





“

WE ARE BORN IN MYANMAR AND EAT THE SAME RICE

”

Members of the Muslim community throughout Myanmar are facing long delays in citizenship applications unless they acquiesce to officials' suggestions that they be labelled “Bengali”.

By Thomas Manch

MR NICKEY DIAMOND, a researcher with Fortify Rights, says the treatment of Muslims in Myanmar amounts to institutionalised racism. Photo: Theint Mon Soe (aka J)

MA HNIN Hlaing, a bright, young Bamar Muslim, cannot become a Myanmar citizen unless she agrees to be called “Bengali”.

She finds the label offensive, but without citizenship she cannot complete the business law degree she began in 2014. If she cannot graduate she cannot become a lawyer, her chosen profession.

Immigration officials insist she cannot be both Bamar and Muslim and must register as Bengali.

She refuses.

“It’s quite disgusting,” she said. “Why should I be treated as an alien in a country I was born in? That my ancestors died in?”

Citizenship, heritage denied

Hnin Hlaing is among thousands of young Myanmar Muslims facing widespread, but largely unacknowledged, denial of ethnic heritage and access to citizenship.

Prior to 1988, Myanmar’s Muslims were relatively free to describe their ethnic identity on their National Registration Cards, leading to a wide range of ethnic designations. In 1989, the State Law and Order Restoration Council began replacing NRCs with the pink-coloured Citizenship Scrutiny Cards now in use. “At that time, volunteers and [immigration] officers always put ‘Bengali’ [on the cards of Muslims],” the deputy head of one township immigration office told *Frontier*. “I was a staff officer in the immigration department then. That was when we really started to use the terms ‘Bengali’ and ‘mixed blood’.”

The Bengali label has assumed a sinister dimension in recent years because it has been used to describe the Muslims in Rakhine State who call themselves Rohingya. The implication is that members of this community of more than one million people are illegal immigrants from Bangladesh, though many have lived in Myanmar for generations.

Access to citizenship is one of the most sensitive issues in Rakhine, where attacks by Arakan Rohingya Salvation Army militants in late August triggered the ferocious military response that has sent about 650,000 Rohingya fleeing to safety in Bangladesh.

But citizenship is an issue throughout the country, and Muslim community leaders want the world to know that it’s not only those who call themselves Rohingya who face prejudice and discrimination.



Hnin Hlaing, 25, can laugh at absurdity of her situation but five years after first applying for a citizenship card her options are limited.

“At the moment the word ‘Bengali’ is applied in a racist way, so I don’t want to be Bengali on paper,” she said.

None of her family members are from Bangladesh. Hnin Hlaing’s family practises Islam, but culturally she says she is Bamar. Her faith is not obvious because she does not wear a hijab and she prayed in the Buddhist way at school.

Citizenship should be a certainty for Hnin Hlaing. Both parents are full citizens; her mother is a Bamar Buddhist and her father a Bamar Muslim from Mon State. However, 30 years ago her father submitted to pressure from an immigration official in his hometown and was listed as a Bengali.

When Hnin Hlaing first applied for a citizenship card in 2012, the immigration officer loudly announced to the room: “We cannot give you the citizenship card because your father is a Bengali.”

Recounting the experience, it’s clear she’s still shaken.

Her many attempts since then to register as a Bamar Muslim, involving persuasion and bribes, have been in vain.

Hnin Hlaing graduated with her first law degree in 2013 after persuading immigration officers to issue a letter explaining that she was in the process of obtaining citizenship.

But without a CSC she cannot complete the mandatory internship in a court or re-

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ceive a licence to practice law.

Companies don’t want to hire non-citizens, so she’s unable to get a job. She’s had to forego overseas scholarships because she cannot get a passport.

“I’m not the only one having this issue,” she said. “There are many people like me.”

Discrimination against Muslims in the citizenship process is rife. *Frontier* is aware of many cases of delayed, withheld or inaccurate citizenship cards for residents who qualify to receive one under the 1982 Citizenship Law.

Ko Myo Kyaw, 24, was not asked if he wanted to be labelled as a Bengali. After the usual delays and bribes, when he finally collected his new pink Citizenship Scrutiny Card at an immigration office he was stunned to see it described him as: “India/Bamar + Bengali + Islam”.

The first two entries were no surprise. His parents are listed as both Bamar and Indian, due to an Indian grandfather.

But the family has no connection with Bangladesh. He protested, but quickly gave up. It would be “wasting the air out of my mouth”, he said.

“I don’t even know what I am now. For my future generations, what do I say? Indian, Bamar, or Bengali?”

Ko Myat Naing, 22, from Bago Region, received an empty leather folder in place of his degree when he graduated with a Bachelor of Technology in 2016.

Myat Naing first applied for a citizenship card in 2011 but has faced repeated delays.

Born to a Bamar father and a Muslim mother from Taunggyi, he suspected immigration officers had no interest in processing his application because of both his religion and “darker complexion”.

There’s a further complication, though. Myat Naing’s mother lost her NRC – often referred to as a “three-fold card” – and his local immigration office needed confirmation of her citizenship from Nay Pyi Taw. The confirmation was obtained but then the immigration office said it needed more information from an archive in Yangon. So far it’s taken six years.

Myat Naing is now studying for an engineering degree but is uncertain whether he will ever be able to graduate and find work.

Frontier has changed the names of young Muslims in this report to respect their privacy.

Such cases are familiar to U Khin Maung Cho, a Muslim lawyer who has been assisting young Muslims with their citizenship applications.

“The world only knows about the discrimination of the Rohingya, but the world should know about discrimination of Myanmar Muslims as a whole,” Khin Maung Cho said.



LAWYER U KHIN MAUNG CHO helps young Muslims with citizenship applications. Photo: Steve Tickner

Mixed-blood

Over the past two years, Khin Maung Cho has participated in a series of high-level meetings with immigration officials in his capacity as a prominent Muslim lawyer, to discuss the citizenship process.

Representatives of five Muslim organisations met first with senior immigration officials in Yangon, and then with departmental heads, ahead of a meeting in January 2017 with Minister for Labour, Immigration and Population U Thein Swe, a member of the former ruling Union Solidarity and Development Party.

At the meetings, the Muslim community representatives urged that officials adhere to the letter of the 1982 Citizenship Law, of which they are critical but reluctant to publicly condemn.

The law, which has been widely criticised for failing to meet international human rights standards, split the previous single citizenship category into three: citizen, associate citizen and naturalised citizen.

The 1982 law defines a citizen as someone whose parents each have a form of citizenship. Those who do not meet this criteria qualify for either associate or naturalised citizenship, with fewer rights than full citizens.

Lawyer U Ohn Maung has a stack of case files on his desk about residents who are entitled to receive citizenship but “are being pushed to get the naturalised citizenship card”.

The change from a single citizenship category to three created much room for discrimination, said Ohn Maung, who is also general secretary of the Peace Cultivation Network, an organisation which aims to reduce communal violence and develop peace processes.

Policy and paperwork have changed many times since 1982 and each change has relegated Muslims closer to second-class status.

For example, after the 1982 law took effect, mosts Buddhists who had been issued with the old, tri-folded NRCs changed them to the pink CSCs, but most Muslims were unable to make the change.

“The people were told, ‘Okay, you are Muslim, you can be called “mixed-blood”, come back in six months.’ The people became frustrated, so they still hold the tri-folded [NRC] card,” Ohn Maung said.

Those who attained a CSC with the ethnic designation “Bengali” or “mixed blood” now find that their children are unable to



LAWYER U KYAW NYEIN says he has nostalgia for the early 1970's, when there was little hate speech then and no attacks on mosques. Photo: Thomas Manch

access citizenship.

“When students are issued IDs at kindergarten, at secondary schools, if they call themselves Buddhist they become citizens,” said Ohn Maung. “But a ‘mixed-blooded’ child sitting on the same bench seat will struggle to get citizenship. Whether their parents have got citizenship or not, they don’t get the same rights.”

U Wunna Shwe, joint secretary general of The Republic of The Union of Myanmar Islamic Religious Affairs Council, which has offices in 122 townships in 11 of the country’s 14 states and regions, said “even squatters” were being issued with citizenship cards, while Muslims were neglected.

“We told [immigration officials]: don’t call us mixed-blooded people. It’s taboo and rude, and everyone is mixed-blooded when you look at it,” he said.

The discrimination persists. Few Muslims have received citizenship cards under the National League for Democracy government, Wunna Shwe said.

“If the law is implemented properly, it would be very easy to get it.”

U Kyaw Nyein, lawyer for Muslim group Jamiat Ulama El-Islam Myanmar, is nostalgic for what he calls the “olden days” of early 1970’s. There was little hate speech then and no attacks on mosques, he said.

“We are born in Myanmar, we are eating the same rice, we are one and the same,” he said.

Government policy

The deputy head of the Yangon township immigration office, who spoke on condition of anonymity, said that immigration officials are supposed to examine a Muslim applicant’s family origins before deciding on an ethnic designation, such as Bengali, Indian or Pakistani.

“In this period, we do not always put only Bengali on their cards. If we do that, they never accept it and they will probably complain. We need to check their background and their documents to see who are they and what their ethnic heritage is,” he said.

The citizenship process is delayed if an applicant’s parents are not full citizens. In such cases, the application has to be decided at state or regional level.

“Sometimes the process takes a very long time, not only for Muslims but also other people [whose parents are not full citizens],” the immigration official said.

U Myint Kyaing, the permanent secretary of the Ministry of Labour, Immigration and Population, said delays or corruption could be reported to higher ranking officers.

He said the ministry had taken action against 68 immigration department since the NLD government took office in 2016 but did not say why they were punished.

Myint Kyaing defended the use of the term “Bengali”, noting that it was used to describe some Muslims in censuses conducted by the British colonial authorities in 1921, 1931 and 1941, and in the census of 1983.

He also said that delays occurred in citizenship applications when they had to be referred to the district, or state or regional level.

“A township officer can issue a Citizenship Scrutiny Card to someone who is born to parents who are both full citizens, whether they are Burmese or Muslims.”

Institutionalised racism

Mr Nickey Diamond, who investigates human rights abuses as a researcher with watchdog group Fortify Rights, said the treatment of Muslims in Myanmar amounted to institutionalised racism.

Diamond said all Muslims face some kind of discrimination, but the treatment by public servants of those labelled as Bengali has worsened since the attacks by ARSA militants in northern Rakhine State in October 2016.

“I see a lot of people having trouble in rural areas,” Diamond said. “They are poor and they cannot appeal [bribe] under the table. Most are generally uneducated and struggle with the frequently changing policy and practices.

“The government never listens to the people who are suffering. The government should have a mechanism to report what is happening on the ground. After listening to the voices they can formulate policy to end discrimination and corruption.”

Diamond said a child’s right to identity, including nationality, was enshrined in the United Nations Convention on the Rights of the Child (UNCRC), which Myanmar ratified in 1991.

“Every child who is born within the territory of Myanmar is entitled to citizenship, and a lot of children are being denied; it is a violation of the UNCRC and international human rights law,” he said.

Diamond describes himself as Myanmar Muslim. But when he applied for a CSC and immigration officials drew attention to the Arabic name of his grandfather, a Bamar Muslim, he chose to be identified as Indian instead.

Safer to be labelled as an Indian than a Bengali, he thought, as he sat in the immigration office. Across the room, the motto of the Ministry of Labour, Immigration and Population was displayed on a wall.

“The earth will not swallow a race to extinction but another [race] will.” **F**

Additional reporting by Hein Ko Soe



IMMIGRATION OFFICERS take a photograph of a woman applying for a citizenship document in Buthidaung Township, Rakhine State, in January 2017. Photo: AFP

Little faith in National Verification

As well as having little expectation that immigration officials will respond to their complaints, Muslim leaders also have little confidence in the National Verification process that has been proposed for refugees repatriated from Bangladesh.

NV cards were introduced to replace Temporary Registration Cards, or “white cards”, which were issued in large numbers from 1995 and annulled by the Thein Sein government in early 2015.

At the time there were thought to be close to one million in circulation, mostly to Muslims in Rakhine State; holders were ordered to hand them in and register for an NV card, after which an application for citizenship would be processed.

Uptake has been slow, however. Many oppose the process because they apply using their preferred ethnic identity, and because they say they previously held full citizenship.

About 10,000 Muslims in Rakhine State have received an NVC, according to the final report of the Advisory Commission on Rakhine State, headed by former United Nations secretary-general Mr Kofi Annan, which was released in Yangon on August 24.

Frontier was told that at meetings with leaders of the Islamic community during the past two years, immigration officials had even proposed applying

the NV programme to all Muslims in the country.

Many who attended the meetings told *Frontier* the officials have since backed away from the idea.

The Ministry of Labour, Immigration and Population did not respond to questions about the proposal.

Lawyer U Khin Maung Cho described the NV card as being “baseless in law”, and offering neither legal protection nor the promise of real citizenship.

Khin Maung Cho said the NV programme relies on the 1951 Resident of Burma Registration Rules, which created the temporary identity document known as a white card. The temporary cards may be issued for a number of reasons, including if a resident’s other identify document was lost or damaged. But he said many people, particularly in Rakhine State, held the white cards for 20 years until they were cancelled in 2015.

U Wunna Shwe, joint secretary general of The Republic of The Union of Myanmar Islamic Religious Affairs Council, said he had little hope that those returning from Bangladesh would be able to access citizenship through the NV programme.

“We urge the government just to scrutinise the people according to the law and show the world you can do your jobs properly,” he said.