 12,100 refugees, most of whom UNHCR referred. The Special Humanitarian Program (SHP) offered visas to people who fled significant discrimination whom Australian citizens or Australia-based organizations referred. Between July 2005 and June 2006, Australia granted 14,100 protection visas. This included almost 1,300 granted onshore (1,000 PPVs and 280 TPVs), out of 3,300 applications. For 2006-07, Australia allotted 6,000 visas for its refugee program and 7,000 for onshore and SHP cases, and filled 6,600 of them by year's end, 3,400 from special humanitarian program, 3,000 from the refugee program, and 200 through onshore grants of protection.



### **Detention/Access to Courts**

As of December, Australia held roughly 310 asylum seekers or failed asylum seekers in detention facilities. Detainees could not challenge their detention in court. Australia increasingly released long-term

detainees, particularly those with health problems, but this remained a discretionary power of the Minister for Immigration and Citizenship. UNHCR had access to all detention facilities and attempted to visit the main centers every 18 months.

The Migration Amendment Bill 2005 declared that the Government should only detain children as a last resort and allowed the Minister to permit women and families to live outside facilities under DIMIA supervision. As of January 2007, there were 33 children living in alternate detention

arrangements. The Bill required the Minister to report to the Commonwealth Ombudsman on any noncitizen in immigration detention for more than two years. The Ombudsman had the power to investigate any issues arising from the reports, and could question DIMIA officials under oath and enter any detention facility. The Ombudsman could make recommendations, including continued detention, release to community detention facilities, or permanent residency.

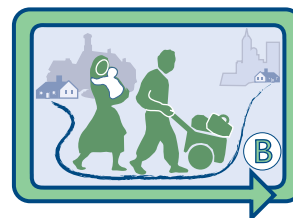
In August, the Minister apologized and paid compensation to a female refugee whom other inmates assaulted and attempted to rape in a facility with 50 men during 2002. In November, a clash at Sydney's Villawood detention center injured five male detainees and one guard.

In 2004, courts found that indefinite detention was constitutional if the Government intended to deport foreigners, that international human rights obligations did not restrict executive power to detain them, that detention of foreigners need not be reasonable or proportionate to avoid being punitive, and that no court may order the release of foreign children from detention.

Refugees and asylum seekers in Australia proper had full access to the courts (although not to challenge detention), but not those detained offshore.

### **Freedom of Movement and Residence**

Outside of detention, all refugees and asylum seekers enjoyed complete freedom of movement within Australia. The Government issued international travel documents to those with permanent protection and they were free to travel abroad and return as long as they did not travel to their country of origin. Refugees with TPVs, however, did not have the right to return to Australia if they left. Asylum seekers who left the country without showing good cause automatically forfeited their chance to seek protection.



In December, the city council of Tamworth in New South Wales refused to accept five families of resettled Sudanese refugees. The Mayor said the council feared the refugees would not find work, might carry diseases, and would sexually harass local women. In January 2007, the town relented and agreed to accept them.

### **Right to Earn a Livelihood**

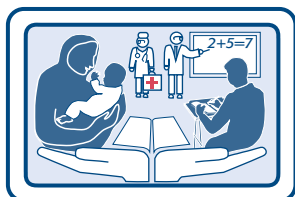
The Government permitted refugees to work.

Asylum seekers who arrived with valid visas and who spent fewer than 45 days in the previous year in Australia before applying for asylum could work while the Government processed their claim, assuming their original visa allowed them to work. Those whose visas did not allow them to work had to apply for permission to work, and had to demonstrate a need to



work. The Government also suspended work rights when it rejected claims, even if the asylum seeker filed a request to the Minister to stay on humanitarian grounds.

Refugees had full rights to practice professions, own permanent and movable property, open bank accounts, and run businesses. They had full protection under Australia's labor laws.



### Public Relief and Education

The Government provided newly arrived refugees and humanitarian entrants in their first six months with orientation, information, and referrals; assistance in finding housing; clothing,

footwear, and household goods; as well as short-term torture and trauma counseling and emergency medical assistance. Refugees and Special Humanitarian Program entrants were exempt from the two-year waiting period to receive unemployment and sickness benefits, student allowances, and other payments. Those with dependent children could receive family tax benefits and childcare benefits.

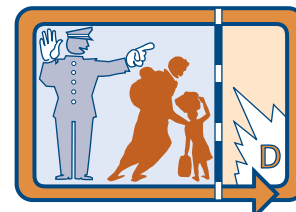
PPV and TPV holders were only eligible for short-term torture and trauma counseling. Asylum seekers with pending applications and visas with work rights received government health insurance. Those without work rights did not get government health insurance, but the Australian Red Cross aided some.

Immigration detention centers offered 24-hour medical, dental, and psychological health services. They also offered educational programs, including English language instruction.

Both refugees and asylum seekers had the same access to primary and secondary education as nationals. Refugees with TPVs and asylum seekers had limited access to post-secondary education.

### Refoulement/Physical Protection

Although formal repatriation exercises halted in 2005, on March 1, 2006, Bangladeshi authorities handed 75 Myanmar nationals over to the authorities of Myanmar. Some deported refugees managed to sneak back into Bangladesh and share food and lodging with relatives in the camps. The Government also turned back as many ethnic Rohingya refugees from Myanmar as possible at the border.



In May, assailants raped and murdered one refugee mother of six after camp guards sent her on an errand at night in exchange for allowing her brothers to visit her in the camp. In August, police and Kutupalong camp authorities severely beat and hospitalized five refugees attempting to return to the camp with firewood although refugees claim it was in retaliation for their holding banners welcoming U.S. officials when they visited the camp the week before. Local villagers and fellow refugees reportedly sexually abused refugee women and girls in the camps when their husbands and fathers left the camps illegally to work.

Bangladesh had no refugee law. The 1920 Passport Act, the 1946 Foreigners Act, and the 1952 Control of Entry Act applied to all foreigners without exception for refugees.

The Government allowed temporary asylum on a case-by-case basis to those UNHCR recognized in urban areas and to the 26,200 Rohingyas from Myanmar whom authorities confined to Kutupalong and Nayapara camps in the southern Cox's Bazar area. Estimates of the unregistered population ranged from 100,000 to 300,000, many of whom returned from Myanmar after forcible repatriation, living outside the camps without legal status in the Cox's Bazar and Bandarban districts. About 10,000 lived in a makeshift camp between the Naf River and a highway where vehicles killed roughly 25 refugees in 2005 and 2006. There were also about 200 non-Rohingya Myanmar and about 100 other refugees and asylum seekers of various nationalities in UNHCR's urban caseload.

Canada accepted the first 23 camp-based Rohingya refugees for resettlement and 13 departed during the year. At least 60 to 80 registered refugees left by boat for Malaysia, some landing instead in Thailand. Others left for Saudi Arabia, the United Arab Emirates, and Pakistan for employment. Several sought asylum in UNHCR offices in Malaysia and other countries in the region, asserting that they did not receive effective protection in Bangladesh.

Some 160,000 Urdu-speaking, stateless Biharis, who had originally left the Indian state of Bihar for East Pakistan (today's Bangladesh) after the 1947 partition, remained in 66 camps throughout the country. Authorities had encamped them after some members of the community opposed Bangladesh's 1971 secession from Pakistan. In 2003, the Bangladesh High Court accepted the application

## Bangladesh

**Refugees and Asylum Seekers**     **178,100**  
**Myanmar**     **178,000**

**New Asylum Seekers**     **40**  
**Departures**     **Unknown**

**People in Refugee-Like Situations**     **160,000**

**1951 Convention: No**  
**1967 Protocol: No**  
**UNHCR Executive Committee: Yes**

**Population: 146.6 million**  
**GDP: \$65.2 billion**  
**GDP per capita: \$440**

Bangladesh . Statistics .





of the right of vote of ten young members of the community, most of whom were born after the creation of Bangladesh. The court's ruling reaffirmed their claim to be citizens. Under the court's directive, the National Election Commission enrolled them as voters. The Government, however, refused to acknowledge the Biharis as a community as Bangladeshis on the grounds that they acknowledged allegiance to a foreign state because they sought resettlement Pakistan in the 1970s.

Half of the Biharis lived outside of camps, integrated into the local community, were eligible to receive passports, to vote, and to attend college, and were able to exercise most of the rights of citizens. About 30 were injured and 20 detained as hundreds of Biharis attempted to march on the Pakistani embassy demanding repatriation.



**Detention/Access to Courts** Bangladesh held as many as 400 Myanmar in prison, most de facto refugees, many for years beyond their sentences for illegal entry and common crimes, most pending trial, and often subjected

them to hard labor. There were 88 registered refugees in Cox's Bazar prisons at year's end, 2 in Comilla, and 2 in Chittagong. Courts had convicted only 7 of them and authorities charged 11 with illegal entry. Camp officials also transferred unregistered persons they found in the camp to police, who imprisoned them under the 1946 Foreigners Act.

In July, police arrested 16 Rohingya refugees illegally outside the camps collecting firewood. In December, members of the Rapid Action Battalion arrested 17 registered refugees in Ukhia Township near the border on trafficking and other charges. Several others reportedly wished to contact UNHCR but were unable to do so.

The 1946 Foreigners Act empowered the Government to arrest, detain, and confine foreigners, without exception for refugees, for security reasons. It did not allow detention longer than six months, however, "unless an Advisory Board ... has, after affording him an opportunity of being heard in person, reported before the expiration of the said period of six months that there is, in its opinion, sufficient cause for such detention." The Advisory Board heard the cases of 15 refugees in prison beyond the sentences their offenses prescribed, 8 of them under the Foreigners Act, and released 3.

The Rohingya Solidarity Organization, the largest Rohingya group in Bangladesh, reportedly had ties to *Jamaat-e-Islami*, *Harkat-ul-Jihad-al Islami*, and other militant Islamic groups. In the first half of the year, law enforcement agencies arrested the ringleaders of *Harkat Ul Jihad al Islami*, most of whom courts sentenced to death. None, however, belonged to Rohingya refugee groups. Nevertheless, law enforcement agencies were reportedly searching members of the RSO, ac-

curring them of involvement in criminal and terrorist activities. Local law enforcement also alleged infiltration among the refugee population of militants linked to arms smuggling and international fundamentalist organizations.

Despite UNHCR's request, the Government did not produce an investigation report of the November 2004 police repression of a refugee protest meeting that resulted in the deaths of three refugees, including a minor, and 42 arrests. Despite UNHCR protests, the Government did not act on 2005 reports that a police inspector and his staff severely beat and attempted to rape four refugee women and two girls in the camps.

UNHCR issued identification to about 200 mandate refugees outside of the camps.

Article 31 of the 1972 Constitution guaranteed legal protection not only to citizens but to "every other person for the time being within Bangladesh" in particular that "no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law." Article 102 also allowed for petitions to the courts for protection of fundamental rights but there was no record of refugees effectively using either.

**Freedom of Movement and Residence**

Authorities confined some 26,200 Rohingya refugees to camps and arrested, detained, beat, withheld rations from, and extorted money from those they caught outside. The Government restricted all humanitarian aid through the World Food Programme (WFP) and the Ministry of Food and Disaster Management to refugees registered in the two official camps.



Refugees needed permission from local officials to travel outside of the camp, and only received it for medical and hospital referrals, court appointments, and family visits between camps. In practice, however, most adult males were able to leave and return on a daily or periodic basis either clandestinely or by paying substantial bribes to camp security personnel.

Local authorities forced some 10,000 Rohingyas to squat on the tidal flats of the brackish Naf River after forcing them out of nearby villages. A delegation from UNHCR, the European Commission, and five donor countries visited the site and asked the Government to allow them to move to safer ground, promising humanitarian aid if it did. The Government refused.

The 1946 Foreigners Act, without exceptions for refugees, permitted the Government to require foreigners to reside in particular places and to impose "any restrictions" on their movement. The Government did not enforce movement and residence restrictions on urban refugees whom UNHCR recognized as refugees or persons of concern. The Government allowed camp-based Biharis to travel freely



throughout the country but did not issue them international travel documents. Travel documents for refugees were available only for repatriation or resettlement.



### Right to Earn a Livelihood

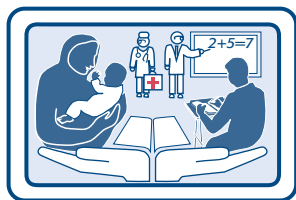
Refugees and asylum seekers did not have the legal rights to work, to engage in business, or to own property. The Government refused to allow UNHCR to set up any self-reliance activities. Authorities

sometimes arrested, threatened with detention, or extorted money from refugees whom they caught working outside camps. On several occasions, camp personnel, forest guards, and local villagers beat refugees because of competition in the labor market, forest wood collection, or fishing. Refugees and asylum seekers also had no legal rights at the workplace, leaving them vulnerable to abuse and exploitation in the informal job sector.

The authorities repeatedly rejected UNHCR's offers of self-reliance initiatives for refugees but did allow UNHCR to pay refugee laborers in a pilot project to reconstruct dilapidated camp shelters. They also generally tolerated informal, low-skilled day labor by urban refugees and undocumented Rohingyas such as in agriculture or fishing.

Stateless Biharis (also known as Stranded Pakistanis) in camps were not eligible for public sector jobs nor for commissioners' certificates or character references that employers required. Most of those who worked did so in the informal sector.

Refugees could neither legally run businesses nor own property. According to the U.S. State Department, the Government forbade Rohingyas from possessing money and said it could confiscate money in their possession at any time. It did not attempt to do so, however, in 2006. Authorities prohibited Biharis from owning property or obtaining trade licenses. Banks required citizen certificates from Ward Commissioners to open accounts, excluding both refugees and stateless Biharis.



### Public Relief and Education

The Government provided no public assistance and restricted humanitarian access to refugees. More than half the children in the refugee camps suffered from chronic malnutrition and about 17

percent from acute malnutrition. Reversing its earlier position, the Government allowed a UNHCR pilot program to rebuild 20 dilapidated camp shelters that were sinking into the ground. Refugees received rations from the WFP since their arrival in Bangladesh. Many sold part of their rations to Bangladeshis living nearby to purchase spices, vegetables, meat, clothing, and medical services.

Flooding was rampant in the unregistered Dum Dum Meah camp on the banks of the Naf River as were

diseases such as malaria, odium, cholera, pneumonia, and diarrhea. In May, some 20 children there died of tropical diseases. In the first half of the year, officials of the Refugee Relief and Repatriation Commission at Cox's Bazar barred UNHCR-procured medicines from the camps for several weeks, causing the deaths of two refugees.

UNHCR provided informal schooling in the camp up to grade five. Refugee children in urban settings had access to primary education. The Government only allowed education in Burmese although it was not the refugees' native language and many speak Bengali. Late in the year, the Government agreed to allow some informal education in Bengali but did not do so. Only 12 percent of camp residents were literate. In September, the Government agreed to make improvements in education.

UNHCR gave subsistence allowances, basic medical services, education, and vocational training only to those refugees it recognized in Dhaka that it considered particularly vulnerable. The Government reversed its refusal in 2005 to grant annual clearance to UNHCR's implementing partner in the camps.

The Government provided some Bihari camps with free electricity, but water and sanitation were inadequate, and education and health services minimal. Most camps only had one self-supported school, lacking equipment, funds, and facilities. Schools outside the camps denied camp-based Biharis admission.

The Government did not include refugees in the Poverty Reduction Strategy Paper it prepared for international donors or other development plans, but the UN Country Team included their situation among the six key priorities in its own development plan and activities and lobbied the Government to include them in national plans and activities.

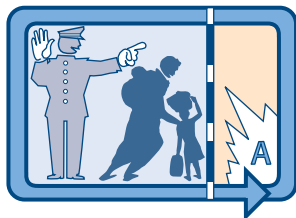
## Benin

<b>Refugees and Asylum Seekers</b>	<b>12,200</b>
<b>Togo</b>	<b>9,600</b>

<b>New Asylum Seekers</b>	<b>780</b>
<b>Departures</b>	<b>17,000</b>

**1951 Convention: Yes**  
**1967 Protocol: Yes**  
**Reservations: None**  
**UNHCR Executive Committee: Yes**  
**African Refugee Convention: Yes**

**Population: 8.7 million**  
**GDP: \$4.8 billion**  
**GDP per capita: \$547**



### **Refoulement/Physical Protection**

There were no reports of *refoulement* from Benin in 2006.

In February, Togolese refugees at Agame camp outside Lokossa took some 10 staff of the Office of the UN High Commissioner for

Refugees (UNHCR) hostage, including the regional representative, in order to speed up paperwork for resettlement to third countries. They released them without harm about six hours later. After the release, fighting broke out. Refugees threw stones and villagers opened fire on refugees. The fighting injured at least 29, mostly refugees, but the refugees seriously injured one villager. Villagers burned 92 tents in the camp, and refugees burned nine Beninese homes. Fearing reprisals, thousands of refugees fled the camp and took shelter in a police office and an elementary school about four miles (seven km) away. Benin stationed police in the camp after the riot. Caritas Benin and Caritas Togo condemned refugees' behavior in the incident as "completely unacceptable."

Benin received about 580 applications for asylum and granted about 170. It rejected about 330 and about 80 remained open at year's end. A new appeals committee heard 38 cases in 2006 and ruled in favor of the applicant in 3 of them. Authorities did not deport failed applicants, but directed them to the immigration department to regularize their status. The Eligibility Committee denied asylum to two people from the Central African Republic (CAR) whose government requested their arrest. However, they appealed the decision with legal assistance.

The Government accorded Togolese refugees *prima facie* refugee status based on the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (African Refugee Convention). A 1975 *Ordonnance* on refugees and a 1984 implementing decree created the *Commission Nationale Chargée des Réfugiés* (CNCR), consisting of an Eligibility Committee and an Assistance Committee to determine refugee status and its revocation. Upon invitation, UNHCR could attend CNCR meetings as observers and consultants.

Asylum seekers could register either at the Ministry of Foreign Affairs and Cooperation or UNHCR. CNCR was officially responsible for registration. After conducting interviews and research, UNHCR presented the cases to the Eligibility Committee, prioritizing women, the elderly, and children. Applicants did not have the right to legal counsel before the Eligibility Committee. In July, Benin set up a separate appeals committee for asylum claims. Previously, the same committee that heard first claims heard appeals.

Benin was party to the 1951 Convention relating to the Status of Refugees, without reservation, its 1967 Protocol, and the African Refugee Convention. Benin's 1990 Constitution provided that treaties were superior in authority to laws and that foreigners had the same rights and liberties

as citizens under conditions determined by law. Nationals of member states of Economic Community of West African States, such as Togo, were eligible for residence permits whether they were refugees or not.

Of about 27,000 refugees from Togo that entered in 2005, about 12,000 returned home with UNHCR's help and about 5,000 returned on their own.

Canada, Europe, and the United States accepted several refugees of other nationalities for resettlement. UNHCR and the Government called for a complete screening of the Togolese refugee population before opening resettlement to them.

### **Detention/Access to Courts**

From November 2005 through early 2006, Lokossa authorities arrested and detained 16 refugees from Agame camp for holding a meeting without the authorization of local authorities



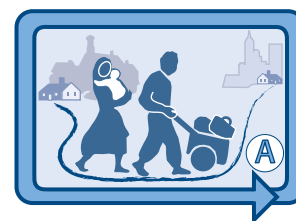
and charged them with inciting a revolt. Authorities released them two to three days after they saw a prosecutor. Authorities also arrested 10 Agame refugees following the riot in February (see above). Benin detained two CAR asylum seekers at the request of the CAR government, which accused them of being members of an armed opposition movement. The Eligibility Committee rejected their applications and the cases were on appeal as of April 2007. The authorities did not detain any refugees for illegal entry, presence, movement, or work. Detained refugees had the right to legal representation.

The Constitution extended to all persons the presumption of innocence and equality before the law and its protections against arbitrary arrest, *ex post facto* punishment, and detention past 48 hours without presentation before a judge. Benin issued more than 5,000 identity cards to refugees. Those seeking asylum received six-month renewable provisional certificates. On occasion, authorities did not recognize the cards.

Many refugees had their documents burned during the February conflict with locals (see above).

### **Freedom of Movement and Residence**

The Government allowed refugees to move freely in the country and to choose their place of residence. The Government reserved the authority to designate refugees' places of residence for their protection, without affecting their freedom of movement, but did not do so during the year. Local practitioners of the Oro cult in the rural areas around Agame camp occasionally required noninitiates, including refugees, to remain indoors during ceremonies.



The Constitution provided for freedom of move-

ment and did not restrict it to citizens.

The 1984 decree provided that refugees “will receive” international travel documents “upon their request.” UNHCR, however, decided whether to recommend that the Government issue international travel documents to refugees on a case-by-case basis, reevaluating whether the applicants still merited refugee status and whether their grounds for the document were reasonable. In practice, however, many refugees were able to travel in the region without official travel documents.



### Right to Earn a Livelihood

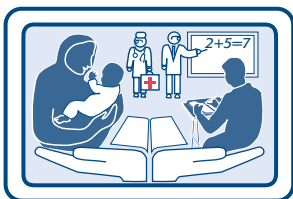
The 1975 *Ordonnance* entitled refugees to national treatment with respect to the right to wage labor in the private sector, although reportedly not all employers were aware of this. With regard to profession, the

1975 *Ordonnance* afforded refugees the same rights as any other foreigners. The Government generally restricted civil service jobs to nationals, but could fill them with qualified refugees if necessary—which it did in public health institutions and schools.

Refugees cultivated land with local authorization and dominated the produce markets along the coast with superior products. With the Government’s encouragement, their enterprises employed other refugees and Beninese. Some refugees, however, reportedly did not seek work because they thought it would hurt their chances for resettlement. Few refugees participated in the Songhai Centre’s agricultural initiative at Kpomasse, apparently for the same reason.

Refugees could acquire, own, and transfer property of all types and have bank accounts.

The Constitution extended to all persons the protection of property rights and to all workers the right to organize and to strike, but reserved for citizens the guarantees of the right to work and equal access to employment.



### Public Relief and Education

The 1975 *Ordonnance* allowed refugees health services on the same terms as nationals. Asylum seekers with six-month renewable certificates also had access to the same health and education

services. Several nongovernmental organizations covered 80 percent of health services cost for all refugees, as well as 100 percent of the cost for the poorest refugees with HIV.

The Constitution reserved for citizens the guarantees of equal access to health and education, but the specific provision for public primary education had no such limitation. The 1975 *Ordonnance* also granted refugees the same rights as nationals to education and scholarships and the Government allowed Togolese refugee children to enroll in local schools. At the beginning of 2006, there were about 1,700 refugees registered in schools at Agame, of which 47 had passed A-levels.

Benin cooperated with UNHCR, as well as other international relief organizations. Benin and its donors did not include refugees in development programs, which focused on rural areas where refugees did not live.

## Burundi

**Refugees and Asylum Seekers** **20,300**  
**Congo-Kinshasa** **19,700**

**New Asylum Seekers** **11,500**  
**Departures** **19,800**

**1951 Convention: Yes**  
**Reservations: Arts. 17, 22, and 26**  
**1967 Protocol: Yes**  
**UNHCR Executive Committee: No**  
**African Refugee Convention: Yes**

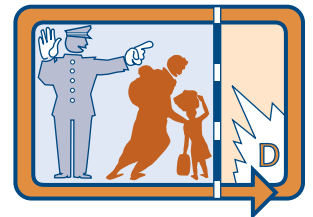
**Population: 7.8 Million**  
**GDP: \$908 million**  
**GDP per capita: \$116**

Burundi . Statistics

### Refoulement/Physical Protection

There were no reports of *refoulement* in 2006.

At Mwaro camp, an agent of the National Intelligence Service beat a young refugee for having written a memoir on life in camp, which the agent suspected of being political.



Rwanda alleged that rebel groups recruited asylum seekers and took them to training centers in the Kibira Forest. In March, Rwandan Government agents reportedly infiltrated Musasa camp in Ngozi Province to intimidate asylum seekers into returning. At Mwaro camp, authorities arrested three suspected spies.

In December 2005, after international criticism of mass expulsions that year, the Office of the UN High Commissioner for Refugees (UNHCR) brought in experts in refugee status determination to work with Government officials to assess claims. These joint teams made recommendations to an eligibility commission, which was responsible for final decisions. In March, when the number of Rwandan asylum seekers grew to about 20,000—some returning after the Burundi Government had expelled them and others having evaded expulsion by hiding with Burundians—the Government and UNHCR quartered them in camps. In April, the Government announced that it would expel all Rwandans whose cases it rejected and the number of applicants declined substantially. In May, the Government and UNHCR evaluated asylum requests from more than 1,200 applicants, granted only about 50, put them in Giharo camp in Rutana province,





and turned some 570 rejected applicants over to Rwandan authorities. Deterred by the low acceptance rates, some 2,000 never registered with the Government and more than 10,500 of those who registered dropped their claims and returned.

By the end of the year, the Government decided the cases of all of Rwandan asylum seekers remaining in Burundi, granting less than two percent (46) of nearly 2,800 cases in the first instance and less than two percent (26) of the nearly 1,500 appeals. Of more than 8,000 persons (including family members) who persevered in the process, authorities granted asylum to just over 200 and transferred them to the Jiharo transit center in Rutana Province. Many applicants—perhaps as many as 3,400—left the country without waiting to hear the outcome. About 16,000 Rwandans repatriated in all.

Burundi recognized Congolese as *prima facie* refugees only if they lived in camps. Congolese refugees and asylum seekers in urban centers had to undergo screening by the *Police de l'air, des frontières et des étrangers* (PAFE) and approval by the CEC. They had to present themselves to authorities upon their arrival, but the process was lengthy and bureaucratic because of a long waiting list, inadequate PAFE equipment, and the requirement that the Minister of Interior personally sign each grant of refugee status.

Burundi was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, but maintained reservations to the 1951 Convention's rights to work, education, freedom of movement, and residence. The 2004 Interim Constitution recognized the right of asylum, prohibited unlawful extradition (specifically listing prosecution for genocide as a legal ground for extradition), and extended to all foreigners its and the law's protection to persons and property. The 1989 Entry and Residence Law and its implementing ordinance defined *refugees* according to "the international conventions on the matter to which Burundi is a party" and prohibited their *refoulement*. It gave asylum seekers only eight days from entry to apply, but included a right of appeal and 30 days to leave the country after rejection.



**Detention/Access to Courts** Authorities detained some 25 refugees and asylum seekers in violation of asylum or national law. UNHCR followed 33 cases of asylum seekers and refugees from Bujumbura and Gasorwe camps that the authorities

accused of various crimes. The Government did not charge some for up to a year, despite the legal limit of 14 days, and at year's end, two were in detention awaiting trial.

Burundian law entitled asylum seekers and refugees

to the same treatment as nationals in instances of violations of law and access to courts. Burundian human rights organizations provided counsel to those detained refugees and asylum seekers authorities had not accused of violent or petty crimes.

Although the Entry and Residence Law entitled refugees to cards indicating their status, the Government did not issue them to refugees in camps. All they had were UNHCR ration cards. In urban areas, some 430 Congolese asylum seekers received three-month, renewable temporary residence permits while 106 recognized refugees received cards during the year. The Government refused to issue such permits to Rwandan asylum seekers in urban areas.

Despite having completed its investigation into the 2004 Gatumba massacre of more than 150 Congolese Tutsi refugees, the Government issued no report and made no arrests.

The 2000 Arusha Peace and Reconciliation Agreement for Burundi (Arusha Accord) forbade arrest of refugees without notification and justification to its Implementation Monitoring Committee. The Constitution extended to all persons the right of access to courts and protections in criminal procedures.

## Freedom of Movement and Residence

The Government restricted Rwandan asylum seekers to camps. After the surge in Rwandan asylum applications in March, the Government and UNHCR quartered them in Musasa and Sangore camps in Ngozi Province and at informal sites in Kirundo Province. Non-Rwandan camp refugees required exit permits from the camp administrator, or refugee cards, or temporary asylum permits to travel outside of the camps.



At the Government's request, UNHCR gave direct aid only to refugees living in camps. Refugees in urban areas only received legal aid and a 50 percent subsidy for medical services. Nevertheless, some 9,800 refugees and asylum seekers preferred to live in and around the capital, Bujumbura.

In early May, Burundi moved 67 Congolese refugees who had been living in Bujumbura to a camp in southwestern Rutana Province and 85 to Muyinga Province. These refugees had arrived in Bujumbura late in the previous year from South Kivu in the Democratic Republic of Congo and refused to go to government-designated camps fearing for their security. Some held sit-ins in front of UNHCR's office demanding help, but later agreed to move to the camps for the aid.

Burundi's reservation to the 1951 Convention's freedom of movement provision only applied to refugees' living in regions bordering on their countries of origin and any "activity or incursion of a subversive nature" within their country of origin. Its Entry and Residence Law, how-

ever, provided that the Minister of Interior could constrain asylum seekers to reside in a designated place while their applications were pending.

The Government issued 28 international travel documents to refugees based on UNHCR's recommendations, which required proof of acceptance to an educational institution, work requirements, or business activities abroad. The Entry and Residence Law provided that refugees should receive international travel documents, with right of reentry, "on demand."



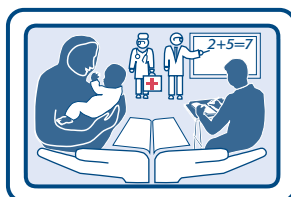
### Right to Earn a Livelihood

The Government required refugees to have permits in order to work legally and gave preference to nationals. The Government tolerated refugees working in the informal sector but required them to obtain

permits for professional jobs.

The Constitution did not extend the right to work beyond citizens, and Burundi maintained a reservation to the 1951 Convention—taking its provisions on the right to work as recommendations. The Constitution did not limit to citizens, however, its rights to join unions and to strike.

Refugees could run businesses, but the required permits and conditions were stricter than for citizens. Refugees could own property, but conditions were also stricter than for citizens. The Constitution guaranteed the right to private property to all persons, specifically including foreigners.



### Public Relief and Education

Refugees were eligible for public relief, rationing, and health services on par with nationals.

UNHCR and other aid agencies provided refugees living in most camps with basic assistance,

medical services, housing, and primary education. Those living in urban areas received legal and medical assistance only.

The Constitution recognized a right of all persons to health services.

Primary education was free for all children. Burundi's reservation to the 1951 Convention's right to primary education, however, only required it to treat refugees better than other noncitizens and only with respect to public education. The Constitution did not extend the right to education beyond citizens.

As mandated by the Arusha Accord, the Government cooperated with UNHCR and other humanitarian agencies and granted them access to refugees. Burundi included refugees in the Poverty Reduction Strategy Paper it prepared for international donors in September but was only referring to Burundian nationals returning from abroad.

## Cameroon

<b>Refugees and Asylum Seekers</b>	<b>71,200</b>
Chad	<b>40,500</b>
Central African Republic	<b>24,000</b>
Nigeria	<b>3,000</b>

<b>New Asylum Seekers</b>	<b>24,200</b>
<b>Departures</b>	<b>150</b>

**1951 Convention: Yes**  
**1967 Protocol: Yes**  
**Reservations: None**  
**UNHCR Executive Committee: Yes**  
**African Refugee Convention: Yes**

**Population: 17.3 million**  
**GDP: \$18.4 billion**  
**GDP per capita: \$1,060**

Cameroon . Statistics .

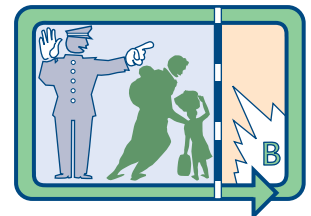
### Refoulement/Physical Protection

There were no reports of *refoulement* in 2006.

The influx of refugees from the Central African Republic (CAR) increased from about 3,000 at the end of 2005 to about 20,400 at the end of 2006. The majority were ethnic Mbororo shepherds who settled in the Adamaoua and East Provinces bordering CAR. The Government recognized them as *prima facie* refugees.

Rebel groups and armed bandits along the Cameroon-CAR border areas assaulted, kidnapped, and robbed Mbororo refugees almost weekly since 2004. The Ministry of Territorial Administration and Decentralization deployed security forces to escort representatives of the Office of the UN High Commissioner for Refugees (UNHCR) and to protect the local population and the refugees.

The Government was still not involved in status determination procedures, and UNHCR heard claims and made decisions. Asylum seekers registered through the UNHCR office in Yaoundé and the Cameroonian Red Cross (CRC), UNHCR's operational partner. Applicants received appointment slips for eligibility interviews and waited up to five months for these interviews. Rejected applicants had one month to appeal UNHCR's decision and received hearings within three months of filing their appeals. In 2006, UNHCR received about 3,800 asylum applications, approving about 1,400. UNHCR planned to assist the Government in setting up a National Eligibility Committee to assume responsibility for the refugee status determination process and to reduce the backlog of about 6,000 asylum requests in 2007. In June, asylum seekers demonstrated in Douala, protesting delays





in the distribution of asylum request forms.

Cameroon was party to the 1951 Convention relating to the Status of Refugees, without reservation, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. Cameroon's Refugee Law applied the definitions of *refugee* found in both Conventions and prohibited the *refoulement* of either refugees or asylum seekers for reasons other than national security and public order, pursuant to a lawful decision, and giving 72-hour notice to UNHCR. According to the law, asylum seekers had to apply within 15 days of entry and applications could be inadmissible if the applicant had passed through a country of first asylum where protection was available, but UNHCR did not apply these restrictions. The law allowed rejected applicants to appeal within 30 days of notification but did not allow decisions to be reviewed in ordinary courts.



### Detention/Access to Courts

Authorities did not detain any refugees for illegal entry, presence, movement, or work, although about once a week police and *gendarmes* detained refugees and asylum seekers failing to recognize UNHCR identity documents.

Police occasionally held refugees, as they did citizens, longer than the 72 hours allowed by law for criminal investigations. The U.S. State Department described prison conditions during the year as "harsh and life-threatening," including beating, stripping, and confinement to overcrowded and unsanitary cells. UNHCR monitored the detention conditions of refugees and asylum seekers. Detainees were able to challenge their detention before independent tribunals with representation of counsel at their own expense.

Cameroon did not punish asylum seekers for illegal entry, provided they came directly from a country of threat and presented themselves immediately to the authorities, but they could be detained for investigation for three days. The Refugee Law entitled them to two-month, non-renewable 'safe-conduct' passes.

The law provided for the issuance of refugee identity cards, but the Government stopped issuing them in 1994. UNHCR issued certificates to refugees and asylum seekers over the age of 18 in urban areas within six days of registration, and authorities generally recognized these documents. In rural areas, however, some authorities were unfamiliar with the documents and harassed their bearers. *Prima facie* refugees received only ration cards, which did not identify them. Asylum applicants' appointment slips carried no photographs establishing the identity of the bearer, and police occasionally confiscated them. All persons were required to carry identification cards. In sweeps and at pervasive immigration enforcement checkpoints and roadblocks, police frequently arrested, beat, and extorted money from those with no documentation.

### Freedom of Movement and Residence

There were no camps in Cameroon, but police and *gendarmes* in the East and Adamaoua Provinces extorted money from *prima facie* refugees who did not possess refugee certificates when they tried to move about. Registered refugees and asylum seekers with identity documents were generally free to travel throughout the country and settle where they pleased, but the Government required asylum seekers to notify immigration authorities of any change of address.

The Refugee Law gave refugees the right to international travel documents, but the Government did not issue them. UNHCR issued them to refugees it recognized under its mandate but not to *prima facie* refugees. This seriously impeded the 15,000 Mbororo refugees who had to move their cattle seasonally for grazing.



### Right to Earn a Livelihood

*Prima facie* refugees and asylum seekers could not legally work. The Refugee Law granted registered refugees the right to work, to own and transfer property, and to practice professions on par with nationals.

Others were covered by the 1997 Entry and Residence Law, which required a work contract initiated by the Minister of Labor and a medical certificate by an approved doctor prior to arrival. The 1997 law also required anyone wishing to practice a profession or engage in industrial, agricultural, pastoral, commercial, craft, or artistic activities to have an entry visa of the required duration, and the authorities had to authorize the particular profession or activity. To obtain work permits, applicants had to go to the Ministry of Foreign Affairs and pay fees. The Ministry of Foreign Affairs forwarded the file to the Ministry of Labor, which issued the permits about three months later.

Registered refugees could engage in business and obtain almost all necessary licenses and permits on par with nationals, but no foreigner could work in the national civil services or state enterprises.

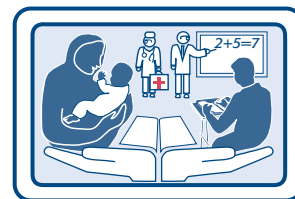
Asylum applicants with only appointment slips could conduct bank transactions.



### Public Relief and Education

The Government cooperated with UNHCR and humanitarian agencies assisting refugees. The Refugee Law granted refugees education and public relief on par with nationals.

UNHCR distributed non-food items to the neediest of some 5,000 Mbororo refugees who had lost their cattle in flight from CAR and to a small number of Gbaya farmers and vaccinated their children under five. UNICEF and the Government distributed protein





biscuits to Mbororo children suffering from malnutrition.

A CRC-UNHCR project gave a few registered refugees in urban areas about \$50 monthly for family allowance, medical services, and training tuition and low-cost (about \$0.50) health exams, including medicine. UNHCR paid for primary education for refugees in urban areas in the same schools as nationals.

Cameroon did not include refugees in the 2003 Poverty Reduction Strategy Paper it prepared for international donors.

## Canada

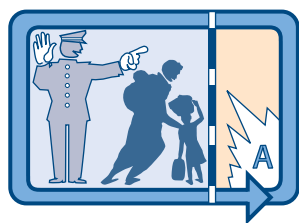
<b>Refugees and Asylum Seekers</b>	<b>43,500</b>
<b>Mexico</b>	<b>5,800</b>
<b>Colombia</b>	<b>4,400</b>
<b>China</b>	<b>2,800</b>
<b>Afghanistan</b>	<b>2,700</b>

**New Asylum Seekers**                    **22,900**

**1951 Convention: Yes**  
**Reservations: Arts. 23 and 24**  
**1967 Protocol: Yes**  
**UNHCR Executive Committee: Yes**

**Population: 32.6 million**  
**GDP: \$1.27 trillion**  
**GDP per capita: \$38,900**

Canada . Statistics .



**Refoulement/Physical Protection** There were no reports of *refoulement* and Citizenship and Immigration Canada (CIC) conducted pre-removal risk assessments before deporting anyone not already a refugee or otherwise protected.

In July, Canada deported a Sikh nationalist accused of attempting to assassinate senior Indian officials, despite a request from the UN Committee against Torture to delay the deportation to allow it to investigate the case. Although the Canadian Security Intelligence Service investigated him for about a year after his arrival in 2001, it never charged him.

Since 2004, Canada has suspended removals to Afghanistan, Burundi, the Democratic Republic of Congo (Congo-Kinshasa), Haiti, Iraq, Liberia, Rwanda, and Zimbabwe, but not for those who have committed crimes, posed security risks, or committed human rights violations. During 2006, Canada removed almost 9,400 aliens, most often to Mexico, the United States, Costa Rica, Portugal, and Pakistan.

Canada's refugee protection system consisted of two main components: the Refugee and Humanitarian Resettlement Program for those outside the country and

the Asylum in Canada process for those within the country and at its borders.

CIC selected refugees abroad for resettlement based on referrals from the Office of the UN High Commissioner for Refugees and private sponsors. In the case of designated source countries (Congo-Kinshasa, El Salvador, Guatemala, Colombia, Sierra Leone, and Sudan), residents could apply directly at Canadian missions serving that region. The Canadian visa officer decided all claims from abroad.

Within Canada, the Immigration and Refugee Board (IRB) decided asylum claims based on the 1951 Convention relating to the Status of Refugees as well as on Article 3 of the 1984 Convention against Torture. Canada's Immigration and Refugee Protection Act (IRPA), which took effect in 2002, calls for a Refugee Appeal Division, but the Government had not created one by the end of 2006. Applicants could apply for leave to appeal to the Federal Court, but the court rejected 90 percent of such applications without giving reasons for doing so. When the Federal Courts upheld asylum seekers' claims, the cases returned to the IRB for further hearings. Rejected asylum seekers could also pursue pre-removal risk assessments, but these only considered new evidence and did not review original decisions. The final option was to seek permanent residence on "humanitarian and compassionate grounds" at the Government's discretion; however, the Government could deport applicants even as it considered their claims.

In June, a former IRB member received a six-year prison sentence for demanding bribes. In October, the Royal Canadian Mounted Police arrested an IRB member after he allegedly demanded sexual favors from an asylum seeker. In November, the IRB removed another member and reopened about two dozen refugee cases after he allegedly sexually harassed an interpreter.

In 2004, Canada and the United States implemented the Agreement for Cooperation in the Examination of Refugee Status Claims from Nationals of Third Countries, also known as the Safe Third Country Agreement, which provided that asylum seekers traveling between the two countries had to apply in the country where they first arrived. This significantly reduced the number of asylum claims in Canada, particularly by Colombians.

Every refugee and asylum seeker had the right to representation by legal counsel, and several provinces provided free legal aid to those who could not afford it.

### Detention/Access to Courts

Canada detained nearly 1,500 asylum seekers in 2006. The IRPA gave immigration officers authority to detain inadmissible foreign nationals and permanent residents and any noncitizens who failed to establish their identity. Detainees could appeal to the IRB, but it could not intervene if CIC doubted an asylum seeker's identity. The IRB reviewed non-identity-based





detention cases 48 hours after detention, then again within 7 days, and then every 30 days thereafter.

Canada had an expedited process to remove dangerous persons, allowing for indefinite detention of permanent residents, refugees, and temporary visitors without the right to view the charges against them. In February 2007, the Supreme Court unanimously rejected the practice and gave the Government one year to revise it.

The IRPA entitled refugees and protected persons to documents indicating their status, but requests took eight weeks to process.

In October, the Government eliminated its Court Challenges Program, which had provided funding for refugees and other vulnerable groups to mount legal challenges to discriminatory practices. As recently as September, a refugee used the program successfully to challenge a 13-year delay in issuing permanent residence.



### Freedom of Movement and Residence

Canada allowed refugees and asylum seekers to move freely within the country. Once they obtained a Permanent Resident Card or a Protected Person Status Document, they could apply for international travel documents through Canada's passport office.



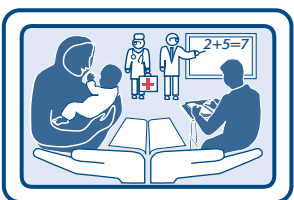
### Right to Earn a Livelihood

Following the filing of their asylum claims and a medical exam, asylum seekers could apply for work permits. Until they gained permanent residence, the Government assigned refugees and asylum seekers social

insurance numbers beginning with nine, which identified them as people without permanent status and made it difficult to obtain some jobs.

In January 2007, a Canadian court ruled that the Ontario College of Teachers had violated the rights of an Iranian refugee when it blocked her application to teach because she could not provide her original, Iranian academic qualifications or copies with Iranian certification. The court ordered the College to reexamine her application.

CIC officers could impose, vary, or cancel conditions on work permits, including the type of employment, the employer, location, and hours worked. Refugees had the legal right to hold title to and transfer businesses, land, and other capital assets.



### Public Relief and Education

The Canadian government offered several assimilation programs for refugees, including housing assistance, health services, financial assistance, and income support for up to one year. Refugees could also

apply for provincial social assistance and, once started, provincial health insurance covered them on par with nationals. Social assistance for asylum seekers varied by province and, in some cases, was worse than national treatment.

The IRPA stipulated that foreign minors did not need authorization to study at the pre-school through secondary school level unless they were children of temporary residents not authorized to work or study in Canada. Refugee children had access to the same primary and secondary education as Canadian nationals.

## Central African Republic

<b>Refugees and Asylum Seekers</b>	<b>14,300</b>
Sudan	8,300
Congo-Kinshasa	3,700
<b>New Asylum Seekers</b>	<b>500</b>
<b>Departures</b>	<b>12,900</b>

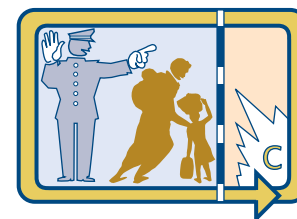
**1951 Convention: Yes**  
**1967 Protocol: Yes**  
**Reservations: None**  
**UNHCR Executive Committee: No**  
**African Refugee Convention: Yes**

**Population: 4.3 million**  
**GDP: \$1.49 billion**  
**GDP per capita: \$346**

Central African Republic

### Refoulement/Physical Protection

There were no reports of *refoulement* during 2006, but unknown, uniformed assailants beat, stabbed, and shot foreigners, particularly those from Rwanda and the Democratic Republic of Congo (Congo-Kinshasa). No refugees died, but armed attackers doused one refugee with fuel and forced him into his house before setting it on fire. In October, authorities bound a Sudanese refugee accused of theft so tightly that medical service providers had to amputate one of his hands and one finger from the other hand.



CAR was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, without reservations. The 1990 Constitution provided that ratified treaties were a higher source of authority than local laws. The country had no law defining refugee status, but a 1983 ordinance established a National Refugee Commission (NRC) under the Ministry of Interior, which granted asylum in accordance with the conventions CAR had ratified.

Simple declarations of nationality and need and presentation of identity documents, where available, rendered applications admissible. The NRC's protection section conducted preliminary interviews and issued attestations of asylum seeker status. An eligibility committee interviewed applicants and decided the cases with a representative of the Office of the UN High Commissioner for Refugees (UNHCR) observing. According to the 1983 Ministerial Decree implementing the Ordinance, rejected applicants could appeal to the administrative courts. In practice, however, the eligibility committee heard appeals of the applications it had rejected in the first instance.

In 2006, the Government received about 530 asylum applications. The eligibility committee decided about 370, approving about 260 in the first instance and rejecting about 30. It deferred some 70 applications for further clarification.

An estimated 12,900 refugees repatriated, including some 12,100 Sudanese, 700 Congolese, and 56 Angolans. In February, UNHCR and the Governments of Sudan and CAR concluded an agreement for the voluntary repatriation of Sudanese refugees. In March, however, UNHCR suspended repatriations after gunmen attacked its compound near Yei, Sudan, killed a local guard, and critically wounded an international staff member and another guard. In addition, heavy fighting broke out in Yambio, Sudan, forcing the evacuation of UNHCR and staff from nongovernmental organizations (NGOs). The Government opened a humanitarian corridor to allow the resumption of the repatriations in December but also taxed Sudanese returnees at the Bazangi border crossing, discouraging further repatriations. Finland resettled two refugees. The United States resettled 29.



### Detention/Access to Courts

During the year, authorities illegally arrested at least 40 refugees and asylum seekers, mostly on documentation or movement grounds. There were at least ten cases of prolonged detention,

some in the Office for the Repression of Banditry—a facility notorious for torture, prolonged detention without charges, and, the Government acknowledged, extrajudicial executions—and five refugees and asylum seekers remained in detention at year's end. In October, authorities arrested several Sudanese and Chadian refugees in connection with attacks on the northeastern town of Birao.

The Government informed UNHCR when it detained refugees or asylum seekers, and UNHCR worked informally with the International Committee of the Red Cross to monitor detention in military camps and penitentiaries in the capital, Bangui. Refugees generally had access to counsel, but the law did not guarantee this during often-lengthy pretrial investigations. UNHCR secured the release

of some detainees but had difficulty when the arrests were for security reasons.

UNHCR and NRC issued notifications of the status of asylum seekers or refugees, but these notifications lacked the legal recognition of refugee identity cards. Refugees were entitled to such cards but generally had to wait months to receive them. The Government did not generally issue identity cards to refugees in rural areas, but they could apply for these or passes in case of domestic travel.

Refugees had access to courts and, with legal help from UNHCR, had their rights recognized in property and civil cases. The procedures of the Labor Inspection Office and the Labor Court, however, were lengthy and costly and it was extremely difficult for refugees to prevail against an employer.

### Freedom of Movement and Residence

Security officials harassed refugees at domestic checkpoints, sometimes accusing them of possessing false documents and compelling them to pay bribes to avoid detention. Documented refugees were free to move about the country but those without identity cards had to apply for domestic travel passes from the NRC or the nearest police station.

There were no camps in CAR, but there were settlements in Mboki for Sudanese refugees, and in Molangue for Congolese. Refugees could reside where they chose but the Government required them to register and report any changes of address.

UNHCR decided all requests for international travel documents and generally approved them in cases where refugees presented reasons of professional or family need. The NRC issued the documents, which were valid for three years and renewable. The NRC also issued safe-conduct passes to refugees for travel to countries of the Central African Economic and Monetary Community (Cameroon, Chad, Republic of Congo, Equatorial Guinea, and Gabon).

### Right to Earn a Livelihood

CAR allowed refugees to work. Many, however, worked in the informal sector without recourse in cases of nonpayment of salaries, pensions, and other benefits.

A 1985 ordinance required foreigners to have prior approval to practice many professions. Licenses were particularly difficult for refugees to obtain because of administrative obstacles including a requirement of proof from the authorities of their country of origin that they had no criminal record.

Refugees had the legal right to own and transfer properties and business premises, but security forces routinely

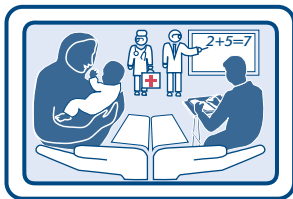






extorted their commercial activities. They could open bank accounts with their refugee cards, but UNHCR often had to issue letters explaining the rights conferred by these cards.

Refugees in Molangue raised crops for markets.



**Public Relief and Education** The Government cooperated with UNHCR and humanitarian organizations but controlled little of the country. Access to refugees was difficult due to the activities and presence of armed groups. The Government required UN aid workers to travel with government armed escorts that were targets for rebel ambush and limited their access to the neediest people. UNHCR, with the support of the NRC, Médecins sans Frontières-Spain, Oxfam Quebec, and Africare, among other NGOs, provided basic assistance, including health and education, to Sudanese refugees in the Mboki settlement. UNHCR also assisted some 700 refugees from Congo-Kinshasa in the Molangue settlement and an estimated 5,500 refugees in the capital, Bangui, including limited cash grants to the neediest of them.

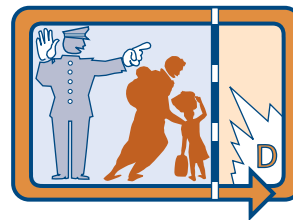
Refugees were entitled to education and social security rights equal to that of citizens. The NRC issued supplementary attestations to refugees who could not access health and educational institutions because they did not possess birth certificates.

The Ministry of Economy, Planning and International Cooperation drafted a new Poverty Reduction Strategy Paper for international donors for 2007 to 2009 but did not include refugees.

The Ministry of Economy, Planning and International Cooperation drafted a new Poverty Reduction Strategy Paper for international donors for 2007 to 2009 but did not include refugees.

**Refoulement/Physical Protection** There were no reports of *refoulement* from Chad in 2006.

In March, the Sudanese Liberation Army, a Darfur-based rebel group, entered Chadian refugee camps and schools and recruited an estimated 4,700 refugees from Treguine and Bredjing camps. The rebels recruited both men and boys, mostly by force, and severely beat women and other onlookers who resisted. This occurred with the reported complicity of the Government and the National Refugee Reception and Reintegration Commission (CNAR). Most of the recruited refugees later returned to Chad.



In May, the *Janjaweed* attacked near Koukou-Angarana camp and, in December, attacked the nearby Goz Amer camp and killed four refugees. By year's end, *Janjaweed* attacks had penetrated 93 miles (150 km) inside Chad with increased brutality, and rape became an especially common war tactic. In January 2007, rebels shot and killed two refugees in Kounoungou camp, near Gueda, and a pregnant refugee woman suffered a bullet wound in her arm.

Representatives of the Office of the UN High Commissioner for Refugee (UNHCR) had to withdraw staff from N'djamena and northeastern Chad. The Government acknowledged that it could not protect the growing number of refugees in the country.

The 2004 Memorandum of Understanding (MOU) between the Government and UNHCR guaranteed the presence of police in camps in southern and eastern Chad. Under the agreement, UNHCR, through CNAR, paid for about 18 *gendarmes* per camp. Camps in southern Chad reported that camp police detained and abused refugees, especially those of Peule ethnicity. Women were especially vulnerable when leaving the camps to collect firewood.

Many refugees protested the insecurity and demanded relocation. The Government agreed to move Oure Cassoni and Am Nabak camps to safer locations. The high cost, insecurity, and lack of water at the alternate locations it proposed, however, thwarted the plan.

Chad was party to the 1951 Convention relating to the Status of Refugees without reservations, as well as to the 1969 Convention Governing Specific Aspects of Refugee Problems in Africa. Its 1996 Constitution provided for asylum and forbade the extradition of "political refugees." While Chad did not have a refugee law, the MOU with UNHCR reiterated the Government's commitment to protect asylum seekers and refrain from *refoulement*.

Escalating violence in both the Central African Republic (CAR) and Sudan brought a rapid influx of refugees from both nations. By year's end, an estimated 48,400 refugees had fled to southern Chad from CAR, where rebel fighting and violent gang attacks continued.

The number of Sudanese refugees in Chad rose to

## Chad

<b>Refugees and Asylum Seekers</b>	<b>286,800</b>
Sudan	233,000
Central African Republic	48,400

<b>New Asylum Seekers</b>	<b>22,200</b>
<b>Departures</b>	<b>20,000</b>

**1951 Convention: Yes**  
**1967 Protocol: Yes**  
**Reservations: None**  
**UNHCR Executive Committee: No**  
**African Refugee Convention: Yes**

**Population: 10 million**  
**GDP: \$6.55 billion**  
**GDP per capita: \$655**

Chad . Statistics .

233,000, nearly all housed in twelve refugee camps along Chad's eastern border. *Janjaweed* attacks spread eastward into Chad and targeted both refugees and civilians.



### Detention/Access to Courts

Police often entered camps to detain refugees they accused of being CAR rebels or supporters. Officials detained two refugees in N'djamena, one for fraudulent passport use and the

other for political reasons. Police mistreated one prisoner and threatened *refoulement* but eventually resolved the case and released both prisoners. Authorities held prisoners in very poor and overcrowded conditions, and guards sometimes subjected refugees to forced labor such as cleaning or cutting wood.

UNHCR pursued cases with local police posts and could usually visit detained prisoners.

Two national nongovernmental organizations (NGOs) based in southern Chad also monitored refugee detention in Gore.

Refugees had access to courts, though they rarely used them because there were no courts in the camps and those in the capital were costly and slow. Refugees usually settled minor disputes by elected refugee committees and representatives inside the camps. In southern camps, a committee of elders generally dealt with small larceny and adultery.

Asylum seekers and refugees recognized individually in the capital received Chadian refugee cards indicating their status. Those in camps received only family registration certificates and ration cards.



### Freedom of Movement and Residence

Officials in N'djamena did not recognize asylum seekers from Sudan and CAR on an individual basis in order to discourage their living there. The Government required refugees to

obtain a safe-conduct document before leaving the camp regions but issued them without cost or delay. In practice, many refugees traveled or even returned to their country of origin without such documents; others left the camps to trade or sell goods. This subjected them to bribery or extortion at checkpoints or harassment for suspected rebel activity.

Humanitarian aid was not available to refugees from CAR and Darfur in the capital. Refugees registered before 2005 in the capital were no longer eligible for aid except for especially needy ones. Aside from that, aid was only available to refugees in the camps, but a number of them remained in villages at the border where they had family or ethnic ties. Almost all CAR refugees, about

45,000, resided in four camps, Amboko, Gondje, Dosseye, and Yaroungou.

Recognized refugees could request international travel documents from the national refugee authority if they had status, identity documents, and valid reasons for travel outside of Chad and could make their requests in writing. In 2006, authorities issued five of them.

The Constitution reserved its protection of the right to freedom of movement to citizens.

### Right to Earn a Livelihood

The Government allowed refugees to work. In eastern Chad, camp-based refugees raised livestock. In southern Chad, refugees worked informally, usually with a UNHCR partner organization, or sold food in nearby markets. The Constitution only recognized the right of citizens to work.

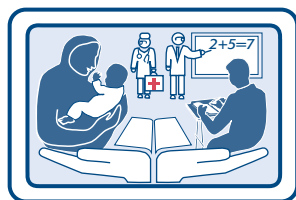


Refugees had the right to obtain property such as business premises, land, and bank accounts. However, some Sudanese refugees reported that landowners confiscated the property just before harvest and claimed the contract was void. Since such contracts were often oral, it was difficult for refugees to enforce them.

Chadians reportedly attacked refugees and destroyed their wells due to competition for wood, water, and grazing land, and resentment of goods and services provided to refugees.

### Public Relief and Education

Refugees received food, shelter and other necessities in camps and the Government cooperated with UNHCR and other agencies aiding refugees. In Koly in November, militias killed one Doctors without Borders worker and wounded another and looted and destroyed their health clinic. Rebels seized the town of Abéché in November and, with residents, ransacked World Food Programme and UNHCR storehouses, looting 500 tons of food. In February, gunmen briefly kidnapped two UNHCR officials in Guereda and drove them toward Darfur, releasing them only after getting a flat tire. A forced withdrawal of aid workers drained camps of trained medical staff and impeded access.



Major illnesses inside the camps were acute respiratory infections, diarrhea, malaria, and malnutrition as well as increased injuries due to fighting. Camp clinics referred serious cases to local hospitals, which UNHCR and partners supported. There were frequent food shortages at the end of each month, averaging 5.5 to seven days. Touloum camp issued only four liters of water per person per day, instead of the minimum standard of 15. Seven of the 12 camps did not have adequate latrines, contributing to diarrhea, which



was responsible for more than a quarter of the deaths in the camps.

Nearly all refugee children had access to primary education, but only those in southern Chad had access to secondary schools. Curricula for Central African refugees were comparable to those in CAR, and both countries recognized the school certificates.

Chad did not include refugees in the 2003 Poverty Reduction Strategy Paper it prepared for international donors but did pledge \$2 million for aid to Sudanese refugees and requested matching funds by donor governments.

## China

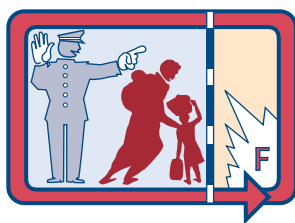
<b>Refugees and Asylum Seekers</b>	<b>335,400</b>
<b>Vietnam</b>	<b>302,700</b>
<b>North Korea</b>	<b>30,000</b>

<b>New Asylum Seekers</b>	<b>100</b>
<b>Departures</b>	<b>1,830</b>

**1951 Convention: Yes**  
**Reservations: Art. 14**  
**1967 Protocol: Yes**  
**Reservations: Art. IV**  
**UNHCR Executive Committee: Yes**

**Population: 1.3 billion**  
**GDP: \$2.63 trillion**  
**GDP per capita: \$2,000**

China . Statistics .



### Refoulement/Physical Protection

China deported about 1,800 North Korean refugees during the year, and North Korea may have executed some of them. China increased security in the immediate border area, including starting construction on a fence in October. This pressure reduced the number of North Koreans who were able to slip across the border for supplies and return.

China did not launch major crackdowns outside the immediate border area, allowing some degree of stability for North Koreans living there. The Government still actively tried to arrest and deport North Koreans who tried to reach foreign embassies or schools, such as the February *refoulement* of an asylum seeker who entered a South Korean school compound in Beijing in November 2005. Citing security concerns, China also deported seven asylum seekers to Sri Lanka.

The deprivation that some fled was largely politically motivated, as North Korea withheld food and other

goods from as much as a quarter of the population that it deemed hostile. North Korea also punished returned defectors with detention, forced labor, torture, and possibly execution if they had met with non-Chinese foreigners or Christians outside the country. As the North Korean government's motives for such severe punishment appeared to be political, the U.S. Committee for Refugees and Immigrants considered North Koreans in China to be *prima facie* refugees.

China allowed passage to South Korea via a third country only to those who gained public attention and the protection of a foreign embassy or consulate and only after five to six months of delay. The Government arrested and fined several persons aiding refugees and rewarded others who turned them in. China also denied the Office of the UN High Commissioner for Refugees (UNHCR) and nongovernmental organizations (NGOs) access to its northeastern border with North Korea. Reportedly, more than 200 North Korean security agents entered China posing as asylum seekers to gather information about networks in China and to repatriate other North Koreans.

About 300,000 Vietnamese refugees, mostly of Chinese ethnicity, remained in China, where the Government allowed them most of the rights of nationals, but granted them neither citizenship nor permanent status. These refugees entered China during and after the Sino-Vietnamese war of 1979. In Hong Kong, some 1,800 refugees of both Chinese and Vietnamese ethnicity remained.

China was party to the 1951 Convention relating to the Status of Refugees and although its Constitution allowed it to grant asylum to those who sought it "for political reasons," it did not have a procedure for doing so. China permitted a small number of asylum seekers of other nationalities to remain, mostly in Beijing, while UNHCR determined their status and sought to resettle them. While awaiting resettlement, refugees received subsistence allowances from UNHCR but could not work. Hong Kong lacked a clear asylum policy and China did not consider its obligations under the Convention and Protocol to extend to it.

Chinese troops fired on a group of 77 Tibetans fleeing to Nepal in September, reportedly killing two and capturing 32.

### Detention/Access to Courts

In addition to holding the seven Sri Lankans before deporting them, the Government harassed and detained North Korean asylum seekers prior to deporting them. Authorities raided safehouses that held refugees preparing to enter foreign consulates and compounds in Beijing and arrested others trying to enter the compounds. They detained and returned most of them, but some secured release by paying fines of \$250 to \$600.

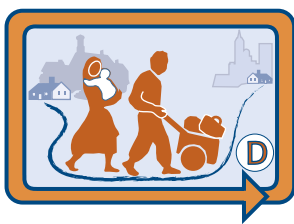


China's Public Security Bureau held all detained refugees and asylum seekers, and the detention centers were not subject to any independent monitoring. Refugees and asylum seekers could not challenge their detention before any court.

Some reports indicated that local governments near the North Korean border quietly issued identification cards to North Korean brides and children of Chinese men. Others had to pay bribes of \$100 to \$400 to obtain registration on the Chinese household registry for their children.

China issued identification cards to all Vietnamese refugees over the age of 16 but did not offer documentation to other refugees or asylum seekers. It generally recognized the certificates that UNHCR issued to mandate refugees, but some officials objected to the letters it granted to asylum seekers and did not always accept them.

North Koreans had to use forged identification cards to move within the country. These ranged in price from \$10 for easily spotted forgeries, to more sophisticated cards costing \$1,260 or more that included Chinese household registration numbers.



### Freedom of Movement and Residence

Vietnamese refugees had freedom of movement within the country but North Koreans did not. Police outside the Beijing area were not familiar with the certificates UNHCR issued to

refugees, and most did not travel outside the capital for fear of arrest by local police. A few North Koreans used networks of safehouses and friendly groups to make their way through China to Mongolia, Russia, or Southeast Asia. Some 2,000 arrived in South Korea after traveling through China during 2006.

China required some asylum seekers and refugees in Beijing, particularly those without proper identification, to stay in two designated hotels. Most, however, lived in private residences with UNHCR assistance. In some cases, Chinese authorities objected if they attempted to change residences.

Some village leaders quietly and informally encouraged the presence and registration of North Korean women because it helped ease a shortage of women caused by China's one-child policy and rural-to-urban migration. Authorities generally made more effort to crack down on North Koreans in urban centers than in rural areas.

A study conducted in 2004 found that 76 percent of North Koreans in China were living with Chinese citizens of Korean descent. At five percent each, missionaries' homes and mountain hideouts were the next most common places of residence.

**Right to Earn a Livelihood** China allowed Vietnamese refugees to work freely. Other refugees needed a passport with a valid visa or residence permit to apply for a work permit. North Korean refugees, who generally left

their country illegally, were not able to work.

The inability to work legally forced many North Korean women in China to depend on relationships with Chinese men to survive, which they formed either directly or through brokers or traffickers. Some entered knowing that traffickers would pair them with a Chinese husband but others did not. China neither recognized marriages between North Koreans and its citizens nor granted the children Chinese citizenship, rendering them stateless. Some North Korean women found work as domestic servants and a few North Korean men found work as day laborers. The 2004 study found that only 22 percent of North Koreans in China were working. Of those who did work, only 13 percent reported receiving a fair wage, and nine percent received none at all.

The 1996 Provisions on Administration of Employment of Foreigners in China prohibited citizens and businesses from employing foreigners, with no exception for refugees, but allowed special units from the Government to apply to the Ministry of Labor for work permits on behalf of foreigners. The fine for an employer sheltering illegal workers was \$3,600. Permits were available only for special jobs for which no domestic workers were available and required certificates of qualification, labor contracts, and verifications of the demand in the labor market. Foreign workers also had to possess employment visas or a foreign resident certificate. Any foreigner wishing to change employers had to go through the process again. This law, however, did not apply in Hong Kong or Macao.

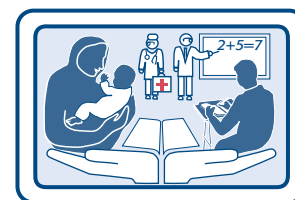
China's Constitution limited the rights to "own lawfully earned income, savings, houses and other lawful property" to citizens.

### Public Relief and Education

Authorities arrested, detained, and deported foreign journalists, missionaries, and activists, as well as some Chinese citizens who assisted North Korean refugees. China issued arrest warrants for four Japanese NGO workers it believed to be aiding North Korean asylum seekers in March. It fined Chinese citizens \$120 for sheltering North Korean refugees.

In August, China released a Korean-American missionary after jailing him for 15 months for attempting to transport people out of the country after Chinese police arrested him with nine North Korean refugees in 2005. In November, it released a South Korean aid worker it had jailed for nearly four years. Chinese police had arrested him with a group of North Korean refugees in January 2003.

Some who crossed the border received supplies from refugee support agencies before returning to their families in North Korea, but tighter security along the border greatly reduced this in 2006.







The children of Chinese men and North Korean women could attend school through middle school and beyond, if their family secured legal documentation. There were at least two NGOs actively aiding border crossers, each supporting around 40 of them. They either rented apartments in urban areas for them, or blended them in small groups into rural areas.

China granted Vietnamese refugees public assistance and education on par with nationals but denied these services to refugees and asylum seekers of other nationalities. UNHCR gave small stipends to refugees and asylum seekers in Beijing but did not have access to most North Koreans. Children of refugees had access to education but had to pay higher fees than nationals did. China collaborated with UNHCR on a credit program that provided loans to state-run farms and businesses to encourage hiring Vietnamese refugees.

UNHCR ceased aid to other asylum seekers in May whereupon the Government offered limited relief.

had just escaped from prison in Congo-Kinshasa. In 2003, a Military Order Court there had convicted and sentenced them to life in prison, along with several dozen other political detainees, in a trial that Amnesty International called unfair.

Congo-Brazzaville had also deported Mwenyezi to Congo-Kinshasa in 2001 where authorities tortured him. Authorities in Congo-Kinshasa had imprisoned Alfani for the assassination of President Kabila, but a court later acquitted him. Mwenyezi's wife, Christine Mapitshi, entered with the three and authorities arrested her as well but later released her. She remained in Brazzaville with her baby, where the security services reportedly harassed them.

The Office of the UN High Commissioner for Refugees (UNHCR) condemned a rise in violence against refugees in Brazzaville, Loukoléla, and Betou. In Impfondou, police found the bodies of at least two Rwandan refugees covered in gashes and bruises. Police and *gendarmes* frequently beat refugees and asylum seekers.

Asylum seekers applied to the National Committee for Assistance to Refugees (CNAR), often through UNHCR. The six-member panel of the Refugee Status Eligibility Commission (RSEC), of which a UNHCR representative was a voting member, decided asylum claims. The RSEC was to notify applicants of its decisions within three months, but many refugees waited for more than three years for them. If the RSEC denied a claim, asylum seekers had thirty days to appeal the decision to the Refugee Appeal Commission (RAC). The RAC had six members, including one from UNHCR. Decisions by the RAC were final. The Government permitted the assistance of counsel, at the applicants' expense, but there was no independent monitoring of the process. Many refugees were unable to register because they were illiterate and unable to fill out the forms or translate their documents into French, and CNAR was unable to accommodate them.

Congo-Brazzaville was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, but restricted the 1951 Convention's application to European refugees and exempted itself from the Protocol's enforcement provision. The 2002 Constitution recognized a right of asylum and granted foreigners the same rights as nationals, subject to reciprocity of their countries to Congolese. The 1996 Entry and Residence Law provided that "political refugees" were not required to produce travel documents. A 2001 decree creating a Commission on Refugee Eligibility also prohibited the *refoulement* of refugees or asylum seekers, under the definition of either Convention, except for reasons of national security or public order, after hearings, and after allowing UNHCR a reasonable time to resettle them.

In November, some 3,000 refugees entered Bouemba, fleeing inter-tribal fighting in Congo-Kinshasa. A delegation from the Government of Congo-Kinshasa entered to persuade them to return but they were not convinced. More than 1,000 others applied for asylum during the year, includ-

## Congo-Brazzaville

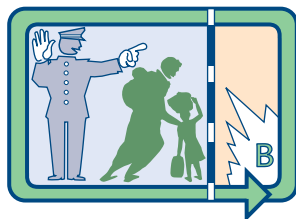
<b>Refugees and Asylum Seekers</b>	<b>60,000</b>
Congo-Kinshasa	49,700
Rwanda	6,600
Angola	2,700

<b>New Asylum Seekers</b>	<b>1,100</b>
<b>Departures</b>	<b>10,700</b>

**1951 Convention: Yes**  
**1967 Protocol: Yes**  
**Reservations: Art. IV**  
**UNHCR Executive Committee: No**  
**African Refugee Convention: Yes**

**Population: 3.7 million**  
**GDP: \$7.4 billion**  
**GDP per capita: \$2,000**

Congo-Brazzaville - Statistics



### **Refoulement/Physical Protection**

In August, the Republic of Congo (Congo-Brazzaville), appeared to allow agents of the neighboring Democratic Republic of Congo (Congo-Kinshasa) to enter and abduct and forcibly return

asylum applicant Hassan Alfani to Congo-Kinshasa where authorities arrested and tortured him for 11 days. After his release, he reentered and reapplied for asylum. In October, the Government again failed to prevent Kinshasa authorities from abducting, forcibly returning, and imprisoning him and his brother, Césaire Muzima Mwenyezi, and Fils Murhanzi, who

ing more than 600 from Congo-Kinshasa. Many refugees from Congo-Kinshasa also returned. There were 10,600 voluntary departures, and other countries resettled 110 refugees.



### **Detention/Access to Courts**

Aside from the four arrests mentioned above, the military intelligence service continued to hold three asylum seekers, exiled officers from Congo-Kinshasa, in pretrial detention in military headquarters without charges since it had arrested them in 2004. Reportedly, Congo-Kinshasa had requested their arrest as part of an agreement between the two countries to crack down on each other's opponents, after one of them spoke on national radio about shootings several days earlier in Kinshasa. They were reportedly awaiting extradition, although no effective extradition policy between the two countries existed. Other sources indicated that authorities believed they were spies.

On occasion, police arrested other refugees, claiming not to recognize their government-issued documentation, in order to extort bribes. The authorities resolved the matter upon UNHCR intervention. Authorities arrested about ten refugees and asylum seekers and detained them for short periods, usually for investigation into alleged crimes or irregular documents. There were no detentions for illegal entry or illegal employment. UNHCR was the only independent organization monitoring the detention of refugees and asylum seekers. The Government allowed detained refugees and asylum seekers assistance of counsel but did not provide it.

More than 2,200 refugees received identity cards in 2006. Asylum seekers received six-month renewable attestations of contact allowing their legal stay in the country.

The Eligibility Decree prohibited detention or imprisonment of refugees for illegal entry and obligated the Government to issue free, five-year identity cards to refugees through UNHCR. The Eligibility Decree entitled asylum seekers and each family member over the age of 15 to a receipt, after filing their claims, valid as long as the claim was pending. Recognized refugees and their family members could apply for certificates of birth, death, and marriage, on par with nationals.

The Constitution reserved to citizens its guarantees of equality and recognition before the law but also prohibited the arbitrary arrest or detention of anyone and extended to all accused the presumption of innocence and the right to legal defense.



### **Freedom of Movement and Residence**

Refugees could choose where they lived and move around the country freely as long as they had either identity or registration cards. However, corrupt local officials extorted bribes

from traveling refugees. Humanitarian agencies did not restrict aid to refugees residing in camps.

Refugees had access to international travel documents in addition to those for repatriation or resettlement.

The Constitution reserved to citizens the right to general freedom of movement within the country and the right to leave the country. The Eligibility Decree provided that the Government issue refugees free travel permits.

### **Right to Earn a Livelihood**

Congo-Brazzaville allowed refugees with identity cards to work in all fields.

Although the Constitution reserved to citizens its protection of the right to work, form unions, and strike, the Eligibility Decree provided that the Government give recognized refugees, "to the extent possible," the same treatment as nationals with respect to employment. The 1996 Employment Law made no distinction between foreigners and nationals. The Entry and Residence Law, however, provided that foreigners must have contracts to work. Pursuant to a 1960 collective agreement, they could also hold public sectors jobs in education, medicine, agriculture, and other areas, after a period of training.

Local villagers harassed refugees to prevent them from working in certain trades, such as fishing and trading. Some refugees traveled over the border into Congo-Kinshasa and Central African Republic to trade and farm.

The Constitution extended to all persons the right to engage in enterprises and did not restrict to citizens the rights to own, inherit, and dispose of property, except intellectual property.

### **Public Relief and Education**

Refugees living in UNHCR-assisted rural settlements had access to primary education and public health services but many in Brazzaville were unable to register for assistance because they were illiterate and unable to fill out required forms.

The Government cooperated with UNHCR and other humanitarian agencies aiding refugees and asylum seekers. The Eligibility Decree provided that the Government give recognized refugees, "to the extent possible," the same treatment as nationals with respect to social aid, medical services, and education. The Constitution did not reserve to citizens its right to free public education.

The 2004 Interim Poverty Reduction Strategy Paper Congo-Brazzaville prepared for international donors did not include refugees.

