

Northwestern

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Myanmar: 3rd UPR Cycle

This report is submitted by the Center for International Human Rights (CIHR) of Northwestern University's Pritzker School of Law; on the occasion of Myanmar's 2020 Universal Periodic Review (UPR). The submission focuses on concerns related to the right to worship and the right to nationality in Myanmar since its 2015 UPR.

A. Methodology and Follow-up to the Previous Review

1. During its second UPR in 2015, Myanmar accepted 135 of 281 recommendations regarding the fulfillment of its human rights obligations. These recommendations included respecting freedom of religion by enabling religious practices,ⁱⁱ prohibiting discrimination against religious and ethnic minorities,ⁱⁱⁱ prohibiting hate speech,^{iv} and removing restrictions on freedom of movement.^v Since its second UPR in 2015, the Government of Myanmar has also ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR).^{vi}

2. A team from Northwestern's CIHR traveled to Yangon, Myanmar to interview over thirty Muslims from Yangon Division, Rakhine State, Chin State, and other regions of the country regarding the government's implementation and promotion of these human rights. These interviews were conducted during the week of February 24, 2020 in Yangon. Based on the interviews conducted by the CIHR team, none of the recommendations listed above, nor the rights under ICESCR, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), or the Convention on the Rights of Persons with Disabilities have been implemented. These rights, as well as those rejected by the Myanmar government,^{vii} require urgent attention and speedy enforcement.^{viii}

B. Right to Worship

I. International Obligations

3. The right to freedom of religion^{ix} and the right to participate in all aspects of cultural life^x are enshrined in the Universal Declaration of Human Rights (UDHR) and ICESCR^{xi}—to which Myanmar is a party. Myanmar is obligated under the UDHR and ICESCR to provide equal protection for all against discrimination and incitement to discrimination.^{xii} Freedom to worship^{xiii} and the right to manifest one's religion and belief^{xiv} are already instituted in international human rights instruments as universal norms and obligations.

II. Domestic Obligations

4. Myanmar's 2008 Constitution includes laudable protections for Myanmar's Muslims. The Constitution establishes Islam as an official religion in Myanmar,^{xv} recognizes Muslims' right to worship,^{xvi} protects Muslims from discrimination,^{xvii} and bars groups from "abusing religion for political purposes."^{xviii} Article 34 of the Constitution grants citizens the rights to "freedom of conscience" and to "freely profess and practice religion."^{xix}

5. Unfortunately, the 2008 Constitution also severely limits Muslims' right to religious worship. The Constitution states any practice of religion is "subject to public order, morality or health and to the other provisions of this Constitution"^{xx} and that "[t]he freedom of religious right given in Section 34 shall not include any economic, financial, political or other secular activities that may be associated with religious practice."^{xxi}

6. Islam is one of the five religions recognized by the Constitution,^{xxii} however Buddhism is given "special position" within the Union.^{xxiii} All protections for Muslim minorities in Myanmar are further restricted on the basis of citizenship.^{xxiv} Finally, all "fundamental rights" granted by the Constitution are not absolute, and can be suspended by the President if they decree an indefinite and undefined state of emergency.^{xxv}

7. Myanmar has further restricted the religious practice of Islam through its passage of the "Race and Religion Protection Laws,"^{xxvi} which directly impede the rights of the Myanmar people to profess and practice the religion of their own choosing—including Islam.^{xxvii}

III. Human Rights on the Ground

Freedom to Worship and Right to Manifest One's Religion

8. Muslims in Myanmar face difficulties accessing sites where they can worship. According to several of the interviewees, no new mosques have been built since 1962^{xxviii} due to government officials' refusal to provide the necessary permits.^{xxix} This means there are no mosques in any townships built after 1962.^{xxx} For instance, Nay Pyi Taw, the capital of Myanmar, built in the early 2000s, has no mosques.^{xxxi} Other townships within Yangon with no mosques include South Dagon, Shwepyithar, Hlaing Tharyar, and Thaketa.^{xxxii} It is similarly difficult to get permission to open new places to pray and teach Islam outside of mosques, including *madrasas* and *jamatkhana*.^{xxxiii}

9. Limited Mosque access forces many Muslims to pray at home.^{xxxiv} Yet in June 2018, the Ministry of Religions and Cultural Affairs prohibited religious teaching in private homes and restricted non-Buddhist religious teachings to government-approved buildings.^{xxxv} This action severely limited the number of physical spaces where citizens could practice Islam^{xxxvi} and the right to freely participate in cultural life.^{xxxvii} Extremist nationalist groups—including the 969 Movement, Ma Ba Tha, and the increasingly prevalent Myanmar National Organization (MNO)—have entered Muslims' homes in areas of Yangon like Tamwe and Thaketa to prohibit teaching of the Quran.^{xxxviii}

10. Muslims are also prohibited by extremist nationalist groups from using public places to pray.^{xxxix} In 2018, extremist groups put physical locks on buildings that they suspected were being used as

madrasas.^{xi} When Muslims asked the police to remove the locks, the police refused to interfere for fear of causing unrest within the community.^{xli}

11. Myanmar's existing mosques were built anywhere from 50 years to over a century ago and thus require renovations and repairs.^{xlii} Mosque committee members are often denied permission to renovate the mosques, or made to go through varying administrative hassles including bribing public officials to allow the renovations to continue.^{xliii}

12. In 2018, Myanmar required all mosques to receive permission from the state before celebrating Prophet Day.^{xliv} Notably, the Buddhist majority is not required to request permission for their celebrations.^{xlv}

Extremist Religious Violence Forcing Mosque Closures

13. Mosques have been burned down and shuttered amidst religious violence in Myanmar.^{xlvi} Interviewees reported that extremist groups take advantage of mundane disagreements in order to stoke religious violence.^{xlvii} One source described an argument between neighbors in Kachin State that escalated into a riot, with extremist groups chanting "mixed blood"^{xlviii} and throwing stones at Muslims.^{xlix} The extremists rallied the group to set the town's mosque on fire.^l This was not the first time extremist involvement in community arguments has led to destruction.^{li} Even when mosques are not physically harmed during these conflicts, government officials usually shut down mosques in order to avoid future community conflict.^{lii}

14. There are multiple examples of the forced closure of mosques due to public unrest. Examples include Thagidama mosque in the Taungdwingyi township, Magway Division and 3 Islamic places of prayer in South Dagon township, Yangon Division.^{liii} Nine mosques have been shut down in Taungoo Township, Bago Division.^{liv} Our sources asserted that whenever there is unrest in the country over governmental decisions, violence targeting mosques is used as a 'tactic' by the government to distract the public.^{lv} Muslim community leaders report that government officials have denied their requests to reopen these mosques and have no opportunity for recourse.^{lvi}

Governmental Discrimination against the Muslim Population

15. The Myanmar government restricts Muslims' right to participate in government. In the 2015 parliamentary elections, election authorities deemed Muslim candidates ineligible to run just days before the election.^{lvii} As a result of these actions, no Muslim candidates were elected to the Pyidaungsu Hluttaw, Myanmar's national legislature, in 2015.^{lviii} Interviewees reported that Muslims fear voting for Muslim candidates, citing concerns of violence, harassment, and other forms of retribution if they are

represented by a Muslim.^{lix} Additionally, Muslims are not proportionally represented in the civil service, judiciary, military, or police force.^{lx}

16. The Myanmar government perpetuates discrimination against Muslims in its publications. State newspapers use derogatory words to describe Muslims when reporting on religious violence.^{lxi} Muslims are referred to as foreigners or people with “mixed blood” on state television.^{lxii} Burmese Facebook users and state media have also used the word “Kalar” when describing Muslims, a derogatory word used to otherize Muslims from the Myanmar majority.^{lxiii}

17. Myanmar’s “Race and Religion Protection Laws” are also considered discriminatory of the Muslim population. Two of these laws, the Religious Conversion Law and the Myanmar Buddhist Women’s Special Marriage Law, violate CEDAW by requiring citizens to receive government approval before converting to a new religion, and special permission for Buddhist women to marry non-Buddhist men.^{lxiv} The Monogamy Law and the Population Control Law also tap into anti-Muslim stereotypes to limit women’s right to the number and spacing of their children.^{lxv} As a state party to CEDAW, Myanmar is legally bound to ensure the right of women to decide freely and responsibly the number and spacing of their children.^{lxvi}

Religious Discrimination in Education

18. Even at schools, children are taught derogatory lessons about Islam.^{lxvii} A Muslim father reported that a teacher asked the students in his daughter’s class to list dangerous places in Myanmar.^{lxviii} The teacher offered a mosque as an example of a dangerous place.^{lxix}

Religious Discrimination in Prisons

19. Access to worship for Muslim prisoners is restricted in violation of international standards.^{lxx} Muslim prisoners are only permitted to pray at certain times of day, which conflicts with Salat, the five times a day that Muslims are supposed to pray.^{lxxi} One human rights lawyer reported that her client does not receive Halal meals or have access to a Muslim prayer room.^{lxxii}

Recommendations

1. The Myanmar government should protect the freedom to worship and right to manifest one’s religious beliefs found in Article 18 of both the UDHR and ICCPR by issuing permits to Muslim communities to build and renovate mosques, madrasas, and *jamatkhana* throughout all of Myanmar, including an opportunity for recourse if the requests for permits are denied. Muslim

prisoners must also be granted access to worship per the Standard Minimum Rules for the Treatment of Prisoners.

2. The Myanmar government should ensure the right of Muslims to take part in the government by running for political office as enshrined in Article 21 of the UDHR and Article 25(a) of ICCPR. Additionally, Muslims must be represented proportionally in the civil service, judiciary, military, and police force.
3. The Myanmar government should ensure that education in Myanmar is free from religious discrimination.
4. The Myanmar government should ensure that individuals are not discriminated against on the basis of their religion in any forum, including in print or media publications. Words like ‘Kalar,’^{lxxiii} deemed derogatory and discriminatory, should not be used in state publications.
5. The Myanmar Government should ensure Muslims the right to freely participate in cultural life enshrined under Article 27 of UDHR. The government should not interfere in social norms of marriage, religious conversion, or birth and, thus, should repeal the Four Laws on Race and Religion that discriminate against the Muslim population.

C. Right to Nationality

IV. International Obligations

20. The right to nationality is enshrined in the UDHR^{lxxiv} and the ICCPR,^{lxxv} recognized by the General Assembly of Myanmar.^{lxxvi} It is also recognized under the CRC^{lxxvii} and CEDAW,^{lxxviii} to which Myanmar is a party.

V. Domestic Obligations

21. In 1947, Myanmar’s independence leader General Aung San announced that the future state of Burma would “guarantee and secure to all the peoples of the Union ... equality of status,” and that “the Constitution shall provide adequate safeguards for minorities.”^{lxxix} The 1947 Constitution and 1948 Citizenship Act followed these principles, granting citizenship to a large portion of the population and creating a path to full citizenship for anyone in Myanmar who, among other criteria, resided in the country for at least five years.^{lxxx}

22. The government limited citizenship rights to a three-tier citizenship hierarchy in 1982.^{lxxxi} The passage and implementation of the 1982 Citizenship Act placed severe restrictions on many Muslims’ pre-existing right to citizenship and created new categories of citizenship.^{lxxxii} The 2008 Constitution limited citizenship to people who were already citizens at the time of its passage and the offspring of

parents with full citizenship.^{lxxxiii} Daw Aung San Suu Kyi has called for the 1982 Citizenship Act to be revised, but no citizenship reform has occurred.^{lxxxiv}

VI. Human Rights on the Ground

Challenges with Applying for Citizenship Scrutiny Cards

23. Citizens of Myanmar need Citizenship Scrutiny Cards (CSCs),^{lxxxv} the country's primary form of identification, in order to travel within Myanmar, buy property, and obtain a passport.^{lxxxvi} Both an individual's religion and ethnicity appear on their CSC.^{lxxxvii}

24. Following the promulgation of the 1982 Citizenship Act, CSCs distinguish three categories of citizenship based on a disputed list of 135 "national races."^{lxxxviii} Some Muslims, like the Rohingya, are not included in the list of "national races," and are excluded from full citizenship.^{lxxxix} Those excluded from full citizenship can apply to receive fewer rights through two lower tiers of citizenship: associate citizenship and naturalized citizenship.^{xc} For example, associate citizens cannot run for political office.^{xcii}

25. However, individuals in Myanmar belonging to an ethnic group excluded from the 135 list are still entitled to full citizenship if their parents obtained citizenship documents prior to 1982 under the 1948 legislation—which many Muslims did.^{xcii} This means that ethnicity and religion do not directly signify ineligibility for Myanmar citizenship under the law.^{xciii}

26. Nonetheless, there is a gap between the law and implementation of the law in Myanmar.^{xciv} Dozens of our Muslim interviewees who were legally eligible to receive CSCs reported that they had to bribe public officials in order to receive their cards.^{xcv} Bribe amounts for a CSC or passport vary by state or region, and are at the discretion of the individual immigration officer or internal department instructions.^{xcvi} Muslims and other citizens perceived to be non-Buddhist are also asked to queue in a different line than Buddhist citizens.^{xcvii} For Muslim individuals, the process of receiving a CSC often takes up to six months; Buddhist individuals typically receive their CSCs in a matter of days or weeks.^{xcviii}

27. Our sources report that people who have "Muslim" on their CSCs also receive discriminatory treatment from government officials in immigration offices.^{xcix} Some officials believe that Buddhism is the only religion endemic to Myanmar, so any Muslim individual must be a foreigner.^c

28. Some Muslims are forced by the immigration office to list their ethnicity as Bengali when applying for CSCs and passports, regardless of their ancestry, to imply that they are immigrants from

Bangladesh.^{ci} Muslims deemed foreign born are so looked down upon that there is a Burmese saying, “you can call me dog, but not Bengali.”^{cii}

29. In order to avoid the discrimination that comes with being labeled a foreigner on their CSCs, Muslims will report to be Buddhist when registering.^{ciii} In one case, the son of a Muslim religious leader reported to be Buddhist so that he could avoid the discriminatory passport process for Muslims.^{civ} An interviewee reported to CIHR that he asked to change his CSC from Buddhist to Muslim, and the immigration officer told him to keep the incorrect designation because it would make the Muslim man’s life easier.^{cv}

30. Interviewees also report that immigration officials selectively registered Myanmar Buddhist youths for CSCs at school, while claiming Muslim children must go to the immigration office to register.^{cvi} The Moe Pwint Project, a fast-track citizenship program created by the government, refuses to process many Muslim applications because they are “mixed-blood.”^{cvi}

Muslim Travel Restrictions

31. Muslims who are not able to obtain a CSC with full citizenship rights are unable to move freely within the country. Even Muslims with full citizenship rights report that they are frequently harassed when traveling—both due to their appearance and the classification on their CSC as “Muslim” or “Bengali.”^{cviii}

32. Those citizens who have long beards, which are associated with Islam, arriving at the airport of Thandwe in Rakhine State are forced through “immigration” procedures, where they are interrogated and asked to sign an entry paper.^{cix} One interviewee divulged that he always wears his lawyer uniform when traveling between states because officers are less inclined to demand his CSC, and subsequently ask for a bribe when they realize he is Muslim.^{cx}

33. Restrictions on freedom of movement have implications on healthcare, right to worship,^{cx} and right to education. For instance, Muslims who cannot move freely among states do not have access to the full range of Myanmar’s educational or healthcare institutions.^{cxii} Interviewees reported that Muslim students will avoid attending schools outside their home state for fear that they will face travel restrictions or difficulties registering for professional school due to their CSCs.^{cxiii}

Recommendations

1. Restore the citizenship rights promulgated by Myanmar's 1948 Citizenship Law and supported by the UDHR, CRC, CEDAW, and ICCPR.^{cxiv} Implement and uphold the Citizens' Bill of Rights in the 2008 Constitution.
2. Restore the recognition of all religions present in Myanmar upheld in the 1947 Constitution/1948 Citizenship Law, listed in the 2008 Constitution, and enshrined in the UDHR, CRC, and CEDAW. Eliminate race and religion from Citizenship Scrutiny Cards.
3. Uphold the UDHR's right to recognition as a person before the law by ensuring equal access to Citizenship Scrutiny Cards at immigration offices,^{cxv} including by eliminating segregation of applicants by religion and ensuring that immigration officials do not solicit bribes as prohibited by the Myanmar-ratified UN Convention against Corruption.^{cxvi}

i The Center for International Human Rights (CIHR) of Northwestern University's Pritzker School of Law (Chicago, IL, USA) is dedicated to human rights education and legal and policy-focused human rights advocacy within the United States and worldwide. CIHR is in consultative status with the United Nations Economic and Social Council (ECOSOC).

ii Report of the Working Group on Universal Periodic Review: Myanmar, UN Doc. A/HRC/31/13, paras 143.96 (Holy See), 143.88 (Botswana), 143.97 (Poland).

iii A/HRC/31/13, paras 143.61 (Ecuador), 143.60 (Nepal), 143.78 (Iceland).

iv A/HRC/31/13, paras 143.62 (New Zealand), 144.51 (Algeria), 145.12 (Norway).

v A/HRC/31/13, paras 143.87 (Japan), 144.79 (Djibouti), 145.66 (United States of America).

vi Myanmar ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 16 October 2017.

vii Such as amendment of the Citizenship Act of 1982, Repeal of the Four Laws on Race and Religion, and ratification of the International Covenant on Civil and Political Rights.

viii UN Committee on Economic, Social and Cultural Rights, *General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant)*, 14 December 1990, E/1991/23, para 2 recognizes that the realization of the rights in ICESCR are achieved progressively. However, steps toward achieving the full goal of these rights should be taken "within a reasonably short time after the Covenant's entry into force for the States concerned." *Ibid.*

ix UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III) [hereinafter UDHR], art. 18; UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, [hereinafter ICCPR], art. 18(1); UN Human Rights Committee, *General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4 [hereinafter HRC GC 22], para 4. In its National Report, A/HRC/WG.6/10/MMR/1, 2011, Myanmar acknowledged its action is 'in line with ICCPR,' para 37, and has the studying and signing of ICCPR as a national priority, para. 129.

x UDHR, art. 27; UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, [hereinafter ICESCR], art 15 (1) (a); UN Committee on Economic, Social and Cultural Rights, *General comment no. 21, Right of everyone to take part in cultural life (art. 15, para. 1a of the Covenant)*, 21 December 2009, E/C.12/GC/21 [hereinafter ICESCR GC 21], para 32.

xi ICESCR, art 15 (1)(a).

xii UDHR, art. 7; *see also* ICCPR, art. 20(2).

xiii UN General Assembly, *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, 25 November 1981, A/RES/36/55 [hereinafter 1981 Declaration], art 6 (a), 6(c); Commission on Human Rights resolution 2005/40, para 4(d); Human Rights Council resolution 6/37, para 9(g) and General Assembly resolution 65/211, para 12 (g).

xiv ICCPR, art 18(1), art 18 (3); 1981 Declaration, art 1(1).

xv Myanmar Constitution, 2008 art. 362.

xvi *Ibid.*, art. 34; *see also* art. 354.

xvii *Ibid.*, art. 348; *see also* art. 352.

xviii *Ibid.*, art. 407.

xix *Ibid.*, art. 34.

xx *Ibid.*

xxi Myanmar Constitution, 2008 art. 360.

xxii *Ibid.*, art. 362.

xxiii *Ibid.*, art. 361.

xxiv *Ibid.*, art. 34, 348, 352, 354.

xxv *Ibid.*, art. 414(b).

xxvi Hnin Yadana Zaw, *Myanmar's president signs off on law seen as targeting Muslim*, REUTERS (August 31, 2015), <https://www.reuters.com/article/us-myanmar-politics/myanmars-president-signs-off-on-law-seen-as-targeting-muslims-idUSKCN0R011W20150831>; *Burma: Discriminatory Laws Could Stoke Communal Tensions; New Laws Target Muslims, Other Religious Minorities*, HUMAN RIGHTS WATCH (Aug. 23, 2015), <https://www.hrw.org/news/2015/08/23/burma-discriminatory-laws-could-stoke-communal-tensions>.

xxvii Religious Conversion Law, Pyidaungsu Hluttaw No. 48/2015; The Religious Conversion Law requires anyone who wants to convert to Islam or any other faith to submit to further bureaucratic hurdles to convert, including providing intrusive personal information to a local board that holds approval power on the person's right to convert. The Buddhist Women Special Marriage Law, Pyidaungsu Hluttaw No 50/2015, regulates the marriage of Buddhist women to non-Buddhist men. Buddhist women under 20 years old who wish to marry a Muslim must get parental consent, other couples must publicly post a notice about their marriage. Library of Congress, *Burma: Four 'Race and Religion Protection Laws' Adopted* (September 14, 2015), <https://www.loc.gov/law/foreign-news/article/burma-four-race-and-religion-protection-laws-adopted/>.

xxviii CIHR Interviews, Feb. 24, 25, & 27, 2020.

xxix Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report for 2018*, UNITED STATES DEPARTMENT OF STATE, p.9; CIHR Interviews, Feb. 24 & 25, 2020.

xxx *Ibid.*

xxxi CIHR Interviews, Feb. 24 & 25, 2020.

xxxii CIHR Interviews, Feb. 24 & 25, 2020.

xxxiii CIHR Interviews, Feb. 25, 2020. *Jamatkhana* refers to a place where members of certain Sunni and Shia communities come together for prayers and communal gatherings. The Ismaili, *The history of Jamatkhana and their significance* (Sept. 24, 2017), <https://the.ismaili/history-jamatkhanas-and-their-significance>.

xxxiv CIHR Interviews, Feb. 25 & 27, 2020.

xxxv Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report for 2018*, UNITED STATES DEPARTMENT OF STATE, <https://www.state.gov/reports/2018-report-on-international-religious-freedom/burma/>.

xxxvi *Ibid*; CIHR Interviews, Feb. 25, 2020

xxxvii UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), art. 27.

xxxviii CIHR Interviews, Feb. 24, 2020.

xxxix CIHR Interviews, Feb. 24, 25, & 27 2020; Poppy McPherson, *We must protect our country: extremists Buddhists target Mandalay's Muslims*, THE GUARDIAN (May 8, 2017), <https://www.theguardian.com/cities/2017/may/08/buddhist-extremists-anti-muslim-mandalay-ma-ba-tha>; The Myanmar National Organization (MNO) has only recently begun to receive press coverage for its actions. Radio Free Asia, *Buddhist Nationalists Threaten Myanmar Media Over Protest Coverage* (Feb. 20, 2020), <https://www.rfa.org/english/news/myanmar/buddhist-nationalists-threaten-myanmar-media-02102020165818.html>.

xl CIHR Interviews, Feb. 27, 2020.

xli CIHR Interviews, Feb. 27, 2020.

xliv CIHR Interviews, Feb. 24, 25, & 27, 2020.

xlvi CIHR Interviews, Feb. 24, 25, & 27, 2020; Office of International Religious Freedom, *2018 Report on International Religious Freedom: Burma*, U.S. DEPARTMENT OF STATE, <https://www.state.gov/reports/2018-report-on-international-religious-freedom/burma/>.

xliv CIHR Interviews, Feb. 27, 2020. Prophet Day honors the birthday of the prophet Muhammed. This year, Prophet Day begins the evening of October 28, 2020, and ends the evening of October 29, 2020. In 2017, Buddhist nationalists attacked Muslims celebrating Prophet Day in Yangon. Although Prophet Day falls on one calendar day, mosques schedule the holiday on different days to ensure select Muslim clerics can preach to different mosques throughout the country. The new restrictions on Prophet Day prohibit this from occurring. French Press Agency, *Buddhist hardliners attack Myanmar Muslims celebrating Prophet Mohammed's birthday*, DAILY SABAH (Jan. 8, 2017), <https://www.dailysabah.com/islamophobia/2017/01/08/buddhist-hardliners-attack-myanmar-muslims-celebrating-prophet-mohammeds-birthday>.

xlvi *Ibid*.

xlvi CIHR Interviews, Feb. 24, 25, 26 & 27, 2020; *see also* BBC, *Myanmar mob burns down mosque* (July 2, 2016), <https://www.bbc.com/news/world-asia-36693714>.

xlvi CIHR Interviews, Feb. 25, 2020.

xlvi "Mixed blood" connotes foreign citizenship. CIHR Interviews, Feb. 25, 2020.

xlvi CIHR Interviews, Feb. 24 & 25, 2020.

l CIHR Interviews, Feb. 25, 2020; *Mob Burns Down Mosque in Myanmar*, AL JAZEERA (July 2, 2016), <https://www.aljazeera.com/news/2016/07/mob-burns-mosque-myanmar-160702100230049.html>.

li CIHR Interviews, Feb. 25 & 27, 2020.

lii CIHR Interviews, Feb. 25 & 27, 2020.

liii CIHR Interviews, Feb. 25, 2020; *see also* *Three mosques closed near Yangon following threats by Buddhist nationalist*, ASIA NEWS (May 17, 2019), <http://www.asianews.it/news-en/Three-mosques-closed-near-Yangon-following-threats-by-Buddhist-nationalists-47042.html>.

liiv CIHR Interviews, Feb 25, 2020.

liiv CIHR Interviews, Feb. 24 & 26, 2020.

liiv CIHR Interviews, Feb. 25 & 27, 2020. No opportunity for recourse if the requests for permits are denied controverts the UDHR's right to freely participate in cultural life. UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), art. 27.

lvii See Renaud Egreteau, *'Parliamentary Development in Myanmar: An Overview of the Union Parliament'* 2011 - 2016, p. 21-22, accessed from https://reliefweb.int/sites/reliefweb.int/files/resources/Parliamentary-Development-in-Myanmar_English.pdf.

lviii *Ibid.*

lix CIHR Interviews, Feb. 25, 2020.

lx CIHR Interviews, Feb. 25, 2020; see also United States Department of State, *2018 Report on International Religious Freedom: Burma*, <https://www.state.gov/reports/2018-report-on-international-religious-freedom/burma/>; *No vote, no candidates: Myanmar's Muslims barred from their own election*, THE GUARDIAN (Nov. 2, 2015), <https://www.theguardian.com/world/2015/nov/03/no-vote-no-candidates-myanmars-muslims-barred-from-their-own-election>.

lxi CIHR Interviews, Feb. 25 & 28, 2020; see also Steve Stecklow, *Why is Facebook losing the war on hate speech in Myanmar*, REUTERS (August 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

lxii CIHR Interviews, Feb. 25, 2020. "Mixed blood" connotes foreign citizenship. The idea is that the Islamic religion is not inherent to Myanmar, so Muslims, therefore, cannot be inherent to Myanmar either.

lxiii Steve Stecklow, *Why is Facebook losing the war on hate speech in Myanmar*, REUTERS (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>; *Facebook ban on racial slur sparks debate in Burma*, THE IRRAWADDY (May 31, 2017), <https://www.irrawaddy.com/news/burma/facebook-ban-of-racial-slur-sparks-debate-in-burma.html>.

lxiv CIHR interviews, Feb. 25, 2020. Myanmar is obligated under international instruments such as CEDAW to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and in particular ensure equality of men and women on this matter. CEDAW, art. 16.

lxv *Burma: Four "Race and Religion Protection Laws" Adopted*, The Law Library of Congress, GLOBAL LEGAL MONITOR (Sept. 14, 2015), <https://www.loc.gov/law/foreign-news/article/burma-four-race-and-religion-protection-laws-adopted/>. Muslims in Myanmar are thought to practice polygamy and to be "speedy reproductive people," or "excessive" breeders. CIHR interviews, Feb. 25 & 26, 2020. These statutes tap into these stereotypes by legitimizing only monogamous marriages and requiring that women space the birth of their children to at least every 36 months. Pyidaungsu Hluttaw Law No. 28/2015 - Law regarding Population Control and Health, Section 2(c).

lxvi CEDAW, art. 16 (e).

lxvii *In Myanmar, 'pervasive hate speech and shrinking freedom'*, ALJAZEERA, (Mar. 5, 2019), <https://www.aljazeera.com/news/2019/03/myanmar-pervasive-hate-speech-shrinking-freedom-190305201420729.html>. For example, one fourth grade lesson claimed the national spirit of Myanmar "loathed" Muslims, or "mixed blood, for they prohibit the progression of the race." *Ibid.*

lxviii CIHR interviews, Feb. 25, 2020.

lxix *Ibid.*

lxx United Nations, *Standard Minimum Rules for the Treatment of Prisoners*, 30 August 1955, art. 6. The Standard Minimum Rules for the Treatment of Prisoners prohibits the discrimination of prisoners on the "grounds of ... religion."

lxxi CIHR interviews, Feb. 28, 2020.

lxxii *Ibid.*

lxxiii Steve Stecklow, *Why is Facebook losing the war on hate speech in Myanmar*, REUTERS (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>; *Facebook ban on racial slur sparks debate in Burma*, THE IRRAWADDY (May 31, 2017), <https://www.irrawaddy.com/news/burma/facebook-ban-of-racial-slur-sparks-debate-in-burma.html>.

lxxiv UDHR, art 15.

lxxv ICCPR, art 24(3); The Myanmar Attorney General's Fair Trial Guidebook for law officers cites the ICCPR as an international standard for law officers in Myanmar to follow.

lxxvi UN General Assembly, Office of the United Nations High Commissioner for Refugees: resolution / adopted by the General Assembly, 9 February 1996, A/RES/50/152.

lxxvii UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, [hereinafter CRC], art 7.

lxxviii UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, art 9.

lxxix European University Institute, *Report on Citizenship Law: Myanmar* (October 2017), https://cadmus.eui.eu/bitstream/handle/1814/48284/RSCAS_GLOBALCIT_CR_2017_14.pdf?sequence=1.

lxxx *Ibid.*, pp. 5-6; The three tiers include full citizenship, associate citizenship and naturalized citizenship. The actual Burmese translation of Associate Citizen is "guest citizen." *Ibid.*

lxxxi *Ibid.* Full citizenship rights were reserved for those who were already citizens at the time of promulgation, or were members of one of the recognized national races of Myanmar. Associate citizenship is granted to those who had arrived in Myanmar prior to 1948, and had applied for citizenship before 1982, but had not yet received a decision on their application. Naturalized citizenship was given to those who had arrived before 1948 and had not yet applied for citizenship. Many ethnic groups in Myanmar that are predominantly Muslim were not included on the schedule of eight national races or 135 ethnic groups, and thus cannot claim these forms of citizenship. CIHR interviews, Feb. 25, 2020. Jane M. Ferguson, *Who's Counting? Ethnicity, Belonging, and the National Census in Burma/Myanmar*, Bidjdragen Tot De Taal-, Land- En Volkenkunde, Vol. 171, No. 1 (2015), pp. 1-28; Nick Cheesman, *How in Myanmar 'National Races' Came to Surpass Citizenship and Exclude Rohingya*, Journal of Contemporary Asia, 15 March 2017, DOI: 10.1080/00472336.2017.1297476.

lxxxii *Ibid.*

lxxxiii Myanmar Constitution, 2008, art. 345.

lxxxiv Democratic Voice of Burma, *Suu Kyi calls on citizenship law to be revised* (April 17, 2013), <http://english.dvb.no/news/suu-kyi-calls-on-citizenship-law-to-be-revised/27605>.

lxxxv CSCs are often referred to colloquially as NRCs (National Registration Cards). NRCs were a form of documentation granted to residents (but crucially not a citizenship document) prior to 1982. European University Institute, *Report on Citizenship Law: Myanmar* (October 2017), https://cadmus.eui.eu/bitstream/handle/1814/48284/RSCAS_GLOBALCIT_CR_2017_14.pdf?sequence=1.

lxxxvi CIHR interviews, Feb. 24, 25, & 26, 2020; Myanmar Constitution, art. 3; Julia Wallace, *Myanmar Casts Minorities to the Margins as Citizenship Law Denies Legal Identity*, THE GUARDIAN (Nov. 3, 2016), <https://www.theguardian.com/global-development/2016/nov/03/myanmar-casts-minorities-to-margins-citizenship-law-denies-legal-identity>.

lxxxvii CIHR interviews, Feb. 24, 25, & 26, 2020.

lxxxviii CIHR interviews, Feb. 24, 25, & 26, 2020; Fortify Rights, *Myanmar: End Campaign to Deny Rohingya Citizenship and Erase Identity* (Sept. 3, 2019), <https://www.fortifyrights.org/mya-inv-2019-09-03/>; Religious Literacy Project, *The Burma Citizenship Act*, HARVARD DIVINITY SCHOOL, <https://rlp.hds.harvard.edu/faq/burma-citizenship-act>.

lxxxix CIHR interviews, Feb. 25, 2020; Burmese Rohingya Organisation UK, *Myanmar's 1982 Citizenship Law and Rohingya* (Dec. 2014), <https://burmacampaign.org.uk/media/Myanmar%E2%80%99s-1982-Citizenship-Law-and-Rohingya.pdf>.

xc The Republic of the Union of Myanmar, *The 2014 Myanmar Population and Housing Census: Yangon Region* (May 2015) at 2, <https://myanmar.unfpa.org/sites/default/files/pub-pdf/Yangon%20Region%20Census%20Report%20>

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<https://www.hrw.org/reports/2000/burma/burm005-02.htm>.

xcii CIHR interviews, Feb. 25, 2020; Religious Literacy Project, *The Burma Citizenship Act*, HARVARD DIVINITY SCHOOL,
<https://rlp.hds.harvard.edu/faq/burma-citizenship-act>.

xciii Sections 6 and 7(a), Burma Citizenship Law, Pyithu Hluttaw Law No. 4 of 1982.

xciv Nick Cheesman, *How in Myanmar 'National Races' Came to Surpass Citizenship and Exclude Rohingya*, *Journal of Contemporary Asia*, 15 March 2017, DOI: 10.1080/00472336.2017.1297476.

xcv *Ibid.*

xci CIHR interviews, Feb. 24, 25, 26, & 27, 2020; Julia Wallace, *Myanmar Casts Minorities to the Margins as Citizenship Law Denies Legal Identity*, *THE GUARDIAN* (Nov. 3, 2016).

xcvi CIHR interviews, Feb. 25, 2020.

xcvii CIHR interviews, Feb. 24 & 25, 2020.

xcviii CIHR interviews, Feb. 24 & 27, 2020; *see also* Naw Say Phwa Waa, *Expelled members of NLD issued new ID cards*, *MYANMAR TIMES* (Mar. 9, 2015), <https://www.mmtimes.com/national-news/13414-expelled-members-of-nld-issued-new-id-cards.html>.

xcix CIHR interviews, Feb. 24, 25, & 26, 2020.

c CIHR interviews, Feb. 24, 25, & 26, 2020.

ci CIHR interviews, Feb. 24, 25, & 26, 2020; Julia Wallace, *Myanmar Casts Minorities to the Margins as Citizenship Law Denies Legal Identity*, *THE GUARDIAN* (Nov. 3, 2016).

cii CIHR interviews, Feb. 25, 2020.

ciii CIHR interviews, Feb. 25 & 26, 2020.

civ CIHR interviews, Feb. 25, 2020.

cv *Ibid.*

cvi CIHR interviews, Feb. 26, 2020.

cvii Naw Say Phwa Waa, *Expelled members of NLD issued new ID cards*, *MYANMAR TIMES* (Mar. 9, 2015);
<https://www.mmtimes.com/national-news/13414-expelled-members-of-nld-issued-new-id-cards.html>.

cviii CIHR interviews, Feb. 24 & 25, 2020.

cix CIHR interviews, Feb. 25, 2020.

cx CIHR interviews, Feb. 24, 2020.

cxii See Section B. In cases where Muslims cannot worship in mosques or madrasas in their own townships, many Muslims will drive to another township or state in order to worship. At times, access into another township or state is denied based on their national ID. In these cases, Muslims are unable to worship at all; they cannot worship at home due to lack of access to a place of worship, and they're also unable to worship away from home due travel restrictions. CIHR interviews, Feb. 24, 2020.

cxiii CIHR interviews, Feb. 24, 2020; *see also* ICESCR, art. 13; CRC, art 28.

cxiiii CIHR interviews, Feb. 24 & 25, 2020.

cxv UN General Assembly, Office of the United Nations High Commissioner for Refugees : resolution / adopted by the General Assembly, 9 February 1996, A/RES/50/152.

cxvi UDHR, art. 6.

cxvii UN General Assembly 58/4, United Nations Convention Against Corruption, 31 October 2003.