

Discrimination and Corruption Plague Burmese Passport System

By Burma Human Rights Network

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About BHRN

The Burma Human Rights Network (BHRN) was founded in 2012 and works for human rights, minority rights and religious freedom in Burma. BHRN has played a crucial role in advocating for these principles with politicians and world leaders.



BHRN is funded by the National Endowment for Democracy (NED), Unitarian Universalist Service Committee (UUSC), the American Jewish World Service (AJWS), and private donors. We have members across Burma and on the Thailand and Bangladeshi borders. Any information we receive is checked for credibility by experienced journalists and researchers in the organization. We publish press releases and reports after our own investigations.

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Executive Summary:

- Burmese Muslim applicants are coerced to arbitrarily register as non-Burmese nationalities such as Pakistani, Indian, etc to further establish them as “mixed blood”
- Muslim applicants for passports who are identified as Bengali, Pakistani, Indian, or Chinese face significantly longer waiting times for passport processing
- Muslim applicants face both overt and “discrete” discrimination in Passport offices, being redirected to several queues and made to wait in various offices
- Muslim Bengali applicants find themselves visited by Burmese Intelligence Police after applying for passports
- Muslim applicants for passports are forced to pay bribes to officials
- Discrimination against Muslim minorities is in violation of Burma’s own laws

Background

Anti-Muslim sentiments in Burma can be traced back to the British colonial era of Burma but they significantly worsened as Burma’s dictator General Ne Win established institutionalised persecution against Muslim starting in 1962. The Ne Win drafted 1982 citizenship law further deteriorated the status of Muslims by removing Muslim groups from the recognized ethnic groups of Burma. Later these Muslims groups lost citizenship and those Muslims who still had citizenship faced tremendous discrimination in the citizenship process as well. As a result of these policies and distrust towards perceived outsiders, hostility and xenophobia has remained against those of non-Buddhist background. From these resentments, hostilities have persisted against non-Buddhist minorities, particularly against Muslims, Hindus and Christians. Laws against minorities have been implemented since Burma’s independence and these old resentments have most profoundly manifested against the Muslim population, especially in the last decade.

Major anti-Muslim riots broke out in Burma’s Rakhine State in 2012 targeting the Muslim Rohingya population following decades of legislative and military persecution. In 2013 anti-Muslim riots broke out again, but against Burmese Muslims who are recognized as indigenous by the state. Spates of violence have continue against Muslims living inside of Burma while national and local authorities continue pursuing and implementing policies to further disenfranchise them.

The citizenship status of Muslims inside of Burma continues to be challenged and degraded through Burma's various tiers of citizenship and their corresponding state issued cards. Burma has a religious based ethno-nationalism, which means only ethnic Bama who are Buddhist are considered as a pure citizen of Burma. This system is taken to the extreme by propagating the policy that only Buddhists can be Burmese and the moment one converts to another religion they become mixed blood. Therefore, the immigration department asks Muslim applicants to claim foreign countries into their bloodline, such as India, Bangladesh, Pakistan and Malaysia, even though the ethnicity and nationality of the applicant is actually Burmese. If a Muslim applicant won't do this, there is a threat that their citizenship card won't be issued.

In this way Muslims are regarded as 'mixed blood,' forced to claim foreign nationality in their heritage and are granted fewer rights than Buddhist citizens in regards to obtaining citizenship status. As a result, many Muslims face barriers on education, travel and work only because of their religion.

Similarly, Muslims face various levels of discrimination throughout Burma in regards to restrictions on religious practices and construction of religious buildings, residency, freedom of movement, arbitrary detention and warrantless searches. This all is occurring while ultra-nationalist Buddhist organizations, with support from Government figures, organize hate rallies and vigilante groups against Muslims, often resulting in violence.

These incidents, and those specifically identified in this report, have worsened since the National League for Democracy has taken power in the country's democratic transition.

Methodology

This report focuses on how systematic discrimination is used against minorities attempting to obtain passports, limiting their ability to travel, seek work and also leading to arbitrary investigations by Burma's Special Branch intelligence police.

The Burma Human Rights Network conducted interviews with 8 individuals, spoke to human rights attorneys in Yangon and collected statements in Burmese media from several prominent political figures and advocates to corroborate details for this report. All of the experiences in this report are from first hand accounts.

The names in this report have been changed to protect the identity of witnesses.

Discrimination

In several interviews Burma Human Rights Network found first hand examples of discriminatory practices in how passports are applied for and obtained. Individuals who are considered 'mixed blood' face significantly longer waiting periods when applying for passports, and in extreme cases they're investigated arbitrarily by the Special Branch, Myanmar's intelligence police, while their application processes. Those targeted include Muslims with documents identifying them as Bengali, Chinese, Pakistani and Indian. Muslims were observed to face the worst of these practices, especially in regards to arbitrary investigations by the Special Branch.

Within Burma's hierarchy of ethnic and religious background, those who are not Burmese Buddhist are referred to as "mixed blood" and in interviews those identified as such have said that discrimination against them in regards to obtaining passports has worsened in recent years. In 2013, under the Thein Sein Government, application waiting times for passports were reduced from a period of 21 days to 10 days. This changed under the National League for Democracy (NLD) when new procedures were introduced for processing applications which included identifying the applicant's race and religion. Following these changes applicants of mixed blood told BHRN they had to wait periods as long as a month, with applicants registered as Bengali having to wait up a month and a half to two months while every last detail of their application is verified, often with in person visits to their homes by the Special Branch.

An applicant named Ko Aung Zaw who had difficulty obtaining his passport told BHRN, "If you are a mixed blood person, it can take up to one month to get passport. If your race is mentioned as Bengali, it can take up to one and a half month. For them, their address are checked through their ward administration office. Only after confirming their addresses is their passport issued to them. We can assume that they are worried that they could be an illegal immigrant."

The fear of 'illegal immigrants' has been a frequent pretext for harassment of and discrimination against Muslims. Authorities have claimed in many instances that they are concerned about immigration and even terrorism. Most times this is in regards to Rohingya from Rakhine State, rather than actual immigrants, but as the Rohingya are not recognized by the state they are also used as a scapegoat in this manner. The recent emergence of a small Rohingya insurgency and the massive crackdown on civilians in Rakhine State has been increasingly used as an excuse to target Burmese Muslims with discriminatory policies and arbitrary security measures^{1 2}.

¹ <https://www.irrawaddy.com/news/burma/breaking-nationalist-mob-closes-two-islamic-schools->

² <http://www.m-mediagroup.com/en/archives/8844>

Discrimination While Applying

While religious tensions and discrimination is often attributed to lone actors or vigilantes, it is clear that it stems from the a top down policy and is systemic in nature. In an interview with Radio Free Asia, Ko Aung Soe Min said regarding the difficulties facing Chinese, Indian, Muslim or Hindu passport applicants, “The duty officer told me to meet with the head of department after looking at my citizenship registration card. When I asked why my application was not processed like others, the officer said he was acting according to instruction from his superiors. I had to take a long time to ask him what was the instruction, then he said those applicants holding citizenship card which mention their race as either Indian or Chinese need to meet with the head of the department.”

The different treatment between Buddhist Burmese citizens and “mixed blood” applicants is often subtle and arbitrary. Inconveniences and difficulties are often established both to discourage non-Buddhists and non-Burmese while also cementing a racial and religious hierarchy in Burmese society. Ma Aye Sein, a passport applicant said that while applying the official rules were not announced, but imposed on the spot, “This rule for mixed blood to take a different queue from others has not announced officially, so all the people take the same queue and when the turn come, they were told to take the queue in front of the head of the department office again so it takes a long time again, so there is waste of time.” She also said that those identified as “mixed blood” faced delays in obtaining passports and registration cards after applying.

Similarly, an applicant trying to get travel documents to work abroad observed blatant discrimination and separation of non-Buddhist non-Bamar applicants for arbitrary scrutiny and inconvenience. An applicant named Ko Zar Win said, “The application form was issued only after checking the national registration card and the family registration card. If the applicant’s national registration shows he is a Bengali his application is marked with the letter B and such person is asked to take a different queue. Only those who are Buddhist and member of one of the [recognized] ethnic groups are allow to take queue at the nine counters. Those who are classified as people of different race or religion (Islam, Hindu, Indian, Pakistani, Chinese also members of ethnic communities who are Christian) all have to take queue in front of the office of the head of department.”

Other applicants reported being sent to separate lines while applying for their passport and intentionally kept waiting. An applicant named Ma Hnin Saw described a visit where she was separated from a buddhist friend once she arrived, redirected from queue to queue several times before being redirected to the head of the department and forced to wait again. She said she was kept waiting there and further said, “If they want to discriminate against the mixed blood people, they should have done that openly. Now there is no official announcement on discrimination against the mixed blood people and there was no instruction available at the

office, so I feel that we are being discriminated [against] discreetly.” She later elaborated how she had applied for her passport before in 2013 and had none of these problems, but that new changes that occurred under the NLD Government had worsened the situation for minorities. These policies and practices are clearly discriminatory on their face and are part of a broader campaign aimed at discouraging, disenfranchising and discriminating against religious and ethnic minorities inside of Burma, and particularly against Muslims and those registered as Bengalis. Through degradation of rights and status at all levels Burma is cementing the Muslim population as second class citizens on a trajectory to even lower status with their citizenship and inclusion in jeopardy.

Home Visits and Harassment by Special Branch

The labeling of applicants with the letter “B” is especially striking in its singling out of a single ethnicity as requiring additional scrutiny, despite those applicants having been born inside of Burma. Bengalis are closely associated with the Rohingya to many Burmese who consider them one and the same, and this compounds the suspicion placed on actual those labeled as Bengalis who were born in Burma usually have no connection to Rakhine State, let alone the unrest taking place there.

As Ko Zaw Win’s form was marked with a “B” he faced this extra scrutiny, intimidation and hassle that came with it. Those whose citizenship card identifies them as Bengali have to wait up to two months to obtain a passport because of extra measures taken to prove their identity and home address. Within this investigation process are steps taken by the Special Branch to verify a person’s identity, history and home address. This includes home visits by the Special Branch, which is an intimidating and unnecessary step. Ko Zaw Win had such a visit, “One SB officer and the ward administrator came to my home. At that time I was not at the home so they checked the family registration card and they asked for my citizenship card. The next day I was called to the SB office and asked to produce the national registration card, the family registration card and I have to give them the copies of these documents.” As a result he said his neighbors became suspicious of him, believing such a visit implied he had committed a crime or was involved in some kind of nefarious activity. In a time of heightened religious tensions this is especially dangerous.

In a related effort by the authorities, Ko Zaw Win said that while in the passport office, “When we went to the photo room to take the picture people with the form bearing the letter B or a similar Burmese alphabet “ဘ”, or people wearing a beard, his picture is checked against the people on the wanted list. The photos of those who are on the wanted list are hanging on the wall of the photo room.”

Similarly, Ma Hla Min was told by the Special Branch office to come in for questioning regarding her application for a new passport. She was told this was to verify information on her citizenship card and confirm her date of birth to prevent officials from issuing fake passports. The Special Branch officer at the office told her these were duties assigned by his senior officers and that they had to meet with 20 to 30 people a day in this manner to report to the Immigration Ministry. “They summoned people for questioning. It is obvious that it was not to check the citizenship registration cards only. I take it as practice of discrimination against people from a particular race. When I went to the passport [office] for my application I was asked to go into the office of the head of the department to check my citizenship card. Even though they have found no major problem in my document I am still facing discrimination which caused me stress,” Ma Hla Min said.

These visits and appointments with the special branch serve no apparent purpose but to intimidate and humiliate Muslims. While the Government may attempt to justify these tactics with security concerns, there is no evidence that such concerns are justified or that if such security issues existed, that these tactics do anything to make anyone safer. Instead Muslims are reminded through intimidation that they are unwanted in the society and are being watched closely in a country that periodically witnesses spates of violence against them.

Corruption

Aside from inconveniencing minorities for time and status, authorities are also witnessed frequently forcing minority applicants to pay bribes while they apply for passports. Bribes serve on different levels in government offices like this, where they both enrich those authorities working there and create hurdles for minorities wishing to apply.

Ko Zaw Win said that during his time applying for passport, “The Head of Department will check the citizenship card carefully by using torch to find out if writing on the card is altered or not. At least Kyat 50,000 has to be given as a bribe inside the Head of Department’s office. If the officials find any suspicion, they will refer it to the respective immigration department where the card was issued. In such case to avoid further delay for the passport at least Kyat 50,000 has to be paid as bribe.”

Corroborating these accounts Ma Hnin Zaw said in her experience, “After waiting for about one and a half hour my turn came. When I entered into the office of the head of the department one person, I am not sure who he was, but [they] could not be the head of department, told me that I have to pay Kyat 10,000 as a bribe. When I asked why I need to give the bribe he said that all people who came for passport application have to pay bribe. I gave Kyat 10,000 as I was standing for a long time so I did not want to question him anymore. Then he quickly signed on my papers without checking them. He did not ask my name. [He] did not see my citizenship card at all.” Ko

Nai Nai Maung, a student leader, spoke about discrimination and widespread corruption in the passport application process that he encountered last year. "Corruption and system of bribes still exists. Even though the country is changing to a different system there are people who have not changed. Among the government department, corruption is most widespread in the Ministry of Home Affairs. One thing I noted was that it was most widespread in the passport office. In some cases, people have to pay hundreds of thousands of kyat as bribe."

While corruption in developing nations is sometimes accepted and shrugged off by the international community, it is imperative that these cases be taken seriously both for how they demonstrate continuing egregious self enriching behavior by government figures as part of Burma's crony culture, and how they are used to discriminate against and disenfranchise minorities who are seeking to enjoy equal rights and opportunities. That these behaviors have not only continued, but worsened under the National League for Democracy's Government should be great cause for concern to the international community and all of those who championed the NLD's victories as the dawn of a new democratic era for Burma that would see progress for all.

Legality

While the processes which Burma uses to discriminate against minorities are often in violation of International Law, these instances appear to also be in violation of Burma's own laws. The way this government department is committing discrimination based on race and religion is clearly in breach of article 347 and 348 of the 2008 Constitution. Article 347 says, "The Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection." Article 348 states that, "The Union shall not discriminate against any citizen of the Republic of the Union of Myanmar based on race, birth, religion, official position, status, culture, sex and wealth."

Conclusion

The discriminatory policies used by the passport office are another startling example of everyday bigotry and systemic persecution in the Burmese state against minorities. The worst of these incidents again targets Muslims as part of a broad campaign to disenfranchise, humiliate and degrade the minority community. When viewed in concert with other national and local policies affecting Muslims and the constant threat of violence against their community by state supported vigilante groups, it is clear that the community is under threat from all sides.

Burma Human Rights Network demands that the Burmese authorities end these discriminatory policies and practices and investigate and hold responsible those involved in any form of extortion and corruption. We also insist that the use of Intelligence Services like the Special Branch cease to be used as an intimidation force against minorities.

We call on the international community to observe these incidents, understand their role in a broader campaign against minorities in general and Muslims in particular and demand that all policies which exist only to negatively impact minority communities end at once. Engaging with Burma as if it was a young nation committed to democratic principles while it stubbornly remains entrenched in undemocratic and inequitable policies only benefits the least democratic members of the society while eroding the rights of average citizens. To reverse these trends proper stands must be made and countries hoping to guide Burma's emergence onto the world stage must also be bold enough to denounce where it fails its most vulnerable.

Recommendations

To Burma:

- Abolish identification of ethnicity and religion from identity cards as they are primary tool for discrimination
- Article 347 of the constitution must be respected. Everyone living in Burma must receive protection under the law equally regardless of race, ethnicity and religion
- Amend the 1982 citizenship law which clearly violates Universal Declaration of Human Rights and international human rights norms
- The immigration department must stop forcing Muslims to claim foreign nationalities as their ethnicity in attempts to categorize Muslims as "mixed blood" which is also used for further discrimination against them later in their lives

To The international Community:

- View instances of systemic discrimination against Muslims living inside of Burma as part of broad state led pattern and insist on benchmarks of measurable reform by the Government to counter this
- Avoid and discourage investment into Myanmar while these issues remain and worsen. Countries and state-run Businesses should explicitly mention discrimination against Muslims as cause for divestment
- Targeted sanctions must remain an option and be discussed openly so long as Burma remains defiant in complying with calls to respect fundamental human rights.