



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Study on Community Perceptions of Citizenship, Documentation and Rights in Rakhine State

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UNHCR Myanmar

EXECUTIVE SUMMARY

The citizenship verification process in Rakhine State commenced in July 2014 with the pilot in Taung Pyo IDP camp in Myebon Township. It was then rolled out as of 1 January 2015 across Rakhine State and nationwide, but with a very low level of participation. The verification exercise recommenced in 2016 under the newly formed Government led by the National League for Democracy. The pilot process in Myebon has resulted in around 2,000 people (including children) receiving a form of citizenship documentation (full or naturalized citizenship). However, there have been no tangible changes in the overall situation of those who have acquired citizenship through the pilot; their constraints on freedom of movement persist as well as their access to basic services including education, health and livelihoods. In northern townships of Rakhine State where the majority of the stateless population reside, participation in the verification continues to be low.

Since the commencement of the pilot project in Myebon in 2014, UNHCR has monitored the implementation of the exercise consistently through gauging community perceptions of the processes and outcomes. To complement this sustained monitoring, and in order to strengthen its advocacy on the citizenship verification process, UNHCR conducted a survey of the stateless population and other minorities' perceptions of citizenship, documentation and related processes. Over the period from March to early June 2016, 1,293 community members from eight townships and various villages and communities in Rakhine State were interviewed.

The key findings that have arisen from this study include:

- **Further improvements to the current implementation measures are needed in order to encourage participation in the citizenship verification process.** It has become clear from the implementation of the citizenship verification process in 2016 that the ICNV ("Identity Card for Nationality Verification") is not accepted by the community, despite key changes made by the Government to the application process and to the card itself. In 2015 the key concerns regarding the ICNV included the requirement to self-identify as "Bengali", and the expiration of the document within two years. Although the Government demonstrated some flexibility on these issues, the stateless population still sees the ICNV as compelling them to participate in a citizenship verification process that remains non-transparent with no clarity on the rights attached to the ICNV.
- **The recognition of ethnicity on citizenship documentation is described as being important by the community members surveyed, in order for "Rohingya" to be recognized as a minority group like other ethnic groups in the country.** It is also widely considered that the recognition of ethnicity on the documentation will facilitate equal treatment with other Myanmar citizens. Some community members, though a minority among those interviewed for this study, highlighted that it was acceptable that ethnicity was not included on documentation.
- **Information gaps on citizenship, documentation and rights are widespread and significant, undermining the stateless population's ability to make informed decision during the citizenship verification process.** Most stateless community members who participated in the survey are unclear about the various kinds of documentation and the rights and obligations attached to these.
- **Communities feel entitlement to "full" citizenship.** Most Rohingya community members surveyed feel that "full" citizenship should be granted to their community given that they can prove that they were born in Myanmar and that their families have lived in Myanmar for generations. For some this is also tied to the desire that their community be recognized as a distinct and recognized ethnic group in Myanmar.
- **The concept of being a citizen in Myanmar is intimately linked to the perception that citizens have rights.** The rights attached to being a citizen or having any form of documentation is perceived by the community include freedom of movement, access to livelihoods, equal treatment, access to healthcare and education and freedom from discrimination. The community's key asks from the new Government echo the themes of rights that are associated with being a citizen.

- **The Rohingya highlight freedom of movement as a core right that they do not currently enjoy due to their stateless status.** Freedom of movement is highlighted as being a key right enabled by documentation and core when explaining how stateless communities perceive citizenship. It was identified as being the main right that would significantly change their lives. Freedom of movement is one of the main hopes for change with the new Government. Women and youth also highlight the importance of this right in their everyday life.
- **Young stateless people have a very limited awareness of what citizenship means.** Both young women and men found it extremely difficult to explain any perception on citizenship, with little understanding of documentation and related processes. Young people do however express that documentation to confirm their citizenship would grant important rights such as freedom of movement, access to livelihoods and access to education.
- **Women do not have access to information on the substantive elements of documentation or hold their own documentation.** The low literacy rate in Rakhine State among the Rohingya women and lack of access to participation in discussions concerning documentation was highlighted as key challenges in their ability to understand the procedures and contents of the documentation that they received. In some instances, women were found not to be the custodians of their own documentation.
- **Women often share that if they received a citizenship card there would be peace in Rakhine State.** Women's perception of peace is explained as freedom of movement, livelihood opportunities, being able to marry freely without marriage permissions, being able to register their children to household lists and for their children to have access to education.
- **The Maramagyi confirm that having a CSC card has enabled access to rights, diminished discriminatory treatment by the authorities and made them feel "secure".** Before receiving the CSC the Maramagyi had no identity card and report having felt discriminated by the authorities. The Maramagyi communities report that their lives changed significantly with the CSC and their situation both in terms of access to documentation and rights that they can enjoy as a result.
- **The Kaman perceive that they face restrictions in accessing documentation and rights due to religious discrimination.** Despite being a recognized minority group the community highlights that they are discriminated because of their Muslim faith. The community hopes for equal access to rights as other citizens, the granting of the CSC for all and freedom from discrimination.
- **Some Hindu perceive the Naturalized Citizenship Scrutiny Card to be a temporary card providing them with an insecure status and with which they cannot access full rights.** Particularly in northern Rakhine some are concerned that if the law changes they might be sent to India.
- **The Rakhine highlight the importance of a citizenship card to ensure freedom of movement, freedom from discrimination and access to services.** The Rakhine consider the citizenship card to be very important, believing that not having the card would directly affect their freedom of movement, their children's access to education and civil documentation. Women perceive that they may be discriminated without the card.
- **All groups included in the study experience limited access to reliable information on documentation, rights, obligations and entitlements.** Similar to the stateless community there is a lack of access to information and little dialogue between the authorities and communities to dispel rumours and ensure clear and transparent messages. This results in communities not being fully informed or empowered to make informed decisions.

Recommendations

The findings in this report identify significant information gaps on citizenship, documentation and rights. Such information gaps undermine the stateless population's ability to make informed choices during the citizenship verification process and hinder government attempts to make substantial progress. Women and youth are those with the least access, perpetuating their inability to participate and make decisions. In light of these, key recommendations for improving the current citizenship verification process, include the following:

- **Improving access and providing information:** Information on the procedures of the citizenship verification exercise should be delivered directly by authorities in a language that is understood to ensure that all members of the community, including women and youth, are able to access the procedure and be informed of the requirements to apply. A consistent dialogue between authorities and the communities on the process and status of the citizenship verification exercise would ensure transparency and confidence in the procedure and dispel rumours. Consideration should also be given to outreach within communities to ensure that information and the application procedure is accessible.
- **Resolving the terminology issue:** The terminology issue has not been resolved and is likely to continue to be an impediment to implementation. A low level of participation will be expected if this issue is not resolved in a manner that is acceptable to all communities.
- **Enhanced consultations with affected communities:** It is evident that communities either do not know about the citizenship verification, or do not understand the process and its ramifications. Active steps to consult with both the stateless and Rakhine communities on how a citizenship verification process will be implemented under the current legal framework will be essential.
- **Simplified application forms:** The application procedure may be expedited by the use of simplified application forms and the implementation of a low threshold for submitting supporting documentation. Township archives could be referenced, particularly when applicants do not have complete family records.
- **Timely decision-making:** Decisions should be issued in a timely manner and information should be provided on mechanisms to follow up pending cases, or to pursue review or appeals for rejected decisions.
- **Flexible approach:** Given the low level of literacy among the community, a low threshold for establishing knowledge of a national language would ensure that a greater number of applicants benefit from the exercise, particularly women and youth. Waiving the multiple fees which applicants cannot afford would also increase participation. Members of the community who may be living with disabilities or the elderly should likewise not be excluded from the exercise and measures to ensure they are able to participate should be implemented.
- **Tangible changes:** The absence of tangible changes that has followed the exercise to date has resulted in a lack of confidence in the procedure throughout stateless communities. Progressive tangible changes must be seen for those who are confirmed as citizens.