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Looking familiar, remaining strangers

The challenges of Muslims and other unofficial minorities in Myanmar

Mosaic Myanmar

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LOOKING FAMILIAR, REMAINING STRANGERS

THE CHALLENGES OF MUSLIMS AND OTHER
UNOFFICIAL MINORITIES IN MYANMAR

July 2023



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TABLE OF CONTENTS

Foreword	1
Preface	6
Executive Summary.....	7
Glossary and List of Abbreviations and Acronyms.....	9
Introduction: Unofficial Minorities	11
Methodology.....	12

Part 1

PRE-COUP DISCRIMINATION AND DISENFRANCHISEMENT14

1. HUMAN RIGHTS	14
1.1 Right to a Nationality (Article 15)	14
1.2 Political Rights and Public Service (Article 21).....	15
1.3 Education	17
1.4 Access to basic education for those without citizenship cards.....	17
1.5 School-based citizenship scrutiny card applications.....	18
1.6 Treatment of unofficial minorities in schools.....	19
1.7 Matriculation exam	20
1.8 University Entrance and Completion.....	20
1.9 Distance Education	22
1.10 Teacher training and service	22
2. EMPLOYMENT	23
2.1 Restrictions on access to employment for people without Citizenship Scrutiny Cards...	23
2.2 Discrimination against unofficial minorities in the labor market	27
2.3 Indirect barriers to gaining and retaining employment	28
3. HEALTH	29
3.1 Local Community Health Programs: Vaccinations and Immunizations.....	29
3.2 Covid-19 Vaccinations	30
3.3 Social security and other support services.....	30
3.4 Barriers to health-related services due to lack of religious and cultural sensitivity....	30
3.5 Access to healthcare in Rakhine State.....	31

- 4. ASSETS AND FINANCIAL INCLUSION..... 32**
 - 4.1 Buying and selling property..... 32
 - 4.2 Discrimination in Renting..... 34
 - 4.3 Restrictions on Internal Mobility and Residency..... 34
 - 4.4 Banking and Financial Inclusion..... 36
 - 4.5 Business ownership..... 37

- 5. GENDER AND YOUTH..... 37**
 - 5.1 Women’s access to civil documentation..... 38
 - 5.2 Social security and livelihoods..... 39
 - 5.3 Education and literacy..... 40
 - 5.4 Children and youth..... 40

- 6. LOCAL GOVERNANCE..... 41**
 - 6.1 Ward and Village Tract Administration System..... 41
 - 6.2 Local administration and unofficial minorities..... 42

Part 2:

- IMPACTS OF THE COUP ON UNOFFICIAL MINORITIES45**
 - Right to Freedom of Movement (Article 13)..... 46
 - Guest Registration..... 47
 - Healthcare Access..... 48

CONCLUSION

- IMAGINING A FUTURE FEDERAL MYANMAR..... 50**

- RECOMMENDATIONS..... 50**
 - Donors and INGOs..... 50
 - Ministries, departments and other authorities..... 51

- References..... 54**
- Endnotes..... 56**

FOREWORD

Mosaic conducted research on the question and experiences of citizenship among the so-called ‘Unofficial Minorities’ in mid-2020. The result of that effort was a 60-plus page report *Experiences of Citizenship and Legal Identity Status in Myanmar* (Jan 2021). *Experiences of Citizenship* is a brief yet comprehensive report that explains clearly to interested non-Myanmar observers the complex intricacies associated with the problems of citizenship faced by the Unofficial Minorities. It is one of only a few publications available on the topic and one that is very sensitive and accessible as well.

Who are the Unofficial Minorities? Perhaps a clarification is needed from the outset. The majority, of course, refers to the Bamar Buddhist people who live in the central part of the country, both in the Irrawaddy Delta and in the Central Plains regions. The so-called Official Minority refers to the other 134 (out of 135) *taingyintha* or ethnic-nationalities, listed in official classification systems.

The Unofficial minority therefore refers to the non-*taingyintha* ethnic groups who are considered to have originated from outside the country, regardless of how long these communities might have resided in Burma. They refer especially to: people who originated from then British India (nowadays India, Pakistan or Bangladesh, regardless of whether they profess Islam, Hinduism, Christianity, Sikhism, or whether they are Bengali, Tamil, Telegu, Hindi or Urdu speakers). They also include the ethnic Chinese regardless of when they arrived in Burma – whether in pre-colonial or colonial times, or as a result of illegal migration from southern China into north-east Myanmar following the defeat of the Kuomintang in the Chinese Revolution, 1949. As well, they include the Rohingyas who consider themselves to have settled in Burma in the pre-colonial period. The military regime, and a large proportion of the Burmese population, regard the Rohingyas as Bengalis and/or Muslims, and the majority of Muslims in the north-west as recent arrivals.

Over the past 10 years, considerable research has been conducted and published on the Official Minorities especially the large groups like the Shan, Karen, Mon, Kachin, Chin, Kayah and Arakanese. Following rising tensions in 2012, and then the forced exodus of the Rohingya after 2017, several hastily written books were also published about the plight of the Rohingyas. There has been the odd book on the Chinese and Indian communities, and one that deals with Islam and the

Muslims in Burma. These few studies aside, there has not been any systematic attempt to discuss the status, treatment, and the overall plight of the Unofficial Minorities as a whole. In this regard, this Report by Mosaic is an important primer on their status.

As originally clarified in Mosaic's 2021 Report, these Unofficial Minorities are not eligible for automatic citizenship at birth. They must apply for citizenship and are granted status as 'full citizens', 'naturalised citizens' or 'associate citizens'. On the grounds that they do not possess the necessary documents, still others are not eligible for citizenship. Given their precarious citizenship status, it is not surprising that they face systemic and societal discrimination in enjoying fundamental human rights including the right to vote, join a party or contest in elections.

Discrimination extends to choice of residence even when one has purchased a property to reside in a particular locale. Unofficial Minorities face restrictions travelling to another village or town unless one possesses the necessary forms and letters of recommendation by appropriate government officers, usually the local government administrator.

Many face problems even in enrolling for basic education schools let alone for higher educational institutions. In the event, certain areas of study for e.g. medicine and management courses are not open to Unofficial minorities without the appropriate citizenship status.

The same discrimination and restrictions occur in accessing public health services, especially in one's own neighbourhood where one is well-known. This includes Unofficial Minority women who are pregnant, need medical attention before and after delivery. Yet local public health facilities are not open to them. It is only the wealthier ones who can afford to travel to the larger towns where they are not known, to seek out private health care services.

Employment in the civil service is severely restricted nowadays although it did not use to be in earlier times. Discrimination can also occur when one applies for employment in the private sector. Potential employers prefer not to employ the Unofficial Minority, especially one without the appropriate documents, believing that s/he might get into trouble with the authorities when the latter discovers who s/he has employed.

Much of the same occurs with regard to the owning of assets and property, and launching one's own business. Although one might not be prevented from inheriting property and assets from one's own parents, it is likely that one will not be able to

buy, sell or transact that asset or property without the proper documents. And if one wanted to be a taxi driver, one would have to buy a taxi under somebody else's name. And then apply for a taxi license under the name of that citizen. Similarly, you need a proxy to apply for a shop license to open a business.

The result is that most Unofficial Minorities live among themselves, in a particular corner of some township, where they also conduct small scale informal businesses or services for fellow Unofficial Minorities living in that part of the township.

The women folk suffer even more discrimination and disenfranchisement, not least because they are the ones who often do not possess the necessary documents that allow them to be considered for citizenship. As a result, many Unofficial Minority women did not have access to formal education even at the primary school level, do not travel outside of their townships, and do not enjoy public health services when they fall ill and have to access private health clinics instead, and so on. With little education, not surprisingly, the women are unable to find employment outside the home/community. The men, who had some education, are more likely to find outside employment. Often, unlike their men folk, the women also have no dealings with the state authorities. Their domain is largely the home.

Many of us who read this Report might be encountering such information of systemic and societal discrimination of the Unofficial Minorities for the first time. But if one has previously, it was probably more 'hearsay' of one kind or another. This is why the methodology adopted by Mosaic to conduct this study is important.

This new Report is a follow-up to previous research. It draws in part upon a same set of semi-structured interviews which were conducted among 70 respondents in 2020. Out of the 70 original respondents interviewed: 61.4% are Muslims; 4.3% Christians; 20% Buddhists; 7.1% Hindus; and 5.7% Hindu-Buddhists. Of the 70 interviewed, 34 are men, 36 are women. These interviews were conducted in Yangon, Ayeyawaddy, Kayin and Bago in 2020.

When a particular account of discrimination is reported again and again by several people in different places, it is no longer hearsay; it becomes systemic. What occurred in one place at a certain time can be checked against what occurred on a different occasion, perhaps in a different location. Additionally, the Mosaic researchers supplemented these interviews with participant-observation research of the communities to which their 70 respondents belonged. Before, and after their interviews, they hung around the communities, checking on points reported to them.

Mosaic's research team also conducted another 20 in-depth interviews among 'trusted respondents and community leaders' to follow up on how the situation might have changed in the aftermath of the 1 Feb 2021 coup. We have no doubt that the findings in this Report are reliable, not 'hear-say'.

The Report contains two parts. Part I presents seven policy briefs addressing concerns related to education, employment, gender, assets and ownership, local governance, health and human rights.

Part II of the Report highlights differential impacts on and risks faced by Unofficial Minorities since the 2021 coup. Since many Unofficial Minorities lack the necessary citizenship documents, they have been impacted upon yet again by the increased security checks and surveillance conducted by the SAC governance since the coup. Security initiatives such as the overnight guest registrations and travel restrictions have also had knock-on effects on their access to healthcare and ability for spouses and families to stay together at the same residence. For not uncommonly, a spouse who does not possess the necessary documents, is not registered as residing in the home! These matters are among those explored in Part II of the Report.

One of the sweetest announcements for the Unofficial Minorities is the National Unity Government's statement on 3 June 2021 that it seeks to do away with Myanmar's problematic and outdated 1982 Citizenship Law. The NUG announcement suggests that it would ensure birthright citizenship to all people born in Myanmar (*jus soli*) as well as to the children of Myanmar citizens (*jus sanguinis*)¹. According citizenship to the population either on the basis of *jus soli* and *jus sanguinis* would secure Myanmar's place alongside most other countries who overwhelmingly subscribe to these principles as well. The specifics of the NUG's plans are thus far unavailable. But we are told that a new Constitution is in preparation, the basis of which is the Federal Democratic Charter. We have also seen a draft of the Federal Democratic Education Policy and various other documents.

Put another way, this is a time when the basis for creating a new Myanmar which is federal and democratic is occurring. Thus far, the debates have highlighted the relationship between Myanmar's official minorities and the majority Bamar population. Administratively, this relationship is often represented by the ethnic states on the one hand, and the Bamar-majority regions on the other. Yet, across the State and Regions there are also populations of Unofficial Minorities, who are often left out of wider discussions of federalism. Understanding how Unofficial Minorities currently

face discrimination and disenfranchisement will help us in the re-designing of a new federal system based on social equality and justice.

These considerations must be worked into any new Citizenship Law, into the Federal Democratic Education Policy, the Health Policy equivalent, and so forth, and of course into the new Constitution. To this end, this Report hopes to contribute. In pursuing a federal democratic union in Myanmar, it is imperative that all communities are represented and included, including Myanmar's Unofficial Minorities who have thus far not received recognition through any of the previous constitutions or proposed federal frameworks.

Dr. Francis Loh
Senior Advisor
Forum of Federations

Preface

As Mosaic Myanmar believes all people need to be included and participate in their societies for sustainable peace, we have sought to understand and document the social injustices experienced by unofficial minorities in different layers of the Myanmar society since our founding. Even though these communities face structural and everyday discrimination, from communal violence to Rohingya genocide, the formal political system has never meaningfully considered the pressing challenges and historical grievances of these communities in modern Myanmar history.

During the failed political transition period of the last decade (2011-2021), even the National League for Democracy-dominated Hluttaw and formal peace process (between 2015 and 2020) excluded the voices of Muslims, Hindus, and other unofficial minorities. It was also witnessed that the international community who supported various key stakeholders and communities in the previous transition period had limited interest to promote the roles of these communities in the peace process and wider political participation.

Based on seven policy briefs, this combined report is the effort of Mosaic Myanmar to bring attention to all relevant stakeholders committed to building an inclusive federal democratic union in Myanmar. If federalism can be seen as a conflict resolution mechanism and a tool of diversity management among diverse identities, building a federal democratic system without incorporating the perspectives and persisting challenges of unofficial minorities who constitute as a significant population of Myanmar cannot be considered inclusive.

This report was made possible by our local research team, who always believed in and strived for Mosaic Myanmar's vision even in difficult times. Special thanks go to Dr. Francis Kok-Wah LOH for his review and to Dr. Elizabeth Rhoads, who has assisted with this report and setting up Mosaic Myanmar's research capacity since 2019.

Finally, this report is dedicated to Muslims, Hindus, and other communities who are not recognized as a minority; as a consequence they suffer from unequal treatment by the state and society because of their social identity since the independence of Myanmar.

Aung Ko Ko
Executive Director
Mosaic Myanmar

Executive Summary

Myanmar's 'unofficial minorities' comprise a diverse group of religious minorities such as Hindus, Sikhs, and Muslims, and ethnic minorities (including the Tamils, Gurkhas, Chinese, Bengalis, Punjabis, Rohingyas, Telugus and others) not found in Myanmar's list of 135 officially recognized ethnic groups. Although these groups are *minoritized* populations they are not officially recognized as having minority status in Myanmar, as Myanmar only officially recognizes the 135 'national races' also known as 'ethnic nationalities' (*taingyintha*). As access to citizenship by birth in Myanmar is restricted to *taingyintha* only, all unofficial minorities must individually apply for citizenship, a process which can range from a few weeks to several years of waiting. Due to the indefinite wait time in the application process, unofficial minorities are much more likely to be without documentary proof of citizenship, which compounds access to a wide variety of rights and services.

This report compiles seven policy briefs addressing concerns related to education, employment, gender, assets and ownership, local governance, health and human rights faced by Myanmar's unofficial minority populations. It focuses on systemic and societal discrimination faced by unofficial minorities in accessing employment and public and private services as well as exercising rights such as buying property or engaging in politics. Analysis is based on 90 plus interviews with unofficial minorities in Yangon, Ayeyawaddy, Kayin, Mandalay, Mon and Bago conducted in 2020-22 by a Myanmar research team.

The second half of the report highlights differential impacts on and risks faced by unofficial minorities since the 1 February 2021 military coup by the State Administrative Council (SAC). The interview data is supplemented by desk research reviewing Myanmar legislation, orders, procedures, official statements and media in 2021-2023. Barred from citizenship by birth, unofficial minorities often have difficulties accessing citizenship documentation and are therefore more greatly impacted by SAC governance and security initiatives such as overnight guest registrations and travel restrictions. These restrictions have knock-on effects on access to healthcare and ability for spouses and families to stay together at the same residence, among other impacts explored in the report.

Recent and historical debates over federalism in Myanmar have been predominately about the relationship between Myanmar's officially recognized ethnic minorities and the majority Bamar population. Administratively, this relationship is often represented

by the ethnic states on the one hand, and the Bamar-majority regions on the other. Yet, across the State and Regions there are also populations of *unofficial* minorities, who are often left out of wider discussions of federalism. Understanding how unofficial minorities currently face discrimination and disenfranchisement will aid in the design of a new federal system based on social equality. In pursuing a future federal system in Myanmar, it is imperative that all communities are represented and included, including Myanmar's unofficial minorities that have thus far not received recognition through any of the previous constitutions or proposed federal frameworks.



Glossary, List of Abbreviations, and Acronyms

Associate Citizen ('Guest' Citizens in Burmese) are those who applied under the 1948 Citizenship Act and had yet to receive a decision on their application by the time the 1982 Citizenship Law was promulgated. Associate citizens receive

ACSCs or Associate Citizen Scrutiny Cards, the blue-colored identity card issued as proof of Associate Citizen status.

A-tha mae Dark skin. A description used to comment on the physical appearance of some unofficial minorities. Often used in a derogatory fashion.

Citizenship documentation refers to documents issued under Myanmar's past and current citizenship laws. This includes all forms of citizenship scrutiny cards (CSC, ACSC, NCSC) and the UCCs issued under the 1948 Union Citizenship Act and the 1948 Union Citizenship [Election] Act.

CSC or Citizenship Scrutiny Card, also known as *Naing* card, the pink-colored identity card issued to citizens in accordance with the 1982 Citizenship Act.

FRC is a Foreigner's Registration Certificate, issued to long-term foreign residents under the 1940 Registration of Foreigners Act. Most often in use by those whose parents and grandparents did not apply for naturalization and held FRCs after independence.

GAD or the General Administration Department is the department responsible for administration and local governance, under the Ministry of Home Affairs until 2018 and again from 2021.

Household Registration or household list, also known as the 'midnight list' or Form 66/6, a document that records the biodata of registered residents of a given household, issued under the 1949 Residents of Myanmar Registration Act.

Identity documents/identity documentation/identity cards refer only to documents which are individual and bear the photograph and biodata of the bearer. This includes

NRCs, FRCs, TRCs, and all types of CSCs, but does not include birth certificates or household lists.

Kalar A derogatory term used to ridicule Muslims, Hindus, and those of South Asian descent. The term is a racial slur that also implies that they are foreigners not from Myanmar.

NCSC is a Naturalized Citizen Scrutiny Card, a green-colored card issued to those not recognized as *taingyintha* but they or their family entered Myanmar prior to independence in 1948 and did not formally apply for citizenship by the promulgation of the 1982 Citizenship Law.

National Registration Card (NRC) is a three-fold document, pink for women, green for men, issued under the 1949 Residents of Myanmar Registration Act and 1951 Residents Registration Rules. NRCs were issued to residents of Burma who were not considered to be foreigners, and occasionally the NRCD will issue these as identity documents today. Prior to the 1990 elections, there was a campaign to collect NRCs and issue CSCs in their place; many perceived as having Chinese or South Asian backgrounds had their NRCs collected but did not receive a CSC in return.

National Registration and Citizenship Department (NRCD) is the department that issues citizenship scrutiny cards under the Ministry of Labor, Immigration and Population (MoLIP).

NLD or National League for Democracy is the party led by Aung San Suu Kyi which won in landslide democratic elections in 2015 and 2020.

State Administration Council (SAC) is the name of the military junta responsible for the 1 February 2021 military coup.

Taingyintha is the term for Myanmar's ethnic nationalities, also called 'national races', which refers to those ethnic groups deemed ordinarily resident in the territory that would become Myanmar prior to colonization.

UDHR is the 1948 Universal Declaration of Human Rights.

INTRODUCTION

MYANMAR'S UNOFFICIAL MINORITIES

Myanmar's "unofficial minorities" comprise a diverse group of religious minorities such as Hindus, Sikhs, and Muslims, and ethnic minorities (including Tamils, Gurkhas, Chinese, Bengalis, Punjabis, Rohingyas, Telugus and others) not found in Myanmar's list of 135 officially recognized ethnic groups. While these groups are *minoritized* populations they are not officially recognized as having minority status in Myanmar, as Myanmar only officially recognizes the 135 'national races' (*taingyintha*). Due to perceptions that their ethnicity and/or religion is 'foreign', Myanmar's unofficial minorities generally experience difficulties in accessing citizenship documentation and securing rights as citizens. Those with citizenship documentation may also face discrimination from authorities, employers, teachers, landlords, and others based on their religion, appearance, or ethnicity.

This report has a particular focus on citizenship, as citizenship documentation is necessary to gain full access to a variety of rights and services in Myanmar, and lack of documentation disproportionately impacts unofficial minorities. Citizenship is not only an issue for the Ministry of Labor and Immigration, but an issue that arises across various levels of government, including

other ministries and local leaders at the ward and village tract level, and service providers as they make policies and regulations that advertently or inadvertently restrict access for minorities. Thus, rather than focus on the mechanisms of citizenship acquisition and discrimination in the right to nationality, the report focuses on the impacts of citizenship status on education, employment, financial inclusion and assets, human rights, local governance, health, and gender and youth. But it also looks beyond citizenship status to understand how societal and structural discrimination against unofficial minorities impacts access to basic rights and services.

The report is divided into two sections, the first deals with long-standing issues faced by unofficial minority communities that were apparent before the 2021 military coup. The second half of the report deals with how unofficial minority communities have been impacted by the coup. Together, these two sections detail acute and long-term issues of discrimination and disenfranchisement faced by Myanmar's unofficial minorities and are designed as a tool for policy makers and others working to frame new possibilities of a future federal Myanmar. Addressing minority rights has long been acknowledged as key to national reconciliation in Myanmar,² but minorities without territories have thus far sat uneasily in discussions concerning federalism. The rights and voices of *all* minorities will

be needed to build Myanmar's post-coup political system and this report highlights the areas in the current system (both under the NLD and the SAC) where minorities have faced active exclusion and discrimination.

METHODOLOGY

This report is based on research conducted by a Myanmar research team from 2020-2023 with two sets of research questions, both pre- and post-coup. While the majority of interviewees were Muslim, unofficial minorities interviewed both pre- and post-coup reported religious identities including Hindu-Buddhist, Hindu, Buddhist, and Christian, and a wide range of ethnicities, including *taingyintha* groups such as Bamar and Karen, as well as Cholia, Bengali, Chinese, Tamil, Indian, Rohingya, Pathi and others.

Pre-coup data collection involved 70 plus semi-structured interviews in Burmese with unofficial minority respondents in Yangon, Ayeyarwaddy, and Bago with one respondent each in Mon and Karen states and two from Mandalay region. Respondents were recruited through a snowball sampling technique working in partnership with community leaders in unofficial minority communities and using popular social media pages frequented by unofficial minorities to post recruitment flyers. Slightly over 50 percent of respondents were born after the 1982 Law, and thus could only obtain citizenship under that law, allowing us to see intergenerational

changes in citizenship eligibility and acquisition. The youngest respondent was 19, while the oldest was 74, with an average age of 39 years of age. Slightly over 50 percent of respondents were women.

The overall research questions were: *What is the citizenship acquisition process for non-taingyintha and where are the barriers to citizenship acquisition - both de facto and de jure? What de facto and de jure limitations do those without CSCs face, and how does this impact their everyday lives?* The interviews consisted of questions to try to understand the types of civil documentation present in unofficial minority communities, process of obtaining citizenship documentation for unofficial minority communities, family histories of access to documentation, the social, economic, political, and everyday life impacts of not having said documentation, and the impacts of delays in issuing documentation.

To compare across interviews and regions more accurately, the transcripts were not translated into English for analysis, but were analyzed in Burmese, and translated as necessary for quotes in the report. This reduced inconsistencies in the dataset and allowed for the research teams to present respondents' stories and concerns in as close to their own words as possible.

The post-coup data relies on participant observation, legal review of legislation, procedures, directives, SAC orders and

announcements, Burmese news media, secondary literature, and a smaller set of 20 interviews with trusted respondents and community leaders following the 2021 coup. For the post-coup data, our research question was: *How has the coup impacted unofficial minorities' access to citizenship documentation and enjoyment of related rights?* For security reasons, the research team remains unnamed.

The report is split into two sections, highlighting situations and conditions pre- and post-coup in which unofficial

minorities face particular discrimination or disenfranchisement in Myanmar. It begins with a discussion of human rights – including the right to nationality – followed by education, employment, health, assets and financial inclusion, gender and youth, and local governance. While gender and youth issues are addressed in a separate section, gendered and other differential impacts on unofficial minorities are highlighted throughout the report.



PART 1

PRE-COUP DISCRIMINATION AND DISENFRANCHISEMENT

1. HUMAN RIGHTS

The section is organized around the Universal Declaration of Human Rights (UDHR), and addresses violations faced by unofficial minorities both before and after the 2021 coup.³ It is not meant to be exhaustive in terms of all of the types of violations that unofficial minorities face currently or in the past, nor does it cover all of the articles in the UDHR. This section focuses on the right to a nationality and political rights. While the right to freedom of movement, right to marry and found a family, right to own property, and the right to education are addressed in other sections of the report. We have not included violations of the right to life, liberty and security of person, or the right to be free from arbitrary arrest, detention or exile, as these violations are well-documented by other sources both before and after the coup.⁴

1.1. Right to a Nationality (Article 15)

Myanmar citizenship changed dramatically in 1982, both in terms of who was a citizen and in terms of future modes of citizenship acquisition. Prior to the 1982 Law the definition of ‘natural born citizen’ in Myanmar was much broader, and natural born citizens did not have to apply for citizenship

as they were citizens by birth. However, following the 1982 Citizenship Law, natural born citizenship was restricted to *taingyintha* only. The 1982 Citizenship Law includes a definition of *taingyintha* as “the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories including within the State as their permanent home from a period anterior to 1185 B.E., 1823 A.D.”⁵ (1823 is the year prior to the first Anglo-Burmese War). *Taingyintha* are considered Myanmar citizens by birth, but those who are not born of two *taingyintha* parents must apply for Myanmar citizenship through the citizenship scrutiny process.

Section 4 of the 1982 Law allows the state to decide whether or not a particular ethnic group is *taingyintha*. In the 1980s, the state later popularized a list of 135 ethnic groups ‘native’ to Myanmar, and that list has been used to delineate between *taingyintha* and others for citizenship purposes.⁶ Those who were not considered *taingyintha* nor held a document proving citizenship were no longer considered citizens, but instead seen as applicants for Myanmar citizenship, who had to undergo a process of citizenship scrutiny.

Most Muslims, Hindus, Chinese and other unofficial minorities are not eligible for citizenship by birth like *taingyintha* (Myanmar’s officially recognized ethnic groups). They are deemed to be of mixed-blood or of foreign ethnicity and are presumed not to be *taingyintha* (although many religious minorities identify as *taingyintha*). As non-*taingyintha*, they are only eligible for citizenship under Sections 6 and 7 of the 1982 Citizenship Act. Sections 6 and 7 of the Act are for those who already held citizenship documentation on the day the 1982 Act was promulgated and children who access citizenship by virtue of the written documentation of their parents issued under the 1948 or 1982 Citizenship Acts.

With the 1982 Citizenship Law’s elevation and emphasis of *taingyintha*, non-*taingyintha* minority groups experienced increased discrimination in accessing, acquiring, and passing on citizenship rights.⁷ While the 1982 Citizenship Law declared that all those who were already citizens remained citizens,⁸ in practice, documentary proof of citizenship was often required. The 1982 Law also created two new categories of citizen, associate citizen (*eh-naing-ngan-tha* or ‘guest citizen’ in Burmese) and naturalized citizen (*naing-ngan-tha pyu-kwin-ya-thu* or ‘permitted citizen’). There have been several reports and academic articles criticizing the 1982 Citizenship Law as discriminatory⁹ and leading to statelessness.¹⁰



“Without ID, from 100 percent, your rights are not even 10 percent. You’ve lost more than 90 percent.”

– Muslim woman, Yangon



On 3 June 2021, in a policy statement of the National Unity Government (NUG), the NUG pledged to repeal and amend the 1982 Citizenship Law. The NUG’s statement declared its intent to do away with Myanmar’s problematic and outdated 1982 Citizenship Law, and to ensure birthright citizenship to all people born in Myanmar (*jus soli*) as well as to the children of Myanmar citizens (*jus sanguinis*)¹¹. However, the specifics of this have yet to be released.

1.2 Political Rights and Public Service (Article 21)

Unofficial minorities may face limitations on voting, forming political parties, and running as candidates. This is particularly important to note given the SAC’s plans for elections in 2023.¹² Naturalized and associate citizens are not eligible to run as candidates in general elections and local elections. The 2012 Ward and Village Administration Law also requires that ward and village tract administrators have full citizenship. But even

being a full citizen may not be enough. Both the 2008 Constitution (Sections 120b and 152b) and the 2010 Election Law require that candidates not only be full citizens, but also that both their parents were citizens at the time of the candidate's birth. In practice this is very difficult to prove for non-*taingyintha* citizens, as Myanmar only recognizes Union Citizenship Certificates (UCCs) issued under the 1948 citizenship legislation and Citizenship Scrutiny Cards issued under the 1982 Citizenship Act as proof of full citizenship. However, relatively few UCCs were ever issued, leaving most Myanmar citizens, including the *taingyintha* citizens (who instead make their citizenship claims based on their ethnicity), without 'definitive proof' of citizenship before the 1990s.¹³

Consequently, the typical ages of candidates mean that they are often born before 1982 or at least before 1990 when CSCs began to be distributed *en masse* prior to the 1990 elections. Non-*taingyintha* candidates whose parents were citizens under the 1948 Citizenship Law at the time of their birth but did not hold UCCs, and as such, had no legal proof of citizenship, will be disqualified, as seen in the 2020 general elections.¹⁴ Under the provisions of the 2008 Constitution, and the 2010 Election Law, non-*taingyintha* Myanmar citizens may be legally excluded from holding political office for generations, as proving that both parents held full citizenship at the time of the candidate's birth is nearly impossible. The State Administrative Council is likely

to continue these restrictions on political participation.

Following amendments to Myanmar's Political Parties Registration Law in 2014, only full citizens can establish political parties. Naturalized citizens can however still become members of political parties, but the distinction between types of citizens in the political party law, coupled with the fact that naturalized and associate citizenship can be revoked by the authorities at any time, likely prevents significant participation by unofficial minorities.



I have never joined a political party, nor has anyone in my family. But I am actually interested in politics. I would like to join a political party. But until now I haven't done so. Since I have a NCSC and not a CSC, I'm not sure whether or not it is allowed, and I haven't applied yet. If it is allowed, I would like to join a party.

– 24-year-old Hindu woman



Any future federal democratic system will need to address the large numbers of people who are currently denied political participation. Respondents expressed that without CSCs they did not vote, did not join political parties, and definitely were

not involved in the political process as candidates. As they are not involved in party politics, politicians often are less informed about the needs of this community, and they remain underrepresented. However, some respondents without CSCs reported that even though they could not vote they still volunteered to help distribute literature and posters for the National League for Democracy.

1.3 Education

Educational access for unofficial minorities is closely related to access to citizenship documentation and claiming rights as citizens. The research found seven key areas where unofficial minorities struggle in obtaining equal access to education in Myanmar: access to basic education; applying for citizenship cards in schools; access to distance education; matriculation exam; treatment of minorities in schools; university entrance and completion; and teacher training and service. The obstacles to accessing education for unofficial minorities start as early as basic education, especially where families do not have access to citizenship documentation and feel under increasing scrutiny by the school system. Some families may recognize there is no future in education or in professional careers for their children without citizenship documentation and choose to withdraw them from school before completing elementary school. If children complete secondary education they often have

difficulties in entering university, particularly in enrolling in their chosen majors. This is not only due to the citizenship documentation of the prospective student, but of their parents as well.

1.4 Access to basic education for those without citizenship cards

Education for unofficial minorities, particularly those from less well-off families, is often cut short during or following elementary school. For families choosing to withdraw children from school, one of the reasons given was parents' lack of Citizenship Scrutiny Cards (CSCs). Parents were intimidated by the increased scrutiny and requests for ID cards as students take higher level school exams (beginning as young as Grade 4), and they realized there was no future in education for their children. It is even more difficult for parents with no education.

If parents do not have Citizenship Scrutiny Cards, in some cases they can use their old student cards as photo ID when traveling or registering children for exams. But for parents with less or no education, there are no alternative documents.

If both parents do not have citizenship cards, then children will not be admitted to the best university programs nor employed in the government service. In addition to restrictions on children due to their parents' documentation, formal employment requires CSCs, which may take years to process, as parents would have to obtain CSCs first before their children can even apply. Parents thought if their children could not work in government service nor continue education, and would have to go through years of waiting for a CSC to even be allowed to work in a factory, then what is the point of continuing school? With employment outside of the informal sector limited, parents may be of the opinion that once their children are old enough to work, they should begin working, further exacerbating the problem of child labor in the country.

Lack of citizenship documentation may cause families to deprioritize and truncate girls' education. Some families may recognize there is no future in education or in professional careers for their children without citizenship documentation. Multiple adult female respondents reported that their parents chose to withdraw them from school before completing elementary school so they could help with younger children at home.

1.5 School-based citizenship scrutiny card applications

At age 10, usually in grade 5, the Immigration Department visits schools and children bring their documents and have their photos taken for their 10-year-old Citizenship Scrutiny Card at school. However, unofficial minority children are not allowed to participate in the school-based CSC issuance program. As accessing citizenship under Sections 6 and 7 of the 1982 Citizenship Act require genealogies going back at least two generations and collecting documents held on file at the Immigration Department, the rationale is that the cases of unofficial minority children are unable to be processed in school as they require further scrutiny by the Department. If parents hold Naturalized Citizenship Scrutiny Cards (NCSCs), although according to the 1983 Citizenship Procedures their children should be able to apply for the 10-year-old card, in practice, they are told they cannot apply until the children themselves are eligible for naturalization after age 18.

Generally, only Buddhist and Christian taingyintha children can receive their 10-year-old citizenship card through the special school-based program.

1.6 Treatment of unofficial minorities in schools

The basic education system is overwhelmingly imbued with Bamar and Buddhist cultural and religious-centric curricula and practices.¹⁵ This includes Myanmar traditional dress code, Bamar-centric history lessons, teaching of *Jataka*, philosophy of Lord Buddha and the Buddhist traditional stories. This is seen as impeding the creation of inclusive and meaningful learning environments for the non-Buddhist and/or non-Bamar students.

Muslims are often excluded from participation in extracurricular activities. These may be educational and leadership roles such as volunteering as a class leader, school funfair organizers, or sports, music and art events, and culture exchange events. Excuses for their exclusion include allusions to students' skin tone being unsuitable for certain roles (i.e. 'that costume won't look nice on you' etc.) and direct discrimination based on not being able to represent their school or class due to their religion or presumed ethnicity.

Dress code based on 'Myanmar tradition' is often misused by teachers to suppress the practice of wearing religious head coverings. Myanmar public schools generally do not allow Muslim girls to wear hijab under the pretext of maintaining Myanmar culture. This dress code enforcement results in *hijabi* girls dropping out of school. Sikh men have

also reportedly been forced to remove their turbans in the classroom and when taking the matriculation exam.

Most public schools have students pay homage to Buddha daily before classes start. In some areas non-Buddhists are forced to participate or punished if they refuse. Teachers often ask Muslim students to do classroom chores during the prayer time and sometimes treat non-Buddhists with displeasure for not reciting Buddhist prayers and/or for not meditating.¹⁶

Both teachers and students engage in the use of derogatory language and bullying of Muslim and Hindu students. Derogatory terms such as '*Kalar*' and '*A Tha Mae*' (dark-skinned) are used against Muslims in classrooms not only by peers but also by teachers. The use of such words by students are often ignored by teachers. Fellow students and even teachers are often reported as teasing Muslim and Hindu students by offering to feed them pork.¹⁷

Sometimes, teachers seat Muslims and other unofficial minorities separately from the rest of the students. This apartheid-like practice creates uncomfortable environment for students for learning and can potentially nurture alienating attitudes towards unofficial minorities due to classmates' limited opportunities to engage minorities.

Treatment of minorities in school often depends on their social background. In

particular, the parents' ability to buy gifts for teachers to ensure good or even equal treatment of their children is reported as crucial. Due to fear of discrimination in schools, Muslim families with financial means often enroll their children in private schools, especially since the expansion of private schools following 2012. However, for parents with limited financial resources, it is difficult for them to follow this path to overcome school-based discrimination.

Prior to 1988 there were positive lessons about other religions in the school curriculum, but following 1988 Buddhism is more clearly prioritized in the curriculum at all levels. In the Grade 3 textbook for example, there was a story about how the second caliph of Islam, Omar, treated his servant as a colleague not a slave. This story has since been removed. While other religions were ignored and Buddhism was emphasized in school, teachers and students began to look down on non-Buddhist minorities, in part due to lack of understanding or knowledge about the history, culture, and beliefs of other religions.

After 1988 there was an addition to the national song that students must sing in high school – the line reads “Buddhist national country” which makes religious minorities feel that they are not seen as belonging, like Myanmar is not their country.

1.7 Matriculation exam

At the end of 10th grade all Myanmar students sit a matriculation exam.¹⁸ The examination marks the end of secondary education and the marks on the examination determine which tertiary schools students can enter and which subjects they can study. Yet, for students who are without CSC cards or who hold FRCs (Foreigner's Registration Certificate) continuing education and even sitting the exam itself is full of uncertainty. This reportedly causes students not to study intensely for the examination as they are all but guaranteed not to get into their tertiary program of choice, closing access to many private sector jobs, and are barred from entering the government service as well.

For students without CSCs to take the matriculation exam and to finish high school, there are a variety of hoops to jump through. Generally, the CSC is required as identification to take the exam. Without a CSC, students wishing to sit the matriculation exam must get a recommendation letter from the ward administrator and from the police station.

1.8 University Entrance and Completion

For those who are able to finish the exam and pass, without a CSC, the choice of one's major is limited. Degree programs such as law, economics and management require a valid CSC/ACSC/NCSC for admission.

If prospective students can prove they are eligible for a CSC under Myanmar law, then they will be permitted to register for the degree program with a recommendation letter from the relevant government department (in most cases this is the Department of Immigration and National Registration).

One Muslim respondent who entered university without a CSC had to take Myanmar Literature as her major and all the readings and texts were about religion. She had to memorize the names of the Buddhas and the nats.

Since the Ne Win era and the nationalization of schools and education, students who lack proof of citizenship have not been allowed to pursue degrees in Myanmar's medical schools. Similarly, the National Management Degree College announced in its call for applicants that every prospective student must be a citizen of Myanmar.¹⁹ University admissions handbooks however, state that all citizenship categories are accepted for admission. Due to the gap between these two official policies, in practice those without CSCs are frequently not accepted to professional degree programs. We also found evidence of students holding NCSCs or ACSCs not admitted to, or expelled from Government Training College (GTC), the program for training civil servants due to the college discovering that a student's parent held an FRC, and was, therefore, a 'foreigner'.

Reports of students expelled after gaining admission and passing courses, suggests that either unofficial minorities are under continued scrutiny, or that issuance of new ministerial directives or university policies can easily disrupt and derail education already in progress.

Some tertiary education programs require both parents of prospective students to have CSCs. The matriculation exam guidebook issued by the Ministry of Education states that both parents of prospective students must hold CSCs. The Myanmar Maritime University requests applicants to show the CSCs/ACSCs/NCSCs of their parents.²⁰

One respondent reported that a Chinese classmate who received 6 distinctions in the matriculation exam could not apply to medical university because both parents held FRC cards. Later the classmate became a monk and was able to apply for a CSC (full citizenship) directly after taking his vows.

In other university departments, students without proof of citizenship may be able to study but must have a CSC/ACSC/NCSC in hand before obtaining their degree certificate. Many qualified graduates who do not yet have their citizenship cards in hand are unable to work in their chosen fields due

to inability to prove their qualifications with a degree certificate. In most cases those who graduate without CSCs will receive a letter of recommendation when they finish their course; they are regarded as not having technically completed it without producing the CSC. Without proof of completion, they cannot apply for graduate school, scholarship programs, further study at foreign universities, jobs that require degrees in Myanmar, government service, or special training programs.

Those who need a CSC to enter their chosen course of study, graduate, or get a job in their field often have a short time frame within which to apply for and receive their CSC. Young people in this situation are often taken advantage of by immigration officials who charge bribes and extra fees to expedite the process. Some interviewees reported that they applied for citizenship cards as Bamar Buddhists and paid bribes in order to receive their pink cards in time for graduation so they could receive their certificates.

1.9 Distance Education

Those without CSCs may be confined to BA subjects at distance education schools, even if they achieved good marks. For most BA programs those who are in the process of applying for CSCs can register for school with a recommendation letter from the immigration office. For students enrolled in distance education programs where travel is

required to sit examinations, without a CSC they may face difficulties in getting to the exam site as a CSC is needed to purchase train and plane tickets.

Most students without CSCs are able to get by using student cards as identification.

However, often not having a CSC significantly delays the process of issuing a student card, leaving students without any form of photo ID. This impairs travel necessary for distance students to take exams, access to campus facilities, and access to part-time employment while studying.

Parents of distance education students may disapprove of frequent traveling for exams, particularly parents of unofficial minority girls and women. Reluctance to let daughters travel alone may preclude their participation not only in tertiary education, but also in high school as many rural areas do not have high schools in the village tract. Girls may be pulled from education early despite their grades because of the issue of traveling, and particularly parents' fears of harassment of their daughters by authorities for traveling without CSCs.

1.10 Teacher training and service

Teachers are often posted to remote areas to ensure that every area has enough teachers. Unofficial minorities who take a remote or village posting may face discrimination from students, parents, and the community. This insecurity may

discourage unofficial minorities from joining the profession.

2. EMPLOYMENT

Unofficial minorities face systemic and societal barriers in accessing employment.

Those without citizenship documentation can face ineligibility for certain professions, ineligibility to apply for jobs in the formal sector that require citizenship documentation, discrimination in hiring practices, or may lose a job they already had due to indirect elements of the job market like not having a bank account, not being able to travel domestically or internationally very easily, and not being eligible for additional job-related training. Even unofficial minorities *with* citizenship documentation consistently report employment discrimination and maltreatment from employers based on their perceived religious and/or ethnic background.²¹

2.1 Restrictions on access to employment for people without Citizenship Scrutiny Cards²²

Job applications often require CSCs numbers, which is an impediment to unofficial minorities before the recruitment process even begins. Job applications in both the public and private sectors increasingly require the use of CSC numbers in the application itself. This practice bars those without CSCs and those whose

documents are under process – or significant numbers of unofficial minority youth – from accessing employment. In the private sector, sometimes this is a requirement for companies, and increasingly so since the transition period began, as more and more would like to show they are paying tax on employees and registering them for social security. Other times, it is an unofficial regulation designed to keep certain groups from seeking gainful employment.



My father was a clerk at a bank before he passed away. I'm unemployed now but I also worked at a bank. I was a temporary employee for two months. When my probation period ended, I was fired because I did not have any documentation. I applied to work at a company, but they said I couldn't work there because I didn't have a CSC.



Trainings, seminars, and work events often include sign in sheets with one's name, phone number, signature, and CSC number. Those without CSC numbers feel immediately outed to their peers and colleagues just by registering for the event and entering the room. This makes young people in the process of applying for a CSC feel insecure around their peers and less likely to

partake in activities that will gain them larger networks and increase their skills.



Without a CSC, when I got to trainings for work and have to sign in, next to my signature there is an empty spot for the CSC number. I feel I am illegal.



Those without CSCs who gain employment in the private sector face employment precarity. Lack of CSC can be cause for not hiring as well as cause for dismissal after the probation period. For those who are already employed without CSCs, the difficulty of changing employer may mean they work longer hours for lower wages in their current job, putting up with demanding and sometimes degrading conditions. Others may try to rent a friend's CSC, paying a portion of their salary, or a flat fee per month to use the number in order to gain employment in the private sector, often in factory work. They are dependent on this relationship with their friend and their friend's family to continue their employment.



I have applied for my citizenship scrutiny card, but it is stalled - there is not any progress in the application. I am working at a company with my friend's help. I pay tax related to my job, that is quite a large amount of money from the beginning, but I have not had my CSC yet. It is impossible for me to change to another job, and it is too risky for me due to my lack of CSC.



The process of applying for citizenship documentation also causes employment precarity and loss of income. For those employed while actively going through the process of obtaining a CSC, the requirement of frequent visits to the National Registration and Citizenship Department (NRCD) office means a loss of hours, requesting leave from work, and potential reprimands from their employer. Some end up abandoning the application process altogether for fear they will lose their job or because the costs incurred from missing work and travel to and from the NRCD are too high to carry on.

Those without CSCs turn to work in the informal sector or in home-based businesses. In many cases, those without CSCs are forced into low-income work as domestic workers in others' homes, casual

laborers, laundry women, and boat driver or motorcycle driver in rural areas. These occupations provide no social security or job security, but they also do not require CSCs.



I am working a part-time job as a housemaid in downtown Yangon, which doesn't need a CSC at all. But my customers have restricted my work at their homes during the Covid-19 outbreak. So, I do not have income during the pandemic, and it is hard for my family to survive.



Those without CSCs who are employed often face constraints on the type of work they can do or must take significant risks to compensate for their civil documentation status. For example, those involved in sales or other work that requires travel face considerable difficulties at formal and informal check points, hotels, and difficulties or outright exclusion in train and plane travel. For those without citizenship documentation in hand – due to a renewal, because the application is still in process, or for other reasons – a dated recommendation letter for travel can be used in lieu of the CSC. However, some service providers do not know this regulation and are unfamiliar with the use of recommendation letters. Hotels may refuse to rent rooms to travelers

without identification. In other cases, the length of time for travel granted by the local administrator in the letter may not cover the time required for the tasks the employee needs to complete away from home. This can result in serious difficulties for travelers without CSCs, including detention. While there are jobs available that do not require CSCs, many require travel, such as working as a 'bus spare' (driver's assistant or conductor), and thus are difficult for people without CSCs or result in lower wages, lack of opportunity for advancement, and higher risk.



I don't have any card whatsoever, but I have to travel frequently for work. If I go by car, it is usually okay with a travel recommendation letter from the ward office, but if I have to stay in a hotel that's when I face problems. One time I was traveling for work to Kachin State for a month. When we arrived, the hotel refused to accept my travel recommendation letter. Luckily, an acquaintance from work helped me to stay on the work site for the whole month. When we go to Yangon it is even worse – they never accept the ward office's recommendation letter.



Not having a CSC also constrains options for self-employment. Without a CSC it may be difficult to obtain the licenses needed in their trade as electricians, truck, taxi, or motorcycle drivers. If they start their own business their business partner with a CSC will have to register the company, bank account, and any assets and the partner without a CSC can lose the business and any property at any time. Obtaining a loan or joining a microfinance group to finance a small business is also difficult to impossible without a CSC. Registering a bank account in Myanmar is not possible without a CSC. This severely restricts one's ability to work on a per job or per contract basis as Myanmar's middle class increasingly embraced mobile banking and electronic payment platforms during the transition. Clients of plumbers, electricians, painters and others often request to pay by K-Pay or Wave Money. Those without CSCs often have to ask for assistance from friends and relatives to receive payments.



I attended an electrical engineering training without providing a citizenship scrutiny card. The trainer told me I could attend without it and I would have to give it later because I had already submitted my documents to the immigration office. Now I have been working with that training for two years already, but I can't give my scrutiny card number to the training center, and I can't receive my certificate. I really feel sorry to my teacher for my absence.



Some of the reforms in banking, social security, and taxation brought in during 2011-2021 have made accessing gainful, safe, and dignified employment even more difficult for those without CSCs.²³

As employers began to demand CSCs from applicants, and clients preferred bank transfers or mobile payments to cash, people with pending CSC applications were further constrained in the labor market. For those without CSCs with existing employment, new social security and tax regulations were interpreted by some companies as requiring full-time permanent employees to open bank accounts and receive electronic transfers for their paychecks instead of cash. Those without CSCs who could not open bank accounts had

no other choice but to move to less secure employment contracts with fewer benefits.



I was working in a factory and my duty was monitoring machines. I had been working there for many years. I had to quit my job because of a change in the payment system. My employer wanted to use mobile banking to pay staff salaries. I do not have a CSC and I can't open a bank account that can use mobile banking. My supervisor said that my salary will be transferred elsewhere if I do not have my own mobile banking. So, I had to quit my permanent job and they assigned me a part-time job instead of a permanent job. I did not have other option, so I accepted it. I can't get a bonus or overtime as a part-time worker, losing a significant portion of my previous salary.



2.2 Discrimination against unofficial minorities in the labor market

Unofficial minorities are excluded from the public sector through a variety of measures. Government training programs designed to train cohorts of civil servants will reject applicants or expel students if they are found to carry a naturalized citizenship scrutiny card (NCSC) or associate citizenship scrutiny card (ACSC) demarcating them as having at least one parent who was not considered a citizen by birth and had to apply for citizenship under the 1948 or 1982 Citizenship Laws. For those who hold ACSCs and were able to study medicine or dentistry, they are not usually placed in government service and so have difficulties in obtaining the appropriate licenses to practice. For those who attempt government service they have to submit an appeal letter before applying for the job in the public healthcare sector, a step which is not compulsory for applicants with CSCs. Oftentimes applicants with NCSCs or ACSCs complete their education and make it to the interview for a civil service job and are denied at the interview stage once their documentation is scrutinized. Although the Union Civil Service Board pledges not to discriminate on the grounds of nationality, race or religion, 'Form 1' the application form for civil service positions requires a CSC number, and ACSC and NCSC numbers are generally not accepted.

Such exclusion has a knock-on effect in

educational attainment. Many unofficial minority families withdraw their children from state school as they know they will face discrimination in the public sector and in entrance to the most elite programs in Myanmar. Those who can afford it send their children to private or religious schools and hope for a future abroad or in the private sector, and those who cannot often choose to pull their children out of school before the matriculation exam.

When unofficial minorities are able to access citizenship documentation, education, and pass the interview stage, they still face discrimination. Companies may have policies not to hire Muslims or ‘foreign ethnicities’, and employees may be fired for their appearance and perceptions of their ethnic and religious background after already meeting the qualifications for the employment and starting work.

My child has a degree and passed the interview for a company. When they showed up for the first day, the manager said ‘foreign ethnicities are not allowed to work here. It’s our company policy.’ They were fired and sent home. Later we received 30,000 kyats compensation from the company.

2.3 Indirect barriers to gaining and retaining employment

ACSC and NCSC holders are faced with travel restrictions in some areas, such as border cities, where border trade is conducted. This limits opportunities for small business owners to participate in border trade directly, or to meet counterparts from the other side of the border for business meetings. Unofficial minorities with CSCs (pink cards denoting full citizenship), state that they are often viewed with suspicion when traveling within Myanmar or when returning to Myanmar from abroad, as if they are not supposed to be holding the card that entitles them to full citizenship rights.

I could not travel when I had held a FRC (Foreigner’s Registration Certificate). I went to a border city for business after I had my naturalized citizenship scrutiny card. But there was check-point gate by immigration staffs on my return. The immigration official scolded me and confiscated my identity card without returning it. He chided me saying why wasn’t I aware that naturalized citizenship scrutiny card holders are not allowed to travel to border regions. Later my card was returned to me with the help of an ethnic armed organization.

3. HEALTH

Unofficial minority households may have greater difficulties accessing health services. This can be due to not having a CSC, not having proof of local residency, or discrimination in healthcare settings or from local officials responsible for community health programs or vaccine distribution. Our research found that unofficial minorities face difficulties in accessing vaccinations and childhood immunizations and this is further compounded for unofficial minority migrant families who may be living outside of their natal town or village. Furthermore, in areas where there is no hospital or travel is required to seek specialist care, those without CSCs are at a disadvantage, as they must seek approval from local officials before travel and carry a recommendation letter in lieu of a CSC.

3.1 Local Community Health Programs: Vaccinations and Immunizations

Community health campaigns conducted at the local level (ward or village) often require proof of residency to access services. As it is well-documented that there is significant internal migration in Myanmar,²⁴ those without a local household registration can apply for a guest registration from the local ward office to show they are resident in the ward. However, often those without a local household registration will not be enumerated and then excluded from immunization and vaccination campaigns.

Unequal access to household lists, and the use of household lists as proof of residency, complicates access to health services. One example is the HPV vaccine in Myanmar, which is available to women ages 12-40 and administered through community health programs at the ward level. However, proof of residency was often identified as a household list rather than the guest list for households or individuals formally registered elsewhere. Many unofficial minorities do not have household lists, as these are documents which like the CSC, are issued by the National Registration and Citizenship Department (NRCD) of the Ministry of Labor, Immigration and Population (MoLIP). Even acquiring an application form (Form 10) for the household registration requires approval and cooperation from the ward administrator/village tract administrator in the form of a letter of recommendation, and ward administrators may discriminate against minorities by not issuing letters or delaying issuance of letters.

Furthermore, household registrations are generally issued for those seen as permanent residents of a ward or village. In practice this means that household registrations are often limited to those with long-term tenancies or those who own property. As it is illegal in Myanmar to purchase property in your name without a CSC, unofficial minorities are disproportionately without household

registrations, due in part to difficulties in obtaining citizenship documentation.

3.2 Covid-19 Vaccinations

As Covid-19 vaccines became available, there were issues regarding equitable access for unofficial minorities. Individuals are asked to bring their citizenship scrutiny cards (CSCs) when they come to vaccination centers. The CSC number is then written on the vaccine card. Some areas have requested both CSC and Household Registration in order to prove citizenship as well as local residence before administering the vaccine. We have heard that recommendation letters from ward administrators or village tract administrators are accepted at some vaccination centers. However, getting this documentation is often predicated on other forms of documentation such as a household list, and a good relationship with the local administrator. In some areas local residents have rejected the SAC's imposition of new administrators, leaving no path to vaccination for those without CSCs. While in other areas SAC administrators may discriminate against minorities and not issue recommendation letters. Unofficial minorities without CSCs are thus in a double bind.

3.3 Social security and other support services

Those without a CSC are excluded from Myanmar's social security system. Myanmar has limited social security programs targeting

the elderly and pregnant and nursing mothers. In some areas, local authorities require a CSC or household list to access programs while in others it is not systematically required. These programs provide valuable financial support with the hope that this translates into better nutrition and transportation fees for health visits.

3.4 Barriers to health-related services due to lack of religious and cultural sensitivity

Muslims and Hindus are grossly underrepresented in healthcare. While unofficial minorities still seek healthcare from other providers, they feel greater comfort and safety with other minority providers such as charitable hospitals like the Muslim Free Hospital in Yangon. Muslim doctors report discrimination in hiring practices at major hospitals, limited opportunities for career advancement or managerial positions, and patients who do not want to accept medical treatment from Muslim doctors. Like other employers, hospitals do not provide time off or flexible schedules to allow Muslim doctors to join Friday prayers.

Knowledge of religious practices related to illness and death are important elements of healthcare provision. There are multiple reports that families of Muslims who passed away during the third wave of Covid had difficulties in taking the corpse from the hospitals, where disposal of the body was done according to Buddhist practices

(cremation) but where little provision had been made for Islamic death rituals. In other waves, Covid-19 volunteers were able to collect bodies using ambulances, but it may be that restrictions on freedom of movement and general fear following the coup meant that this was not always possible.²⁵

3.5 Access to healthcare in Rakhine State

Accessing health services in Rakhine State remains a problem. This is a long-term problem with multiple causes from underfunding and under-resourcing. Health workers are reluctant to take posts in Northern Rakhine State due to security concerns leaving communities grossly underserved. Although a cessation in fighting has meant it is more feasible to travel to hospitals for medical care, and for health workers to travel to villages, those confined to settlements for displaced persons and particularly Rohingya face further restrictions on their travel, greatly impacting their access to care. Since 2022, freedom of movement across Buthidaung and Maungdaw requires either a National Verification Card (NVC), Citizenship Scrutiny Card (CSC or ‘pink card’), or Naturalized Citizenship Scrutiny Card (NCSC or ‘green card’). Other forms of ID or letters from local administrators are not accepted, severely limiting freedom of movement and thus access to healthcare, for those unable to produce these cards.²⁶

Requiring travel authorization for more specialized care is a major constraint on access to healthcare for Rohingya.

Rohingya without CSCs living outside of Sittwe, Mrauk-U and Maungdaw Townships require a travel authorization from authorities for patients to seek medical care somewhere with a major hospital. If travel to Yangon is required, accessing the necessary permissions takes time that patients may not have. Furthermore, accessing these documents often includes payment of informal fees, or bribes, which further restricts access to services to those who are both able to approach administrators and able to pay. With recent moves by both the SAC and the Arakan Army to incorporate Rohingya administrators into their respective administrations, Rohingya may be further caught in-between, where documents from village administrators under one administration will not be recognized in the next, potentially causing problems for travel and seeking medical care.

4. ASSETS AND FINANCIAL INCLUSION

The research explores the types of restrictions that limit unofficial minorities' access to land, property, housing, and other assets and barriers to accessing financial services, which further impacts unofficial minority business and property relations. Many of these restrictions are due to lack of citizenship documentation or type of citizenship documentation held by unofficial minorities (such as naturalized or associate citizenship). However, unofficial minorities also face discrimination based on their appearance and religious profession and this can also impact access to housing, property, and financial services.

4.1 Buying and selling property

“Even if you have money, you can't buy a house or start a business without a CSC.”

– *Homemaker, Yangon*

In Myanmar, foreigners can own and sometimes inherit property, but they cannot buy, sell, gift, or receive property.

In practice, this means that people without citizenship documentation cannot be involved in legal transactions of land, flats, houses, or other forms of immovable property. To

get around this restriction, people without citizenship documentation often buy property in names of relatives or friends, or use informal agreements to access property, where there is no formal record of the transaction.²⁷

“From the time of my parents and grandparents we haven't owned any property. We just rented our house. But others might buy property in their son-in-law's name if he has a card.”
– *housewife, Ayeyawaddy*

Making informal property transactions or using others' names in the paperwork leads to other types of problems, including legal uncertainty regarding the property. If the property is in someone else's name, there are few guarantees that the friend or relative will not abscond with the paperwork or sell the property to someone else. Likewise, if one spouse has a CSC/ACSC/NCSC and the other spouse does not, the property can only be registered in one spouse's name. This presents difficulties in the case of divorce, inheritance, or sale following the death of a spouse.



“Although I have money, whatever I want I have to buy with other people’s names and that’s not good for the long term. It will be better to use our own name when buying property.”
– NCSC holder, Yangon



If the transaction was informal and there is no formal paperwork for the property, then everything regarding the property has to be done in the name of the previous owner, and this can also create complications. Without one’s name on the lease or deed, one cannot bring a case in court, nor defend oneself in court if there is a property related dispute.



“My house was built on a quarter plot. I do not have a contract, but I bought it through mutual understanding verbally. Therefore, the land is still in the former landowner’s name. We pay tax under his name for land and municipal tax, but the property is not in my name. Without a CSC I might lose my property. For example, if there is a problem related to this house, I will lose the case in court because according to the law I can’t do anything as the property is not legally in my name. So, it is sure that my case will fail.”
– retiree, Ayeyawaddy



4.2 Discrimination in Renting

Multiple respondents reported that they faced discrimination on the basis of their appearance and perceived religion when searching for housing, particularly in Yangon. Usually this means they are denied housing altogether rather than charged a higher rate. It also means that Muslims tend to congregate in areas with Muslim landowners as they may face less discrimination in housing in these areas and perceive these locations as safer.

“The broker asked me on the phone: ‘Are you Muslim? If you are Muslim, we will not rent you the flat, as that is what the owner wants.’”

– Muslim student, Yangon

When landowners decide to redevelop their plot in Yangon into a taller apartment building, they usually make a contract with a local contractor. The landowner provides the land, and the contractor funds the cost of redevelopment. Both parties then get to split the apartments between them. Landowners often include in the contract that the contractor cannot sell or rent apartments to Muslims. In some cases, although the contractor themselves may be Muslim, the contractor has to agree not to sell or to rent flats to Muslims. The real estate brokers

also largely restrict the properties shown to Muslim clients in many wards.

“I was rejected from renting a flat in Yangon when the owner saw me in person. He told me: ‘we do not hire our rooms to other religions.’ All along the street I was denied by landlords.”

– Muslim student, Yangon

4.3 Restrictions on Internal Mobility and Residency

When families move internally within Myanmar, to receive a household list at their new residence, they must show that they have purchased property in the new location. The recommendation letter from the previous ward or village tract administrator will include information about the property in the other location in the letter and the citizenship scrutiny cards of family members must also be included. Even though the Household List (Form 66/6) has a column for Foreigner or Citizen and Citizenship Scrutiny Card number or Foreigner’s Registration Card (FRC) number, at some point in the last twenty years the Myanmar National Registration and Citizenship Department (NRCD) has refused to allow family members with FRCs to be included in the household list. In some cases, local NRCD offices are refusing to

No Muslims Allowed

“I bought land from one of the local ward residents in Hpa-An. The owner sold the land to me by her own decision, and I paid the price she asked for. Then, I built my house on the land. There was an issue when my house was almost done. The ward administrator, his followers and a monk told me that Muslims are not allowed to live in that ward and there were not any Muslims in the ward. I brought it in front of ward administrator with their authority, but later it turned out that they did not allow Muslims to live in the ward. The owner could not refund my money. The monks and some residents raised funds in the ward and refunded my money including the house construction cost. I couldn’t argue with them, and I had to just accept what they wanted.”

Muslim resident, Hpa-An

issue Household Lists altogether if one of the spouses holds an FRC.



When we moved to a new township in 2004, we were not allowed to make a Household List for our property as my wife held an FRC.

– Muslim business owner, Yangon



Married women without CSCs are not able to have their name on property jointly with their husbands. When their husbands pass away, they may be vulnerable to inheritance disputes or even confiscation of the property by the government. The CSC is necessary to secure their land and property rights and ensure their inheritance rights.

Documenting marriage and forming a new

household without a CSC is difficult. If one or both spouses does not have a CSC, forming a new household upon marriage is highly complicated. Women without CSCs may not be able to show proof of marriage or identity. It also causes delays in processing children’s CSCs later on, if they cannot be added to their parents’ household list because they do not have one. The Household Registration is also what is used to make the voter lists, so this impacts political participation of those with and without CSCs that cannot form a new Household Registration in their place of residence.

The household list requirement is not the only regulation that restricts the mobility of unofficial minorities. Moving for a better job, children’s education, or to escape a bad family or social environment, is highly complicated for those without citizenship documentation. They may be able to legally reside in their current home but may not be

able to buy or even rent somewhere else due to their status, severely limiting their choice of residency. Others with citizenship may face anti-Muslim or anti-Chinese discrimination that prevents them from purchasing property and living in some areas of Myanmar, particularly where there were Ma Ba Tha strongholds prior to the coup.²⁸

4.4 Banking and Financial Inclusion

Those without CSCs, whether holding other types of documents such as ACSC/ NCSC or 3-fold National Registration Cards (NRCs, a document which pre-dates CSCs), have difficulties opening bank accounts in their names. In the case of NRCs, they are not accepted at all, while bank staff are less familiar with so these documents are sometimes erroneously refused as proof of citizenship. Other times, the bank's computer systems are designed only with the CSC 'pink' cards in mind, so they cannot take the number from the ACSC or NCSC as the digits are different.

Multiple respondents reported that they could not get loans from microfinance agencies because they did not have a CSC. This impacted people in both rural and urban settings, across all income groups.



“I have experienced very often when going to the bank that bank staff checks my naturalized citizenship card up and down as they are not familiar with that card, and I felt they were looking down at those without pink cards.”

– resident, Yangon

“I would like also to get a loan like others when microfinance agencies come to the ward. But, without CSC and with no documents I can't apply for it.”

– laundry woman, Yangon



A farmer who is an associate citizenship scrutiny card (ACSC) holder was not allowed to register his farmland and receive the Form 7. Form 7 is the proof of ownership for farmland under the 2012 Farmland Act. Without a Form 7, farmers cannot access bank loans from private nor public banks, like the Myanmar Agricultural Development Bank (MADB) which provides most of the financing and capital for Myanmar's farmers.



“Back when I was still farming, I applied for the Form 7 in my own name with my ACSC but it did not work. And then, I applied again with my wife’s CSC which is a pink card, and we were issued the Form 7.”

– business owner, Ayeyawaddy



4.5 Business ownership

Without CSCs one cannot register their own business in their own name or apply for a license or concession. If people without CSCs still want to be involved in their own businesses, they have to rely on someone else to register the business in their name. This leaves them vulnerable to exploitation by both customers and the friend, relative, or business partner on the registration.



“In my first business buying and selling bricks and cement, I just had a fake CSC so my customers who bought goods in credit did not settle their debts because of my weakness. Later on, my business partner from the construction sector took over the business but I could not do anything about it.”

– business owner, Karen State



5. Gender and Youth

Barriers to access to rights and services for unofficial minorities are often gendered, and disproportionately impact youth and the elderly. The key areas of impact are:

access to education; access to social security benefits for pregnant women and nursing mothers; access to old age pensions; access to property and inheritance; university entrance and completion; and political participation. Gender-related vulnerabilities such as lower levels of female literacy in the past, and discrimination in educational and government office settings against transgender people also cause difficulties and delays in accessing civil documentation.

Our research found that unofficial minority youth (18-35) are the most likely group in Myanmar to not have access to civil documentation.

Adult unofficial minority women are also more likely not to have civil documentation, or to hold documentation such as National Registration Cards (NRCs) that does not serve as proof of citizenship that allows them to pass their citizenship on to their children. Particularly older women who were issued with NRCs before 1982 may not have understood that they needed to convert these to CSCs (citizenship scrutiny cards). Many women who did not see a need for a CSC in their own lives, did not understand the impacts not having a CSC would have for their children’s futures until their children applied for their own CSCs.

5.1 Women's access to civil documentation

We found that women hold national registration cards, temporary registration cards, or no civil documentation in higher numbers than men. This corresponds to the data from the 2014 Census, although that data was not disaggregated by race, religion, or ethnicity. Women in our study were less likely than men to hold citizenship scrutiny cards for a variety of reasons, but the most frequently mentioned reasons were lack of other forms of civil documentation such as birth certificates and household lists. Another contributing factor was that many women respondents did not participate in education or work outside the home previously, and therefore were not confronted early on with an immediate need to obtain a CSC.²⁹

The lack of citizenship scrutiny cards was much more pronounced in low-income families and families working in the informal sector. But holding civil documentation in these households was also gendered. Some women expressed that they had married young and moved from their parents' house to their husband's house and did not know much of the world outside of the home. As such they expressed that they had not understood the importance of the CSC previously, or that they felt they did not need it as they did not travel, attend university, or work outside the home.

Most respondents reported that they did not initially understand the importance of citizenship documents. This lack of understanding led them to either not apply, not prioritize application, or to misplace or lose the CSC. Particularly older women who were issued with NRCs before 1982 may not have understood that they needed to convert these to CSCs (citizenship scrutiny cards). Those who were issued CSCs but did not work outside of their ward often reported that they did not understand the importance of the document as they rarely needed to use it.



“My mother applied for a pink card (CSC) at the ward immigration office. At that time everyone went to apply and everyone got one. My mother didn't really know what to do with it. She is a market vendor so she never really had any reason to travel or go anywhere. She didn't know the importance of the CSC and she lost it. In 2010 she went to the office to replace it and they gave her a green card (NCSC) instead of a pink one. She didn't really understand so she just accepted the green card.”

– Muslim casual laborer, Yangon



Almost all of our respondents reported fear of government offices. This was particularly directed at the National Registration and Citizenship Department (NRCD), which is the entity that issues CSCs. Women, particularly older women, did not want to go there without being accompanied by someone who had previous experience with the NRCD. This meant they were more dependent on family members with CSCs or outside assistance from religious organizations, civil society organizations, or cultural organizations to process their civil documentation.



“I do not want to go to the immigration office again as it was a horrible experience. I was insulted by the staff. I didn’t know who was the right person to approach because each staff person questioned me and gave me different orders. Sometimes I wanted to cry when I visited the office. Sometimes the staff said to me ‘Hasn’t your case finished yet? We also have other work to do.’ As a young woman, I felt shy and embarrassed when they treated me like that.”

– 36 year-old Chinese-Myanmar shopkeeper, Yangon



The cost of citizenship documentation for minority female-headed households is prohibitive. Processing citizenship documentation takes time, bureaucratic literacy, and money. Female-headed households with a single wage earner are often already in a lower socio-economic bracket due to not being able to access formal employment due to their lack of citizenship documentation. These households may find the cost barrier to obtaining documentation for themselves and their children insurmountable.³⁰

5.2 Social security and livelihoods

Old age pensions from Myanmar’s social security program are only available to CSC holders. Elderly people without CSCs cannot register for these programs or make withdrawals. As women are more likely not to hold CSCs, but also likely to live longer than men, this policy greatly impacts elderly women. When Covid relief aid was provided by the government, those without CSCs also had difficulty accessing cash transfers and food aid.

Other livelihoods programs through government, INGOs, or microfinance agencies often require citizenship scrutiny cards for participation. Respondents reported that they could not apply for small business loans from microfinance groups like other vendors or farmers as they did not hold CSCs.

5.3 Education and literacy

Women without any type of citizenship scrutiny card in our sample were more likely to report no education or low levels of education when compared to women with cards. One respondent who did not have a CSC even though her parents and siblings did, suggested that because she was not enrolled in school, she did not learn about the CSC, nor did she go through the process of applying at age 10 when the National Registration and Citizenship Department (NRCD) comes to schools. For children who are also not on a household list, schools often require letters of recommendation from the ward administrator. If the administrator is not agreeable, or is prejudiced against unofficial minorities, they may refuse to issue the letter, and parents may give up on pursuing an education for their children. It is not as easy as just moving elsewhere, hoping to find a more accepting administrator, as traveling without civil documentation also requires a recommendation letter from the local administrator.

In the past, a much larger percentage of the population was not literate in Burmese. In the 1953 Census the literacy rate in Burmese was slightly less than 61% of the urban population 6 years of age and older.³¹ As education was more available in urban areas, this suggests that the national adult literacy rate in the 1950s was considerably lower. Even so, more than 48% of urban women enumerated in the 1953 census were illiterate

in any language, with women making up more than 70 percent of the illiterate population.³² By 1973, when a national census was held, 40 percent of women in Myanmar were designated as illiterate, and 68 percent of women had completed no formal schooling.³³

Gender disparity in literacy in the past continues to impact the present. Multiple respondents reported that their information on their birth certificate and on their household registration do not match. Their date of birth or name or both are not the same, which causes difficulties in proving one's identity and residency to apply for the CSC. Participants reported that their mothers were illiterate and did not know that the name was spelled wrong on one of the documents, or that the date was incorrect, so could do little to correct the error at the time it occurred.³⁴

5.4 Children and youth

Youth were the most likely group in our sample to have no civil documentation whatsoever. This was because youth are most likely to have pending applications for citizenship so they can travel, study, or apply for a job, and in the interim, they hold no documentation. Some youth also had no birth certificates, or were not entered on a household list. Multiple respondents reported that only their oldest children or oldest siblings were on the household list as once the list got too crowded the NRCD refused to add names to the list until family members already on the list passed away. Without joining a

household list, one is generally unable to receive a CSC/ACSC/NCSC.

Youth without civil documentation often had parents who held CSCs/ACSCs/NCSCs. The vast majority of self-identified ‘non-ID’ respondents reported that their parents held civil documentation including Foreign Registration Certificates (FRCs), National Registration Cards (NRCs), and all different types of Citizenship Scrutiny Cards (CSCs). Only 20% of those without civil documentation in our sample reported having parents without documentation. More than a third reported that at least one of their parents held a pink CSC.

For children and youth to obtain CSCs both of their parents must have documentation. If one or both parents does not have a CSC/ACSC/NCSC then the immigration office will instruct the parents to apply and receive the CSC before their children can be issued their cards. ACSC and NCSC holders can list their children in their ACSC/NCSC booklets so that the children can receive ACSCs/NCSCs more easily when they turn 18. However, adding a child’s name to the booklet after their birth entails sending the document to Naypyidaw and paying a fee for each child. This process can be complicated, time consuming, and expensive and thus many children are not listed under their parents’ cards.

Orphans and adopted children face challenges in obtaining citizenship

documents. As Myanmar citizenship is based on blood, adopted children have difficulties in obtaining citizenship from their adoptive parents. They may also not know enough about one or both birth parents to identify their ancestors, township of origin, or other information necessary to apply for citizenship documents.

6. LOCAL GOVERNANCE

6.1 Ward and Village Tract Administration System

Myanmar’s lowest level of government administration are the ward and village tract administrators. These administrators live and work amongst the community and handle day-to-day local affairs from petty crime to local registration to property sales. They are the primary link between the state and Myanmar’s 16,700 wards and village tracts. In their roles they are responsible for administering village affairs including implementing union government projects and programs. They chair the land management committees meaning they manage land sales and agricultural loans; they serve a local justice function, handling local disputes, and even have powers of detention for minor crimes and offenses; and they are key actors in the provision of identity documents, letters of recommendation, and other formal documents which govern residency, citizenship, freedom of movement, education, and even healthcare access.

Prior to 2012, the Ward and Village Tract Administrators were appointed by the General Administration Department (GAD) under the Ministry of Home Affairs.

Local administrators reported directly to the GAD, connecting every ward and village tract to the township and then the central state administration. Each ward or village tract also has a GAD clerk. Below the ward and village tract administrators there is a less formalized system of ten-household leader, hundred-household leader (in large villages/wards), and then village head.

In 2012 the Ward and Village Tract Administration Act was promulgated, which brought multiple changes to the function of local governance.

The greatest change is that following the Act, administrators were no longer appointed by the GAD but elected by the household heads of their constituency. They receive a small stipend for their time but are not officially civil servants. In 2018 under the National League for Democracy (NLD) government the GAD moved to a new Ministry, away from the Ministry of Home Affairs, which remained controlled by the military even during the NLD period.

Crucially, only full citizens can serve as ward or village tract administrators according to the 2012 law. The law also requires that both parents of the administrator also be citizens. This limits possibilities for unofficial minorities, particularly in areas of the country like Bago and Kayin

where there was limited processing of citizenship applications after independence due to the civil war, leaving many without formal documentation of citizenship before the 1982 Citizenship Law came into effect. As documentation under the 1982 Citizenship Law only began to be distributed around 1990, and ward and village tract administrators must be a minimum age of 25 years old, most unofficial minorities will have difficulty proving their parents' citizenship, thus barring them from the position of ward or village tract administrator. Furthermore, due to their parents' or grandparents' inability to apply for citizenship prior to the promulgation of the 1982 Citizenship Law due to the circumstances during the civil war in the 1950s in particular, children in regions impacted by armed conflict are often denied full citizenship and instead usually receive naturalized citizenship scrutiny cards (NCSC). Thus, future generations will also be barred from serving as local administrators.

6.2 Local administration and unofficial minorities

Local administrators are involved in settling or facilitating a wide array of administrative, social, economic, and legal activities. Local administrators' responsibilities range from settling local disputes to notarizing land sales; collecting household and individual biodata relating to residency, births, deaths, marriages; assisting in accessing COVID-19 vaccines and social

welfare cash transfers to the elderly, pregnant women, and mothers of young children; and writing recommendation letters for travel, change of residency, and crucially, citizenship. The local administrator plays a role in all village committees, notably tax collection and land management.

Throughout an individual's lifetime, in all aspects of administrative life and relation to state bodies they are reliant on proof of residency and identity provided by letters from their local administrator. Even when engaging with other government departments that hold personal data the administrator's letter or signature is still required. For example, a letter from a local administrator attesting to the identity and residency of the individual is even required for university graduates to request replacement degree certificates if theirs is lost or damaged.

However, the discretionary power wielded by local administrators means they can operate as gatekeepers. The ward and village tract administrators and GAD clerks essentially control which local residents can access essential documents like household lists and citizenship scrutiny cards, and services like education, transportation, and healthcare, and on what timeline. This wide-ranging discretion means that local administrators may discriminate positively in favor of their friends and relatives, or negatively, further disenfranchising lower income households, migrants, and religious and ethnic minorities. For example, the local

administrator's role in land management and land sales means they can also control who can buy and sell property within the ward or village and their discretionary powers mean they can charge higher fees or bribes from minority buyers or sellers. Local residents report that they feel they are completely dependent on the goodwill of the local administrator.



“When a Bamar person needs a recommendation letter from the ward administrator for the citizenship scrutiny card, they request it and receive it in the same day. I feel discriminated against compared to [the treatment of] Bamar people.”
- Tamil Christian, Yangon



Those without household lists or citizenship scrutiny cards rely on the local administrator for a wide array of routine tasks. The administrator needs to give permission for children who are not on the household list to register for school; those without citizenship scrutiny cards need a letter from the administrator attesting to their permanent residence in the village to apply for the documentation; and if people without citizenship scrutiny cards want to travel outside of the township, a travel recommendation from the local administrator is required. Those waiting on the issuance of

citizenship documentation are reliant on the local administrator to issue letters allowing students to register for university.

The reliance of unofficial minority households on local administrators' recommendations and permissions creates myriad rent-seeking opportunities for administrators. Administrative discretion in these cases leads to bribery and demands for 'tea money', 'alcohol money' or other euphemisms for bribes in exchange for faster or smoother local government services. There is even an adage that a local administrator will be rich if there are even just 2-3 unofficial minority households in the village.

In some cases, local administrators can serve as champions of residents without citizenship documentation or household lists and help to move the process along.

Local administrators can bring up particular issues in their ward or village tract or even particular cases at township meetings and with the assistance of higher-level administrators these cases are sometimes resolved. However, this route depends on both the administrator's relationship with the household in question as well as their relationship with the other administrators and government departments. There were also some recent examples of local administrators accompanying residents without citizenship documentation or household registrations to get COVID-19 vaccinations, personally vouching for their village or ward residents' identities and local residency.



Part 2

IMPACTS OF THE COUP ON UNOFFICIAL MINORITIES



“The ward and village administrators are like salt because they are involved in every matter in their locality and they will serve every government, even when the government changes.”

– resident, Yangon



Following the coup, the SAC dismissed local administrators across the country, and appointed new administrators in their place. In some areas the elected administrators remained in their posts, in other areas they resigned in protest against the SAC. In some localities those appointed as administrators by the SAC refused to take up the position leaving the locality with no administrator, and in some cases the SAC-appointed administrators were forced by the population to resign, fled the village/ward, or in some cases, were assassinated.³⁵

Uncooperative, informal, or absent administrators are causing increased uncertainty for unofficial minorities.

Unofficial minorities rely on administrators for routine documents and cannot access citizenship scrutiny cards (CSCs) or

household registrations without letters from their local administrator. Without these documents, unofficial minorities are at extreme risk of harassment, arrest, and detention at checkpoints or during police or military raids on residences.

Following the coup, the SAC launched a new registration drive known as *Pann Khin*.

This program aims to give new household registration lists to migrant households, issue citizenship scrutiny cards to those who do not have them, and create household lists for new households. To register for *Pann Khin*, the local administrator must fill out a form on behalf of the applicant, attesting that they are not Chinese, Muslim, or ‘mixed-blood’. In other words, the administrator needs to affirm that the applicant is *taingyintha*. If the administrator deems that the applicant is not Chinese, Muslim, or ‘mixed-blood’, then they can apply via *Pann Khin* for a faster decision on their application, but if they are deemed non-*taingyintha* by the administrator, they must apply at the National Registration and Citizenship Documentation (NRCD) office, where processing their application could take years. Some unofficial minority households have chosen to apply directly at the office as it is uncertain what a future process will look like for them.



“Our ward administrator is Muslim. It is not likely that every Muslim ward and village tract administrator is nice, but they can give us the right guidance. I heard about the Pann Khin project, so I went to the ward office and asked for a letter of recommendation regarding my residency. Our ward administrator consulted us to definitely apply for the CSC now even there will be some extra charges by immigration staff because it might be very hard later due to the political situation.”

– Muslim resident, Yangon



Right to Freedom of Movement (Article 13)

Since the coup the SAC have instituted multiple forms of travel restrictions. These include military checkpoints where identity cards and cargo are checked; requirements of all travelers having a travel recommendation letter issued by their local administrator; and mandatory registration of overnight guests. Such restrictions on freedom of movement were seen during previous periods of military rule, and unofficial minorities without citizenship scrutiny cards (CSCs) have long

been required to use a travel recommendation letter as an identity document when leaving their township of residence.

Due to their appearance and sometimes their dress, Muslims face more scrutiny by security forces at checkpoints. Muslims may be singled-out for searches of their bodies, phones, or vehicles. For those without CSCs, a search at a checkpoint can result in detention or a request for fines or bribes from security forces.



“However much a citizen, follows the rules, [if you are Muslim] you don’t have equal rights. If you don’t hold any card, you don’t get any rights.”



Rohingya continue to be stopped, arrested, and charged with immigration offenses all over the country, at a higher rate in 2021 compared to 2020.³⁶ Many are being smuggled, voluntarily or involuntarily, to third countries, primarily Malaysia.³⁷ In Northern Rakhine State, new travel restrictions now require Rohingya to show National Verification Cards (NVCs) at SAC checkpoints.³⁸ This travel restriction significantly decreases access to livelihoods and healthcare.

About a year following the launch of Pann Khin,³⁹ **the junta required that anyone**

over 16 years old traveling outside of their township carry a citizenship scrutiny card and a travel recommendation from the local administrator. Traveling without a citizenship scrutiny card is no longer permitted. This has two impacts on unofficial minorities: 1) those without citizenship scrutiny cards can no longer travel outside of their place of residence, meaning they cannot collect the documents required to apply for a CSC; and 2) those with CSCs now must rely on the local administrator for any sort of trip outside of the local area, greatly increasing the number of interactions with the local administration, and likely, increasing the cost.

Guest Registration

The SAC has also reinstated a section of the 2012 Ward and Village Tract Administration Law requiring registration of all overnight guests. This section of the law was repealed by the NLD government in 2016 and reintroduced shortly after the coup, ostensibly to better enable the SAC to keep track of the resistance. It requires households to register anyone staying at the house whose name is not already on the household list. Reinstating guest registration is one tactic the SAC have used to try to track activists, politicians, civil society organizations, resistance fighters and others they see as threats to their administration.

Registering a guest and enforcing the guest registration list is up to the discretion

of the local administrator. Whether registration of a long-term guest must be done daily, weekly, or monthly, is up to the administrator's discretion. Guest registration also usually requires the guest's citizenship scrutiny card. As unofficial minorities' trouble accessing household lists and citizenship scrutiny cards is well documented, the guest registration list disproportionately impacts unofficial minority households – those traveling overnight, receiving guests, and those staying in their own home without a household lists or where individual family members have not been allowed to be added to the list.



“I have seven children and only my eldest son has a CSC because we registered him on my husband's household list when he was born. Unfortunately, we couldn't register my other children on my husband's household list because it already had too many people on it, but we couldn't make our own as we couldn't afford it.”

– domestic worker, Yangon



The guest registration instituted by the SAC is similar to the system in place officially before 2016, although in practice guest registration was selectively enforced following 2012. Although guest registration

applied across the country until 2016, it continued to be enforced mainly in areas with high populations of unofficial minorities or political activists, particularly in Rakhine state and parts of Yangon.⁴⁰ Those with good relations with the local administration often did not have to worry about registering their guests.



“When I was 18, I moved to Yangon, and it was only then that I realized the importance of the citizenship scrutiny card [which I did not have at the time]. When I arrived in Yangon, I lived with my mother’s friend. At the time, the guest registration and household list checks were still in place. But the people in the house I stayed at was the home of the 100-household leader, so I didn’t have any problem.”

*– Burmese-Indian business man,
Yangon*



Following the SAC’s reintroduction of the mandatory overnight guest registration, not having a CSC may prevent spouses from living together. In some areas, local administrators will only issue overnight guest registrations for one night or charge exorbitant fees for longer stays. This interferes with the right to marry and found a family, as spouses may not be able to live together if one of them is not registered on the lease

or household list for the property. While all overnight guests must register, the overnight guest registration law disproportionately impacts unofficial minority households. Unofficial minorities are more likely to hold no identity documentation or to have never been registered on a household list. Unofficial minorities are also more likely to hold Foreign Registration Certificates (FRCs) which disqualify them from registration on a new household list.

Healthcare Access

Access to health services around the country have decreased since the coup.

The sector has been impacted by thousands of public sector doctors on strike, nighttime curfews, SAC’s repression and targeting of medical personnel and facilities, restrictions on travel and freedom of movement, and the devastating impact of the third wave of Covid-19 from June 2021 onwards. Where healthcare is available in a private facility, livelihood challenges of unofficial minorities due to lack of citizenship documentation may prevent them from being able to pay for private care.

Roadblocks, curfews, and restrictions on freedom of movement disproportionately impact unofficial minorities’ access to healthcare. Unofficial minorities without citizenship documentation trying to access healthcare outside of their village or township face the risk of harassment,

high bribes, or detention due to their lack of documentation, as roadblocks set up on major arteries leading into cities require travelers to show their identity documents at military checkpoints. As most hospitals are located in cities, those traveling for healthcare often have to leave their villages and travel into urban environments, making the costs of seeking healthcare – both financially and otherwise – much higher for unofficial minorities following the coup. For those with documentation that identifies them as Muslim, there are reports that they are subject to further scrutiny and multiple checks of their documents along with questioning by military at the checkpoints.

While hospital care is available without a CSC, access to specialist care may be impacted by restrictions on freedom of movement. Even prior to the coup minorities without citizenship cards who needed medical treatment in Yangon or Mandalay had difficulties traveling for treatment. Air travel requires identity documents such as passports or CSCs. Travel by bus or train was often too strenuous for seriously ill patients, but even travel by train requires a CSC to purchase tickets. Getting a referral for specialist care at a larger hospital in Yangon or Mandalay is also difficult without a CSC, oftentimes causing delays in treatment.

The junta has prioritized those with citizenship scrutiny cards for vaccination.

While some Rohingya in Rakhine state have CSCs, many do not, and are excluded from vaccination as the junta claims it will prioritize citizens with IDs.⁴¹ Some vaccination amongst IDPs has started but it is unclear if this will continue and how IDPs are being prioritized. The SAC have designated the United League of Arakan/Arakan Army (ULA/AA) to distribute vaccines in Minbya, Kyauktaw, Mrauk-U, Rathedaung, Buthidaung, and Maungdaw townships, which include significant Rohingya populations.



Conclusion

Imagining a future federal Myanmar

A future federal Myanmar will need the participation of all communities in rebuilding the country. This is important not just at the policy level, but at every step of leadership and in all sectors of society. This report has documented the persistent and widespread discrimination against unofficial minorities in education, employment, government, politics, the economy and society. Facilitating the inclusion of unofficial minorities in both participation and decision-making in each sector will be an important step to strengthening an inclusive federalism. For example, local government will be a key aspect of federalism in Myanmar, but excluding a significant percentage of minority communities from local government and local leadership threatens to continue old patterns of minority disenfranchisement.

While laws and regulations are likely to be drastically overhauled and re-written in a future federal Myanmar, it is important not to re-insert old biases and discriminatory clauses into new legislation. In the recommendations in the following section, we have highlighted key areas for future legislative and policy reform, as well as steps that can be taken immediately by donors, INGOs, and authorities.

RECOMMENDATIONS

The below recommendations are addressed to a variety of stakeholders from government and other authorities to INGOs.

Donors and INGOs

General

- INGOs, donors, and CSOs should not require documents such as household lists or CSCs from participants or beneficiaries as this disproportionately excludes unofficial minorities, and specifically youth, women, and the elderly as these groups are most likely not to have CSCs.

Healthcare

- Train more unofficial minority healthcare workers that can provide emergency care as first responders and community-based services.

- Raise awareness of healthcare workers regarding diverse cultural and religious values and practices in Myanmar so they can more effectively provide healthcare and death services.

Education and Employment

- Do not require CSC numbers on job applications, particularly for entry level jobs that are meant to attract youth who may still be in the application process.
- Recognize that unofficial minorities may have completed university but may not hold a graduation certificate due to discrimination related to their citizenship status. Find alternative means of documenting relevant knowledge and skills in these cases rather than requiring a degree certificate to access employment opportunities.
- Widespread misperception and misunderstanding of Muslims as a nationality, rather than a religious community, and aliens who systemically practice violence needs to be constructively addressed and unlearned. INGOs can assist in curriculum development and support of community-based programs, as well as teacher training to help teachers create positive learning environments.

Ministries, departments and other authorities

General

- Take concrete steps to repeal and replace the 1982 Citizenship Law with legislation that aligns with international standards on non-discrimination and the reduction and prevention of statelessness.
- Do not tie receipt of services or inclusion in aid programming to holding a valid CSC. This disproportionately impacts the elderly and youth of unofficial minority communities, leaving them out of social programs like old age pensions and employment training and opportunities.

Education

- Allow children of all ethnic and religious backgrounds to submit their documentation for their 10-year-old CSCs when the Immigration Department visits schools. If there are any missing documents these can be followed up with at the office.
- Ministry of Education should recognize that many unofficial minorities cannot access CSCs until after they turn 18, and thus should allow all students to take the Matriculation exam, regardless of their status.

- To ensure that Myanmar's universities and workforce benefit from the best and the brightest students, entrance to majors and universities should be done based on other forms of documentation – birth certificate, household registration, or high school graduation certificate. CSC status should not factor into admissions decisions.
- All registered students should be issued with student ID cards at the start of the school year so that these can be used by students as alternative IDs.
- To ensure wider participation, students enrolled in distance education should not have to travel to take exams, but should have the option of taking exams proctored locally at the township level.
- Rather than having students travel for exams, the Ministry of Education should budget for locally proctored exams from a variety of schools as is done in other countries with distance or shared exam facilities where students from different universities take their exams in the same setting.
- Citizenship status should not be tied to certification of educational attainment. The Ministry of Education should issue degree certificates to all students who have completed university, even if their CSCs are still in process. The CSC acquisition process varies widely across the country and by ethnic, religious and class background. The Ministry of Education should not contribute to discrimination based on class, religion, ethnicity, or geography.
- The Ministry of Education should work to issue certificates or diplomas to those who have already completed their studies but not received diplomas or certificates due to their lack of citizenship documentation.
- Ministry of Education should do away with the policy of requiring Myanmar degrees as a mandatory qualification for joining the teaching faculty at Myanmar universities. This policy is not in line with global education standards, and it de facto discriminates against unofficial minorities who may not be admitted to certain degree programs or higher-level degrees based on their religion, appearance, or lack of CSC at the time of application.
- Grant the education entities autonomy in working with independent academicians, civil society organizations and actors to draw in resources of any kind order to enhance the knowledge pool of the teachers and students and the promotion of diversity-friendly learning environments.

Human Rights

- All ministries and relevant authorities should pledge to remove any discriminatory directives, language, or policies, as discrimination and limitations on the respect, protection and fulfillment of human rights are occurring in all sectors.
- Take concrete steps to repeal and replace the 1982 Citizenship Law with legislation that aligns with international standards on non-discrimination and the reduction and prevention of statelessness.
- Conduct outreach and citizenship registration and documentation drives that specifically target women and youth from unofficial minority backgrounds.
- Allow women, particularly single mothers, to pass on their citizenship to their children so that no child in Myanmar is stateless.
- Allow a special citizenship registration process for orphans and adopted children that does not rely on knowing their birth parents' identities.
- Reduce costs for citizenship applications, give clear timelines and fees for processing documentation.
- Allow ACSC and NCSC holders to join all levels of the civil service. They are Myanmar citizens and should be able to work in all sectors.
- Allow property to be purchased with other civil documentation besides the CSC, such as a birth certificate or household list.
- Allow household lists to easily be transferred to new addresses, rather than applying from scratch every time a family moves to a new township.
- Make clear that all types of citizens, including associate and naturalized citizens, can use their CSCs/ACSCs/NCSCs to apply for Form 7 and access agricultural credit.
- Allow all citizens regardless of the citizenship status of their parents, to participate in politics as candidates, voters, and party members.
- Allow registration for training and educational programs, mobile banking, and mobile phones with other forms of documentation such as birth certificate or household registration.

Health

- In the long-term, upgrade the facilities of township-level general hospitals to expand health care services delivery while at the same time increasing the number of health care clinics or facilities at the sub-rural and rural areas where unofficial minority communities reside to increase access.
- Allow for travel for health-related issues in Rakhine for those without CSCS with just a letter from a ward or village administrator rather than a travel authorization.

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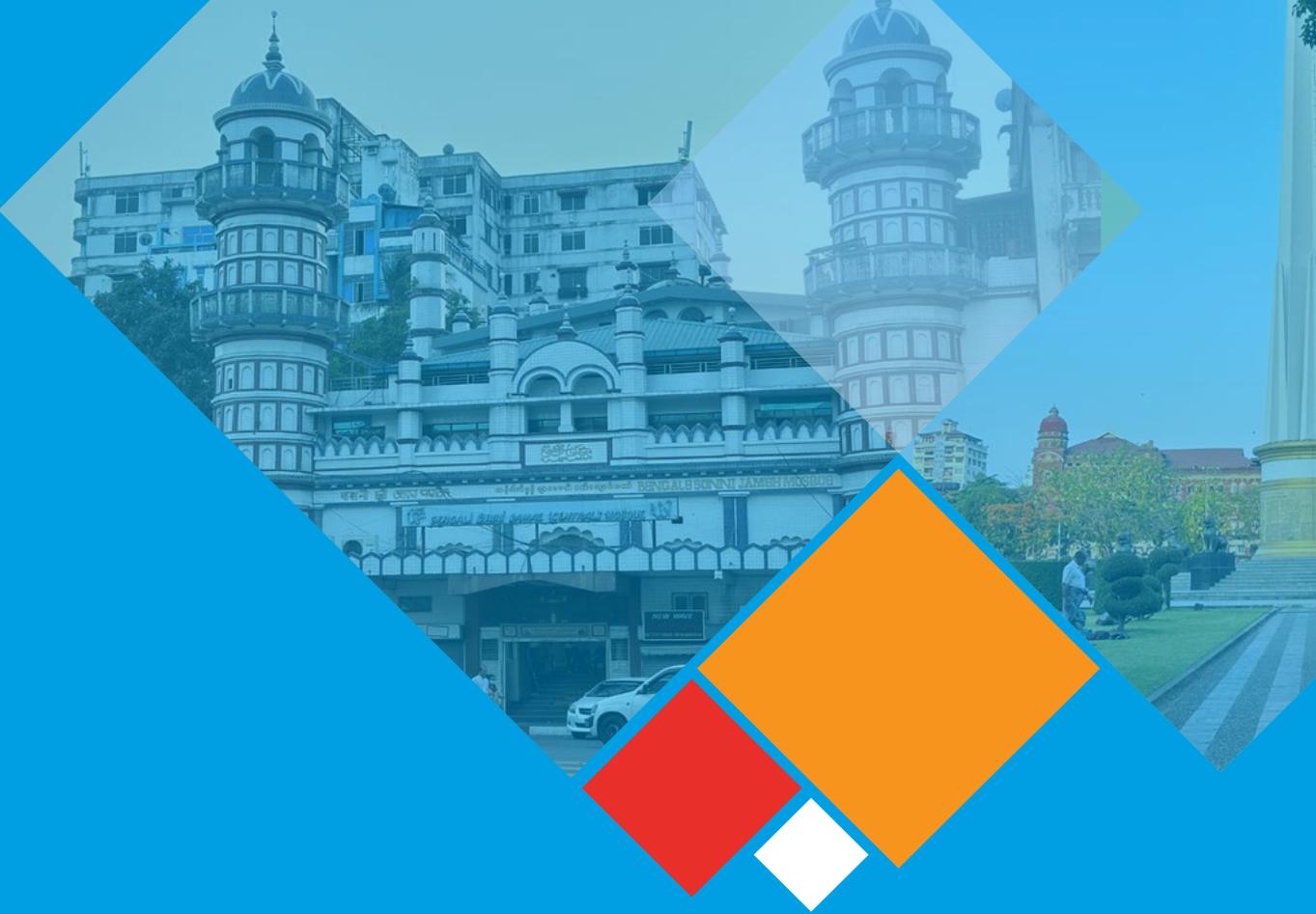
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ENDNOTES

- 1 The principles of *jus soli* and *jus sanguinis* are commonly regarded as the basis for conferring citizenship to the new-born, apart from adults acquiring citizenship via a process of ‘naturalisation.’
- 2 Smith, M. 1999. *Burma: Insurgency and the Politics of Ethnicity*. London: Zed Books; Steinberg, D. 2012. “The Problem of Democracy in the Republic of the Union of Myanmar: Neither Nation-State Nor State-Nation.” *Southeast Asian Affairs*, 220-237.
- 3 Myanmar is not a party to the International Covenant on Civil and Political Rights (ICCPR), but is a party to: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of Persons with Disabilities; and the Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict; and sale of children, child prostitution, and child pornography.
- 4 See the work of Fortify Rights and Burma Human Rights Network.
- 5 1982 Citizenship Law, Section 3. A similar definition was included in the 1948 Union Citizenship Act.
- 6 Cheesman, N. 2017. “How in Myanmar ‘National Races’ Came to Surpass Citizenship and Exclude Rohingya” *Journal of Contemporary Asia* 47, no. 3 (May 27, 2017): 461–83.
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- 8 1982 Citizenship Law, Section 6.
- 9 Mosaic has previously published a study on citizenship where the issues raised in this section are elaborated upon in that study. See Mosaic, 2021. See also: Cheesman, N. 2017. “How in Myanmar ‘National Races’ Came to Surpass Citizenship and Exclude Rohingya”; Nyi Nyi Kyaw. 2015. “Alienation, Discrimination, and Securitization: Legal Personhood and Cultural Personhood of Muslims in Myanmar”; SEDF and Justice Base. 2017. “Access to Documentation and Risk of Statelessness”; ICJ. 2019. “Citizenship and Human Rights in Myanmar.”
- 10 Brinham, N. 2019. “Looking Beyond Invisibility: Rohingyas’ Dangerous Encounters with Papers and Cards,” *Tilburg Law Review* 24, no. 2; Nyi Nyi Kyaw, “Unpacking the Presumed Statelessness of Rohingyas”; SEDF and Justice Base, “Access to Documentation and Risk of Statelessness”; Rhoads, E. 2023. “Citizenship denied, deferred and assumed: a legal history of racialized citizenship in Myanmar”
- 11 The principles of *jus soli* and *jus sanguinis* are commonly regarded as the basis for conferring citizenship to the new-born, apart from adults acquiring citizenship via a process of ‘naturalisation.’
- 12 The Irrawaddy. 2023. “Myanmar Regime Chief Presses Ahead with Plans for Sham Election.”

- 13 Rhoads, E. 2023. "Citizenship denied, deferred and assumed: a legal history of racialized citizenship in Myanmar"
- 14 RFA. 2020. "Myanmar Election Officials Disqualify Two More Candidates."
- 15 See: EMReF. 2019. "Youth Perceptions of Pluralism and Diversity in Yangon, Myanmar"
- 16 EMReF. 2019. "Youth Perceptions of Pluralism and Diversity in Yangon, Myanmar"
- 17 See also: EMReF. 2019. "Youth Perceptions of Pluralism and Diversity in Yangon, Myanmar"
- 18 Grade 10 was recently changed to grade 11, but is still colloquially referred to as Grade 10.
- 1 Myanmar Alin. 2021. အမျိုးသားစီမံခန့်ခွဲမှုဥပဒေဒီဂရီကော်လိပ်သင်တန်းဝင်ခွင့်လျှောက်လွှာခေါ်ယူခြင်း
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- 2 Ministry of Education. 2019. University Entrance Manual (တက္ကသိုလ်ဝင်တန်းလမ်းညွှန်)
- 21 EMReF. 2019. "Youth Perceptions of Pluralism and Diversity in Yangon, Myanmar"
- 22 Citizenship Scrutiny Cards, often colloquially referred to as their predecessor National Registration Cards (NRCs), are color-coded cards denoting proof of Burmese citizenship. A CSC is issued to a 'full citizen' and is pink-colored. An ACSC is blue and is issued to an 'Associate Citizen' or 'guest citizen' in Burmese. A NCSC or naturalized citizenship scrutiny card is green and issued to naturalized citizens (who must be born in Myanmar with family in Myanmar prior to independence, or themselves live in Myanmar prior to independence in 1948). These cards are issued by the Ministry of Labor, Population, and Immigration (now Ministry of Immigration and Population under the SAC) under the 1982 Citizenship Law and its 1983 Procedures.
- 23 Roberts, J.L. and Rhoads, E.L. 2022. "Myanmar's hidden-in-plain-sight social infrastructure: nalehmu through multiple ruptures"
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- 27 Rhoads, E. 2021. "Property, Citizenship, and Invisible Dispossession in Myanmar's Urban Frontier." Geopolitics. <https://doi.org/10.1080/14650045.2020.1808887>
- 28 Ma Ba Tha, or the Society for the Protection of Race and Religion is an ultra-nationalist Buddhist group that is active across the country but particularly strong in parts of the Dry Zone, Ayeyawaddy, and Karen State.

- 29 This is not to say that unofficial minority women are not engaged in work. Many women work in the home or in their wards. Many are engaged in informal labor or unwaged labor as farmers or running their own businesses as tailors or vendors. Others are educated and working in a wide range of occupations. However, for women without CSCs, they are more likely to report that they did not need them as they did not engage in activities such as travel, formal employment, or higher education, which generally require CSCs.
- 30 See similar findings in NRC. 2018. *A Gender Analysis of the Right to a Nationality in Myanmar*. Norwegian Refugee Council. p. iii.
- 31 The 1953 Census did not enumerate outside of urban areas due to the security situation at the time.
- 32 Union of Burma. 1953. *First Stage Census. Vol. 1: Population and Housing*, p. xxvi; 66.
- 33 M. Ismael Khin Maung. 1986. *The population of Burma: An analysis of the 1973 Census*. Papers of the East-West Population Institute, No. 97, April. Honolulu: East-West Center, pp. 19-20.
- 34 See also a recent report which categorizes a variety of similar experiences as data entry mistakes by officials. Institute on Statelessness and Inclusion. 2021. *Navigating with a Faulty Map: Access to Citizenship Documents and Citizenship in Myanmar*, p. 32.
- 35 Frontier Myanmar. 2021. *Communities defy junta's attempts to rule wards and villages*. 14 May. <https://www.frontiermyanmar.net/en/communities-defy-juntas-attempts-to-rule-wards-and-villages/>
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- 39 The travel restrictions were implemented earlier in some parts of the country, but nationwide as of 1 April 2022.
- 40 Fortify Rights. 2015. *Midnight Intrusions: Ending Guest Registration and Household Inspections in Myanmar*. https://www.fortifyrights.org/downloads/FR_Midnight_Intrusions_March_2015.pdf
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About Mosaic Myanmar

Mosaic Myanmar is an independent civil society organization based in Myanmar. The organization was founded on November 25, 2016. Mosaic Myanmar use education to empower marginalized communities, including religious and ethnic minorities, as well as marginalized individuals, such as women and members of the LGBTQ community. We follow the mission statement that all people, regardless of race, religion and gender, should have the right to participate in their societies and lead dignified social and economic lives. We focus our support in four different areas: social integration, civic and political engagement, private sector engagement, and research and advocacy.