

A STITCH IN TIME SAVES NINE

Disclaimer

This information and views set out in this Comparative analysis are those of Braveheart Foundation and do not necessarily reflect the official opinion of the European Union or British Council.

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FOREWORD

Legal identity is an only document to prove one's belonging to a society or a State. And it is a fundamental requirement to claim rights as every law in Myanmar dedicate to citizens. However, many people are not familiar with documentation as they think they could live on without them. Lack of knowledge about the application process and existing administrative challenges block them get hold of civil documents.

Citizenship Scrutiny Card, Birth Certificates and Household List are the basic documents to identify one's legal existence in Myanmar. Social, political and economic rights are enshrined in nationality. These are the protection tools which can be used for future claims as well. Without proof of nationality, nobody can fully access basic rights like education or healthcare. They could not travel, own property, be formally employed or access financial services, among other rights enjoyed by Myanmar citizens.

While the State is wholly responsible for issuing civil documents, community participation is needed to ensure everyone is legally registered. CSOs' contribution is also important to mobilize the vulnerable communities they work with. As the government is now planning to initiate e-ID implementation and issue smart cards, it is a great opportunity to cover everyone and leave no one undocumented which in long run may lead to statelessness.

Now the United Nations has Sustainable Development Goals that every Member State aims for. But we may not have those goals if pockets of the population are disabled from aspiring to those goals because of the fact they could not access nationality. According to the existing 1982 Citizenship Law, if one does not have citizenship document, his new generations will suffer from it. Therefore nationality is a right and responsibility for everyone.

Braveheart Foundation is fully committed to reduce undocumented population in Myanmar. And we are happy to work together with government departments, legislative bodies and like-minded organizations to strive for achieving that goal.

Braveheart Foundation

Comparative Analysis on Access to Civil Documents between Kengtung and Hlaingtharyar

Dates: 1 July 2018 to 31 October 2019

Overview and Executive Summary

This report seeks to investigate how Myanmar's civil documentation systems differ in application and the outcomes they generate between Kengtung township of Shan State with those from Braveheart's similar program in Hlaingtharyar in Yangon Region. Both programs deployed community-based paralegals to identify undocumented people in the target areas and assist them in trying to secure their civil documents. This allowed Braveheart to research and understand the actual implementation of the 1982 Citizenship Law and to identify common barriers for people trying to gain access to civil documentation which includes: Citizenship Scrutiny Card (CSC), household list, and birth certificates. In each location detailed data was collected on every case. The key differences between the two locations are that: the population of Kengtung township 74.2% rural and overwhelmingly from ethnic minority background (including Shan, Akha, Lahu, Palaung, and others) whereas the population in Hlaingtharyar is entirely urban and overwhelmingly Bamar (many of whom have migrated from other areas).

For several reasons, Braveheart activities in Hlaingtharyar had to be low profile as the Regional Government instructed to hold our activities in late 2017. That instruction letter remains unchanged until late 2018. That caused paralegals to assist their clients remotely; paralegals could not organize mass meetings and they were requested not to engage with immigration department. On the other hand in Kengtung where we started our initiative in second half of 2018, paralegals could build relationship with local authorities and immigration officers.

Key Findings

- Cases in Kengtung are resolved at much higher rates than those in Hlaingtharyar (81% vs 29%)
- Kengtung paralegals have better relationship with township immigration officers while activities in Hlaingtharyar are still shadowed by the instruction of Yangon Regional Government to keep low profile. Therefore paralegals were asked not to engage with township immigration department.
- Most residents in Kengtung are ethnic people (automatically considered citizens by birth) and permanently residing there for generations. Hlaingtharyar, on another hand, accommodates well mixture of permanent residents, migrants, squatters and culturally-mixed¹ people.

Before we commence with the analysis, it only remains for Braveheart to express its thanks to those who have worked with it over the period: MyJustice and our technical partner, Namati.

¹ People whose either parents or both are Chinese, Indian and other non-ethnic people.

Full Report

Project pilot sites

Braveheart has been working in Kentung for a total of 16 months where it has deployed up to eight but generally six paralegals. However, during first two months, we trained paralegals on 1982 Citizenship Law and application process. They were also sensitized with Case Tracking Form. Therefore they did not start any field activities in June and July of 2018. Over the rest 14 months Braveheart paralegals have opened a total of 845 cases.

Kengtung is the capital city of Shan East and the township has a population of 171,620 with slightly fewer males than females (according to 2014 Census data). Shan ethnic people are the majority in the area followed by Akha, Lahu and Bamar respectively. Most people, 74.2% of the total, live in rural area spreading over 31 village tracts while the rest 25.8 % reside in 5 wards of urban area. The 2014 Census also shows that Kentung township as many as 21,013 people of over 10 years-of-age do not hold any identity document. (Note: Union data shows 27.3 % of total population in Myanmar is undocumented.)

Braveheart has been working in Hlaingtharyar for a total of 26 months where it has deployed eight paralegals. Over the last 14 months Braveheart paralegals have opened a total of 1113 cases (though 1800 over the whole 26 months). However, during first month in 2019, we recruited and trained paralegals on 1982 Citizenship Law and application process. They were also sensitized with Case Tracking Form. They did not start any field activities during January and February of 2019. Therefore we took the same working period for comparison purpose with Kengtung project.

Hlaingtharyar is a township established in 1980s it became increasingly populated with internal migrants from 1990s onwards as industries started opening in the area. The quality of housing is, in many cases, extremely poor and the internal migrants do not enjoy secure tenure. The population of Hlaingtharyar township is estimated to be over 1 million as ever more migrants move into the township – good data is hard to find though. According to the 2014 census 26% of people over 10 years-of-age do not hold any identity document.²

Braveheart Working Methodology

Braveheart's methodology is to deploy paralegals who work in a specific ward/village tract with clients to educate and empower them so they can access the township-level administrative system of the Ministry of Labor, Immigration and Population. By taking on numerous actual cases we gain insights into the actual operation of the system: how it works when you try to use it. This means that rather than a distant legal analysis we are able to understand the system in its actual operation. We rigorously collect and analyze data from every single case. Case data is useful on three levels: 1) For basic M&E purposes, 2) To help improve case performance by systematically seeing what works and what does not, then applying this to other cases and, 3) For deeper structural analysis of how the system operates so that we may propose ways to improve it.

This report draws on the data gathered during 14 months (paralegals started assisting clients only on the third month of the actual project period) and aims to present an analysis of that data. We hope to use this data, with MyJustice and other practitioners, to work with the government to support reforms to the current system, and possibly the law. This report will present some of the data we have collected within that period and present our analysis of what it means, what it suggests, and, when the data is insufficient, what we have inferred from the data.

Paralegals

Paralegals are non-legal professionals trained in specific areas of the law and who work with vulnerable population to resolve their issues in accessing civil documentation. The model is designed to empower local communities through paralegals. They are chosen from the communities and therefore they have extensive knowledge of local people and ways to engage them effectively.

² That was 2014 Census data. At present, total population in Hlaingtharyar is estimated more than one million. Undocumented population might be bigger.

Main responsibilities

Each paralegal is assigned to identify undocumented people after profiling their target areas. Then they need to mobilize at least 150 people and explain the importance of civil documents and inspire people to start applying. Paralegals also have to assist the applicants with collecting supporting documents if needed. Community people are normally reluctant to engage with government departments on their own. While facilitating the application process, paralegals empower local people by convincing the constitutional rights they are entitled and build their confidence to speak rights. They also keep records of every step to draw synergies and identify common barriers of accessing civil documents. Each paralegal needs to help at least 100 clients within the project period.

Challenges

- It is not easy to empower local people as they are fear-ridden and reluctant to deal with government staff.
- Many people still think civil documents are not important. Even when they need CSC for either travel or employment, they prefer relying on brokers by paying extra service fees. We found many cases of such kind in Hlaingtharyar.
- Paralegals are always requested by clients to accompany them to government departments. That causes paralegals a lot of burden.
- Especially in Kengtung, villages are scattered over vast geographical areas road accessibility is very difficult in rainy season.
- Clients are not available during crop season and paralegals have to make home visits at night time.
- Many people prefer waiting for mobile visits over One Stop Service and General Election as they expect easy issuing of civil documents then.
- Departmental officers see paralegals interfere their tasks and cause many problems. (Paralegals are in fact bridges between administrative body and local people.)

Note on the 1982 Citizenship Law

This project operates under the controversial 1982 Citizenship law which says; Every national and every person born of parents, both of whom are nationals is citizen by birth (Art. 5). A person who is already a citizen on the date this law comes into a force is a citizen (Art. 6). The following persons born in or outside the State are also citizens; a) persons born of parents, both of whom are citizens; b) persons born of parents, one of whom is a citizen and other is an associate citizen; c) persons born of parents, one of whom is a citizen and other is a naturalized citizen; and so on. However, despite those provisions, many people including ethnic people are still left to be citizens for numerous reasons. The by-law and procedures are quite rigid and they could not access to legal identity cards. Therefore Braveheart decides to investigate further why they are still undocumented.

Data Analysis

This data set compares the data recording in Kengtung Township (KTG) (Sep 2018 – Sep 2019) and Hlaingtharyar (HTY) (Aug 2018 – Sep 2019).

KTG_ Total Cases	= 845
HTY_ Total Cases	= 1113

Cases Overview

1. Overall Resolution Rate Across All Case Types

Total number of clients assisted in KTG was lower than that of HTY. That was because HTY paralegals had “opened” more cases and second reason was HTY paralegals remain unchanged in number of eight throughout

the project. And Hlaingtharyar is quite populated and Kengtung population is scattered over wide geographical areas. However, the difference in numbers of cases resolved in those two locations is highly significant. First, success rate in KTG (81%) is much higher than HTY which has only 29%.

Braveheart can see four key reasons behind this staggering difference in resolution rates:

1. Almost every client in KTG is a permanent resident of the area they currently live in. In Hlaingtharyar, many people are migrants so their applications normally take longer and cases become stuck in the process. It is often the case that people have to return to the place where their household list is located because the system dates from the socialist period when it was assumed that everyone lived where they were born.
2. The long delays in the system mean that many clients in Hlaingtharyar walk away (walk away clients account for 3% of total in both locations) from the process further depressing the resolution rate.
3. In Hlaingtharyar there is also significantly more inter-marriage (between people considered automatically Myanmar and others such as those of West, South or East Asian heritage). These cases are far harder to resolve because the applications have to go up to the Union level for processing compared to people considered automatically Myanmar national who can be processed at the Township level.
4. Cases “opened” in Hlaingtharyar are very high at 46% (513 out of 1113) while Kengtung has only 9% (77 out of 845).

“Opened” cases represent the clients whom paralegals engaged and recorded their data in case forms but they did not start applying yet. “Pending” cases are the ones where clients already submitted their applications but the result was still unknown. “Successful” cases refer to the applications where clients already receive the documents they requested. “Close” cases mean the application was either denied or the clients withdrew the application.

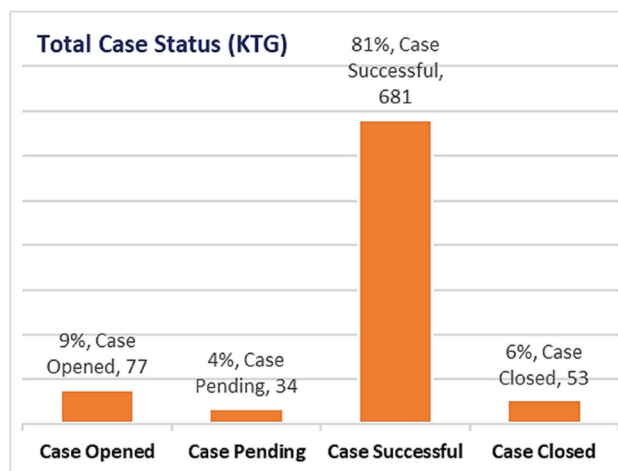


Table 1 – Comparison of Case Status in Kengtung

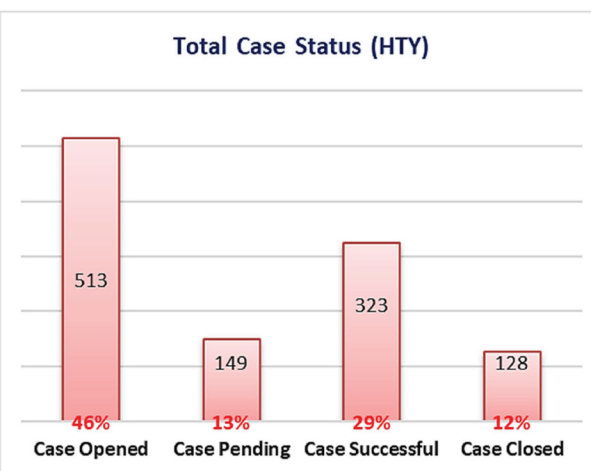


Table 2 – Comparison of Case Status in Hlaingtharyar

2. Case Types and Case Status

This project has four main case types:

1. Household List renewals or updates (HHL cases)
2. Birth Certificate cases (BC)
3. Citizenship Scrutiny Card (CSC) - this is the pink card and the most important document to show citizenship
4. Identity Card for National Verification (ICNV) - this is a temporary card for the applicants on the way to getting a CSC or equivalent. However, among the cases we collected, clients wanted to exchange their white card and equivalent with CSC. We did not see any ICNV cases in both locations. But it is only option to choose for applications which do not fall under other group.

It is important to note that one needs both a BC and an up-to-date HHL in order to get a CSC while parents' CSCs are also needed to prove its nationality. Thus many of the BC and HHL cases we take on are the preliminary stages for applying for a CSC.

The case dockets are different in Kengtung and Hlaingtharyar. This is because of the difference between settled vs migrant populations. In Hlaingtharyar there are many more cases involving HHL than in Kengtung because this population is changing more rapidly - changing households, marrying people from other areas, and so on and all of this is being done far from the place which has the original household list.

It is well noted that most residents in Hlaingtharyar are migrants and unlawful residents who find it very difficult to prove and verify their permanent address which is a necessary step in getting a HHL.

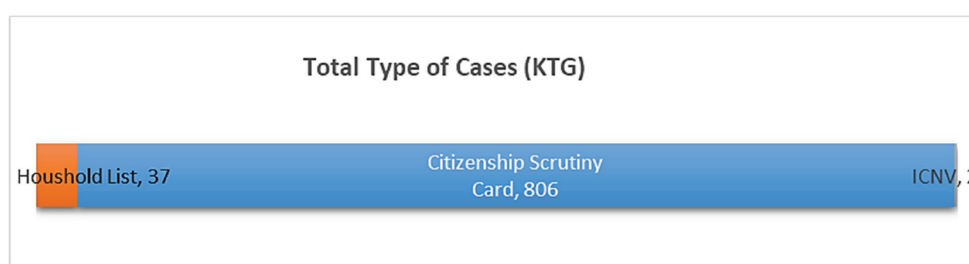


Table 3 – Total case type in Kengtung

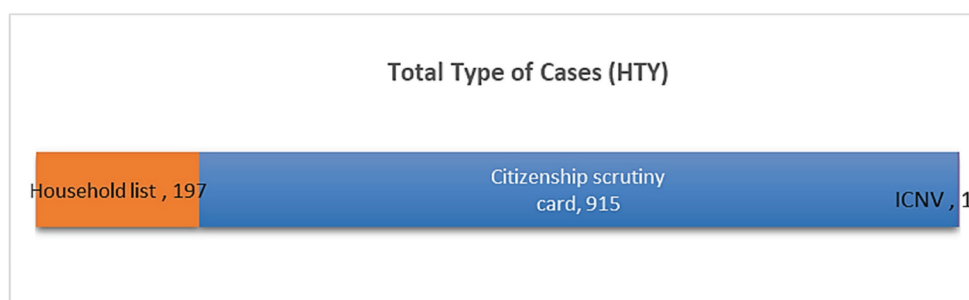


Table 3 – Total case type in Hlaingtharyar

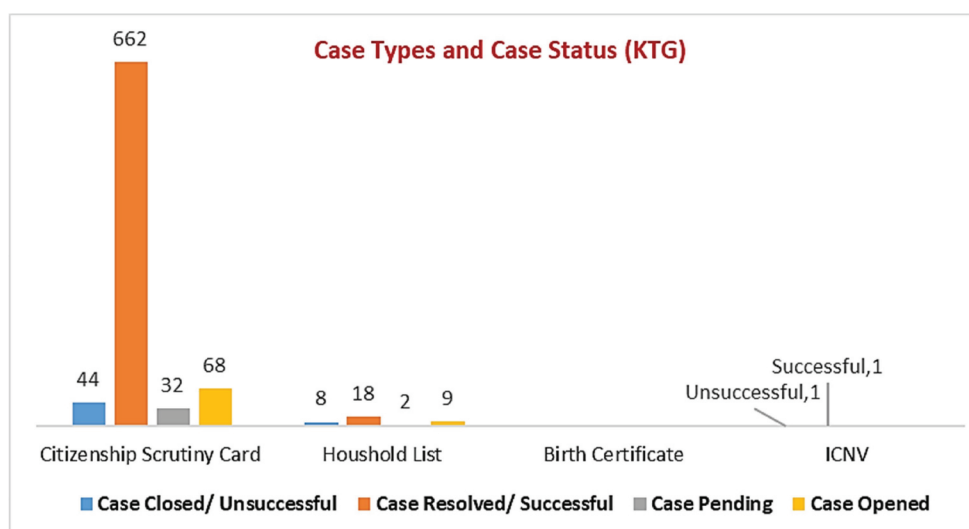


Table 5 – Case Type Vs Case Status in Kengtung

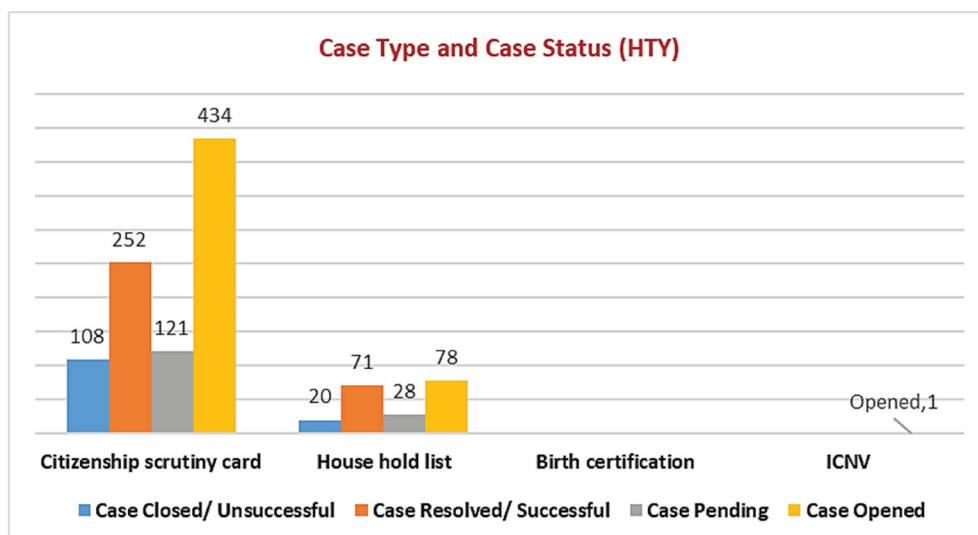


Table 6 – Case Type Vs Case Status in Hlaingtharyar

Client Information

3. Client Gender

Formerly, the number of male clients are in KTG are very much greater than that of female clients. But after the attentive effort of Paralegals in KTG and gender awareness sessions conducted by My Justice, the number of male to female client ratio became narrow in KTG.

In HTY female clients clearly exceed the total of male and others. We think that the reason there are more female clients in Hlaingtharyar is because women are more likely to need the CSC for the types of work they do. Factories are increasingly requiring this form of documentation (as all jobs should by law) whereas men without CSCs have more options such as to work construction or as taxi drivers. Another noteworthy was that, a paralegal was exclusively assigned to engage with LGBT clients, some of them especially transgender people prefer themselves identified as third gender “other” which was not seen in Kengtung.

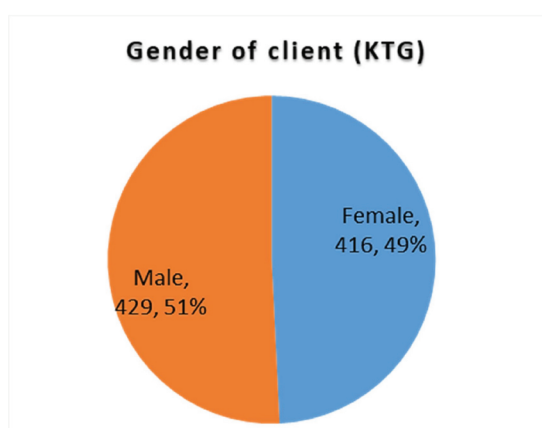


Table 7 – Gender breakdowns of clients in Kengtung

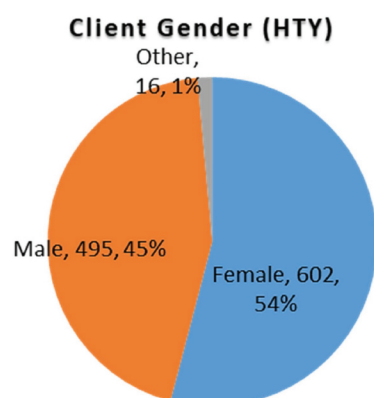


Table 8 – Gender breakdowns of clients in Hlaingtharyar

4. Client Age

There is a clear difference between the ages of clients in Kengtung compared to those in Hlaingtharyar. Age groups are divided according to the Procedures of Notification issued by the Cabinet³. Those ages are official step to apply or exchange with another CSC.

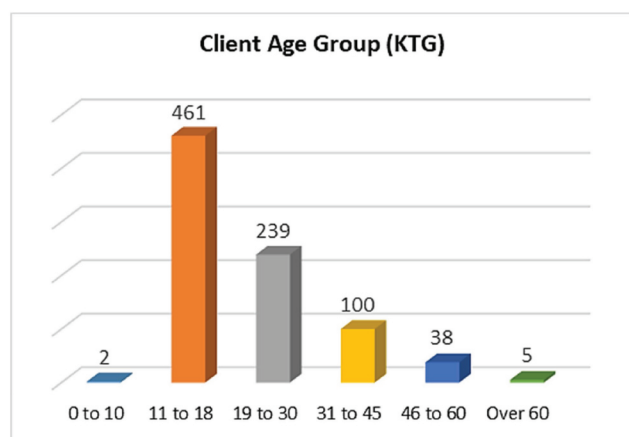


Table 9 – Age group breakdowns of clients in Kengtung

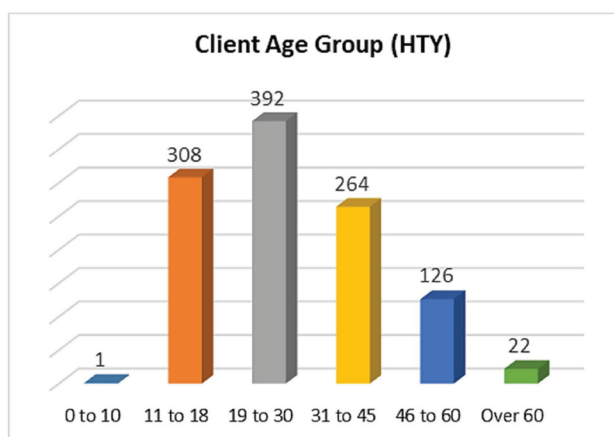


Table 10 – Age group breakdowns of clients in Hlaingtharyar

Clients in Kengtung need documents both for job opportunities and free travel and movement. Therefore, many clients from KTG are aged 11 to 18 years old. Moreover clients of young and major working age group in KTG want to receive CSC. In awareness sessions in KTG, many youths have so much interested in applying CSC not only for job opportunities but also for their self-awareness in CSC.

In HTY the majority of clients are aged 19 to 30 years old - the working population - because they need the CSCs mainly for job opportunities.

5. Client Ethnic Group and Religion

Number of client's religion in KTG for Buddhism and Christian are generally the same. There are a few Animists in KTG. Different kinds of ethnic group like Shan and minorities are outreached. In HTY, being a commercial township in Yangon, most of the clients are migrants from Ayeyarwady Region and mostly Bamar and Buddhist, and they are major residents in HTY.

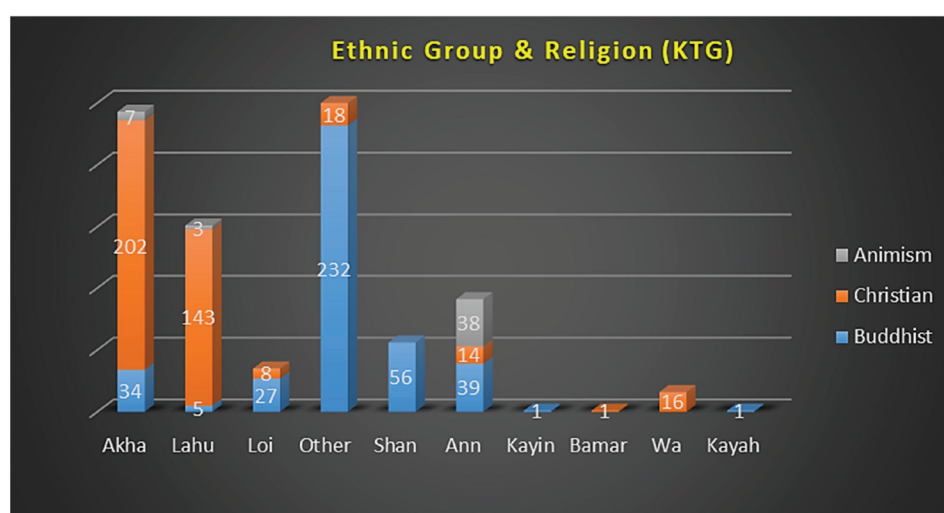


Table 11 – Ethnic group and religion of clients in Kengtung

³ Notifications 13/83 by the Cabinet dated on 20th September, 1983.

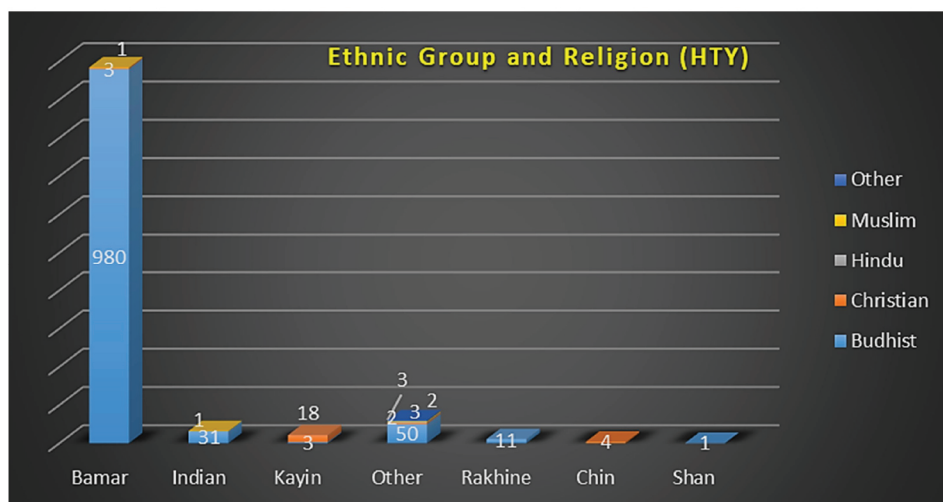


Table 12 – Ethnic group and religion of clients in Hlaingtharyar

6. Ethnic Group and Case Status

Palaung, being a recognized ethnic group of Myanmar, is omitted in the case form currently using in collecting client cases. After some awareness sessions in KTG, there are Palaung ethnic groups that should be grouped in other categories. While in HTY, other ethnic groups include mixed ethnic groups and others.

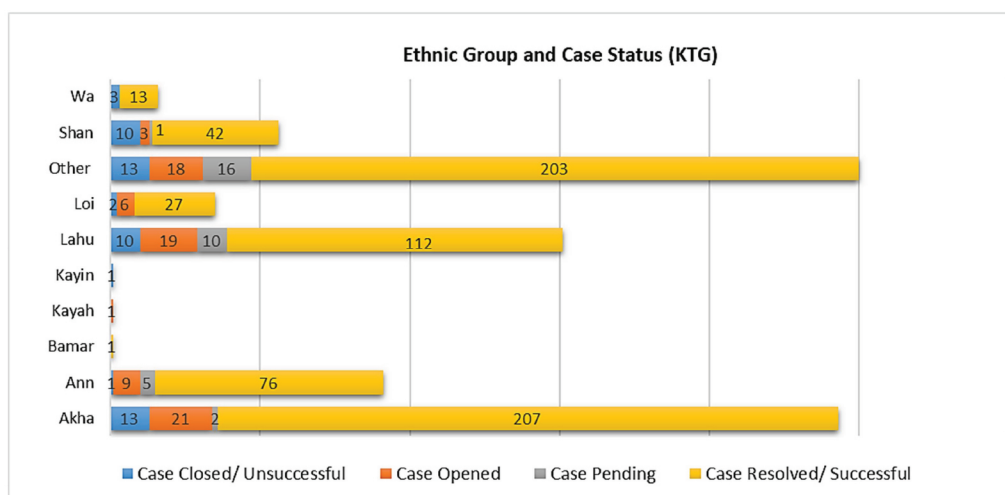


Table 13 – Ethnic Group vs Case Status in Kengtung

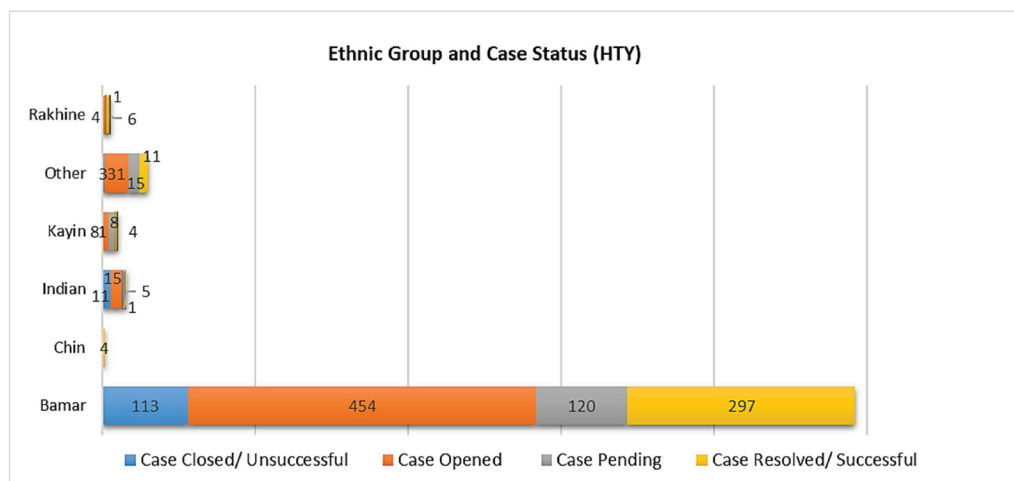


Table 14 – Ethnic Group vs Case Status in Hlaingtharyar

7. “Other” Ethnic Group and Case Status

The following charts show the breakdown of “Other” regarding clients’ ethnicity over case status. Those types did not fall under our dropdown lists of main ethnicity. Therefore they were put under different categories.

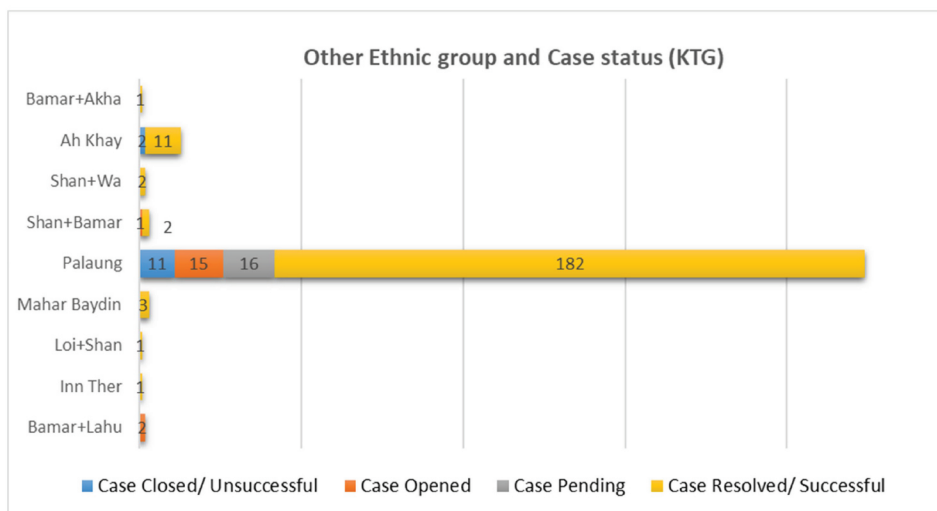


Table 15 – Other Ethnic Group vs Case Status in Kengtung

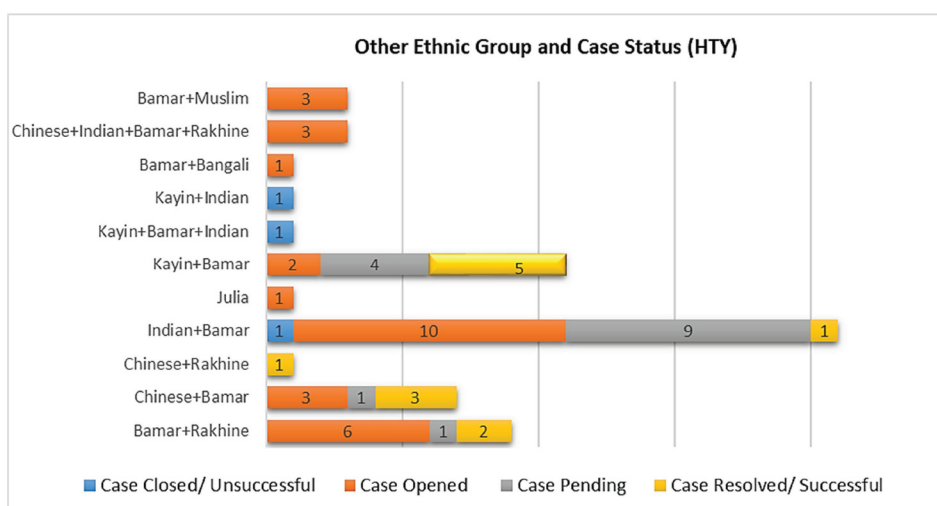


Table 16 – Other Ethnic Group vs Case Status in Hlaingtharyar

8. Level of Education Complete

Most of the clients in KTG are illiterate and below high school level as most of the clients are farmers and others mostly external migrants to the neighboring countries like Thailand as labors or migrant workers. But most of the clients in HTY are below high school level in order to read and write.

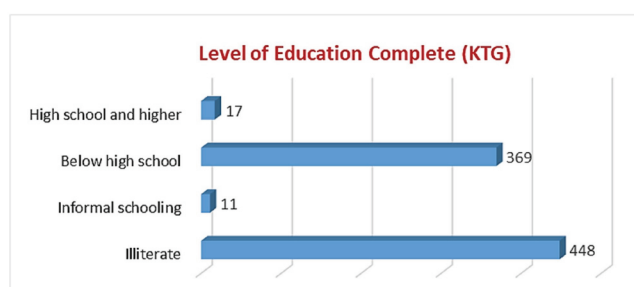


Table 17 – Level of Education completed by Kengtung clients

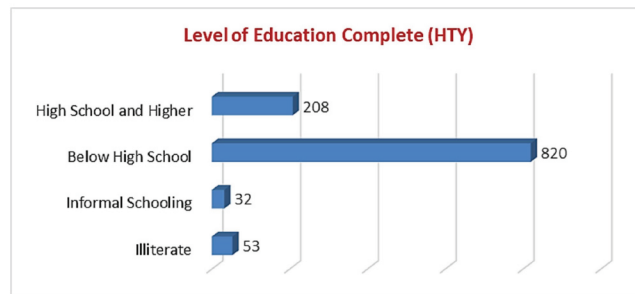


Table 18 – Level of Education completed by Hlaingtharyar clients

9. Client Language Fluency

The civil document application system is in Burmese and every document is in Burmese as well. Moreover, most of immigration officers are Burmese which makes ethnic clients reluctant to engage as they have little or no language proficiency to deal with departmental officials.

In comparison of Burmese language fluency, most of the clients in KTG cannot speak, read and write Burmese as they are ethnic groups living in Shan State and also they do not follow formal education. Thus our paralegals from KTG help their clients entering application forms written in Burmese. Paralegals also accompany clients every time they visit MoLIP office. Clients are usually organized in groups and brought by paralegals to immigration office so that they could be translated. Different from KTG, clients from HTY can read and write Burmese fluently as almost every client is Bamar.

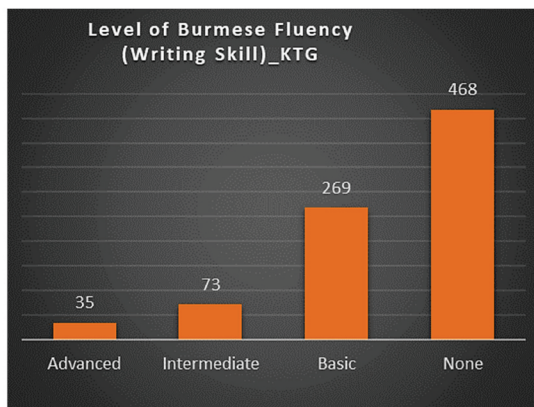


Table 19 – Level of Burmese Fluency (writing) of KTG clients

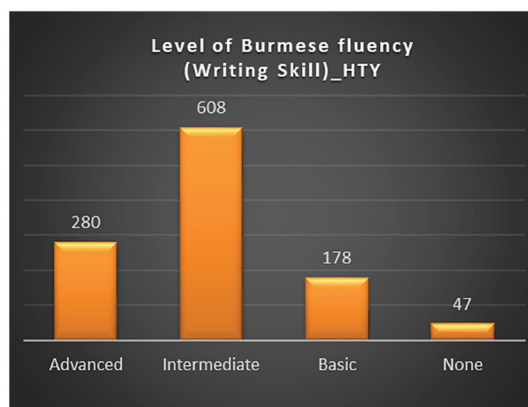


Table 20 – Level of Burmese Fluency (writing) of HTY clients

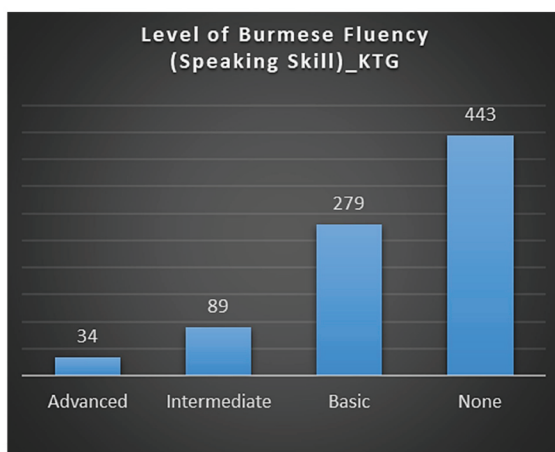


Table 21 – Level of Burmese Fluency (speaking) of KTG clients

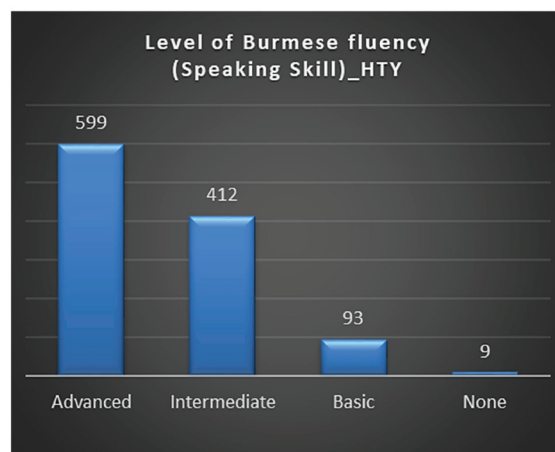


Table 22 – Level of Burmese Fluency (speaking) of HTY clients

Information on Application

10. Reason of applying

Clients in KTG mostly apply for documents to travel and free movement as they migrate internally and externally for better employment. Second to travel and free movement reason, most parents apply for CSC for their next generation. But for clients in HTY they apply mostly for employment opportunities as they are living in commercial township HTY in Yangon region.

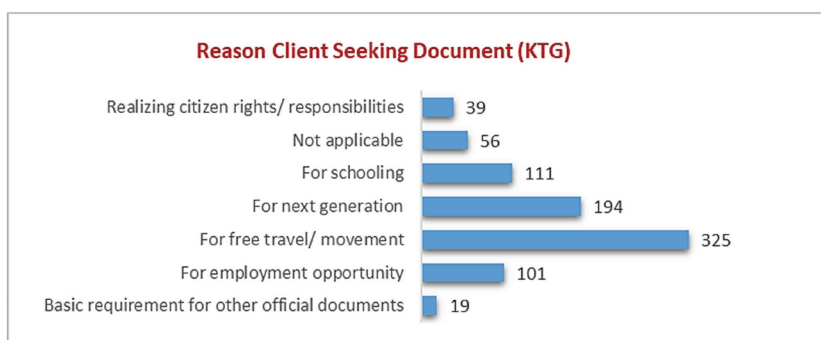


Table 23 – Reasons why Kengtung clients seek documents

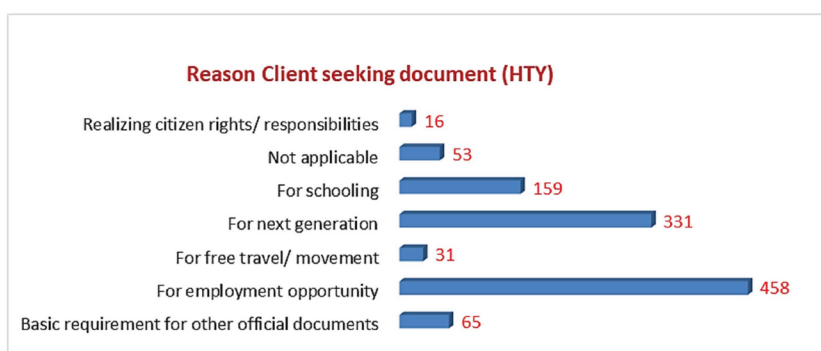


Table 24 – Reasons why Hlaingtharyar clients seek documents

11. Previous Actions Taken

Clients in KTG did not take any action previously before our Paralegals in KTG reached them and conducted awareness actions. Main reasons behind, they think CSC is not important. Sometimes they don't know the application process. Being ethnic races they have difficulties in communicating Government office. For the clients in HTY, most of them are daily wagers and they do not have enough money to start application. Meanwhile, in both locations, some clients have already applied before and received the documents. But they have no idea how to retrieve those documents when damaged or lost.

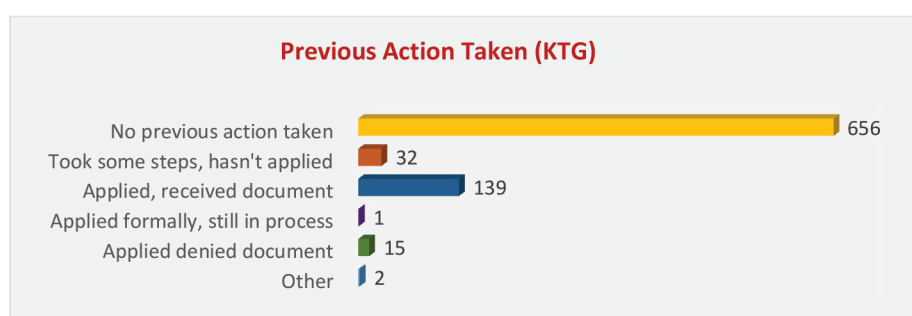


Table 25 – Previous action taken by Kengtung clients

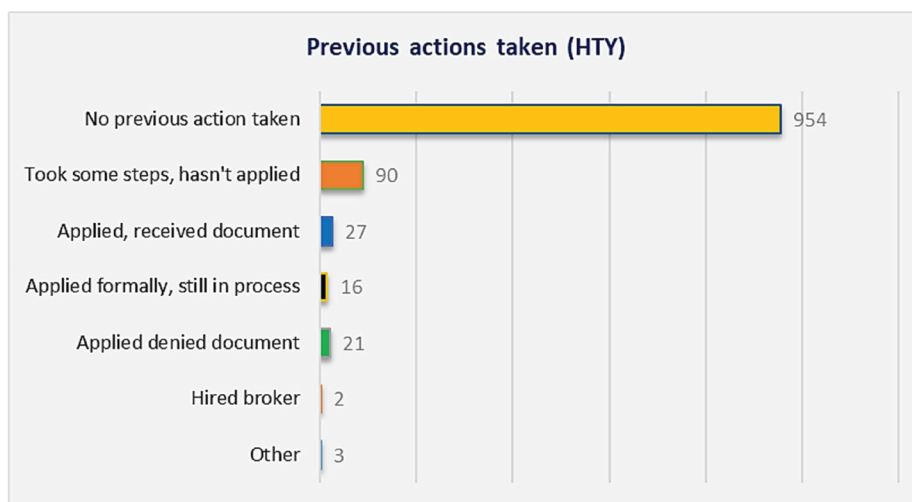


Table 26 – Previous action taken by Hlaingtharyar clients

166 ppl already applied and received documents before BH started. That represents two conditions; (1) some clients applied and received 10-year-old CSC and they now want to exchange it with 18-year-old CSC, (2) some other clients applied and received 18-year-old CSC but they lost it. For any reason, we found that those clients did not know how to start applying or re-applying. Therefore Braveheart paralegals need to assist them in application.

12. Why never apply before

(Client has to choose one or more options for this session)

As they didn't know the process, most of the clients in KTG didn't apply before our Paralegals in KTG conduct the awareness sessions. Secondly they also have a language barrier to deal with the immigration office. As living in rural areas, the clients in KTG find difficulties to reach to government office. But as of HTY, they did not have supporting documents to apply for civil documents. They are migrants from other parts of the country and find it difficult to get Household list back in their native towns. Nonetheless in both locations, the key reason for not applying before is not knowing the application process.



Table 27 – Reasons why Kengtung clients did not apply before



Table 28 – Reasons why Hlaingtharyar clients did not apply before

13. Time taken based on Successful Cases

Most clients in KTG receive applied civil documents within 3 weeks which is specified period (28 days). It can be noted that most clients received their documents within 3 to 4 weeks. Though there is no specific pattern why some cases delayed, application processes are delayed for the following reasons;

- Clients have no enough supporting documents to prove their parents' ethnicity and/or their origin as they need to go back to their native towns to retrieve official copy of their documents
- Some clients have to start applying for their own household list first (Squatters are much more difficult in this case)
- Some clients did not follow up with immigration office about their case progress
- Some clients go and claim their documents at immigration office very late

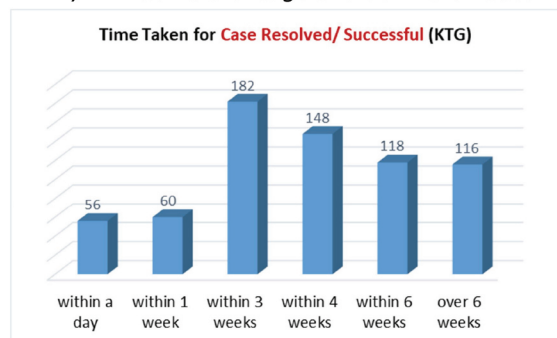


Table 29 – Time taken for resolved cases in Kengtung



Table 30 – Time taken for resolved cases in Hlaingtharyar

Time Taken and their Case types for Successful Cases

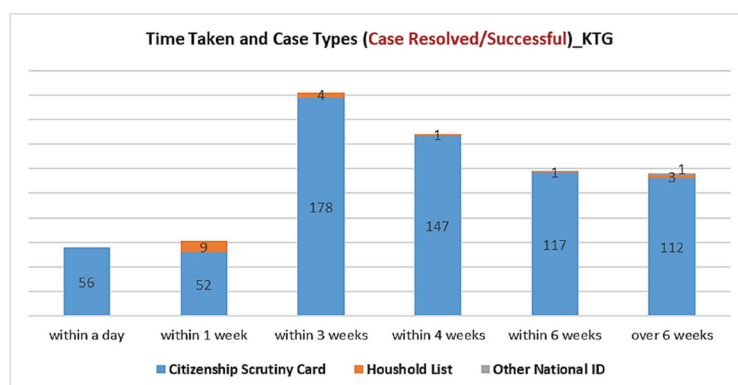


Table 31 – Time taken vs case type for Kengtung

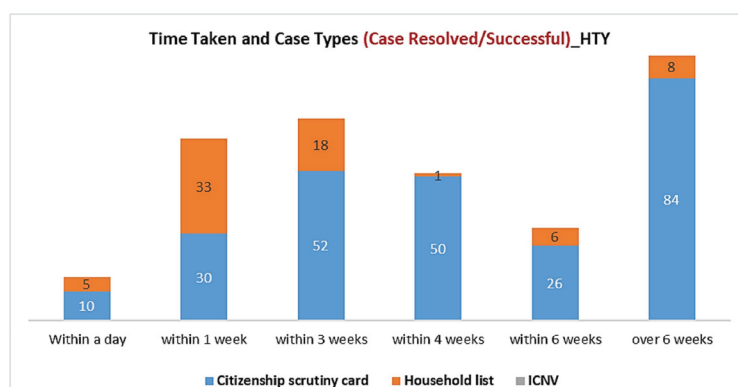


Table 32 – Time taken vs case type for Hlaingtharyar

14. Reason for Ending Cases

Our Paralegals closed their cases as the clients received their applied civil documents but for some cases they closed the cases as the clients changed their address and moved to new locations. On the other hand, for many reasons, clients themselves withdrew their cases as they could not retrieve the required documents for very long time. In this case we have not seen difference between KTG and HTY.

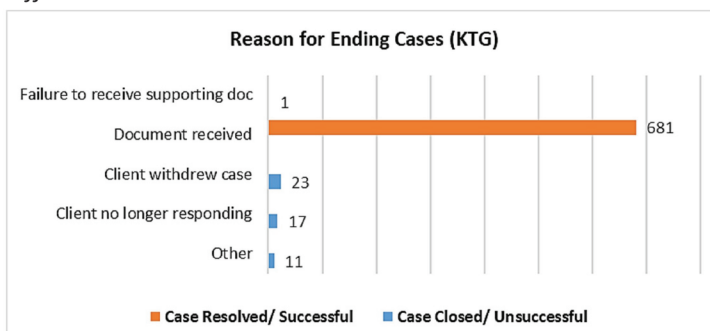


Table 33 – Reasons why cases are ended in Kengtung

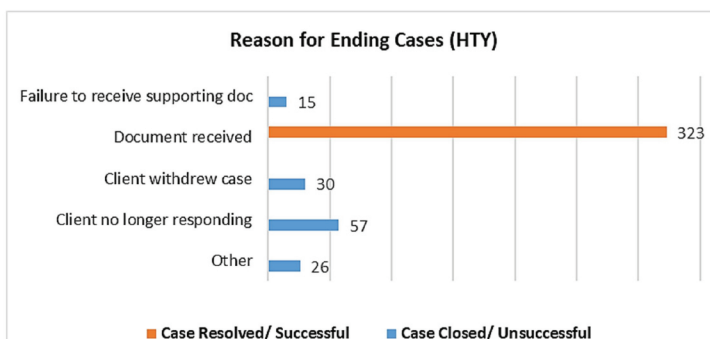


Table 34 – Reasons why cases are ended in Hlaingtharyar

“Other” Reasons for Ending Cases

In this session, we dig deeper to “Other” reasons why cases are ended. It is noted that HTY clients have many other reasons for ending while in KTG, clients do not have much other reasons.

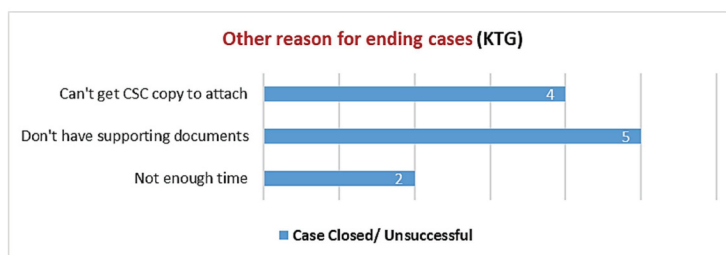


Table 35 – “Other” reasons why cases are ended in Kengtung

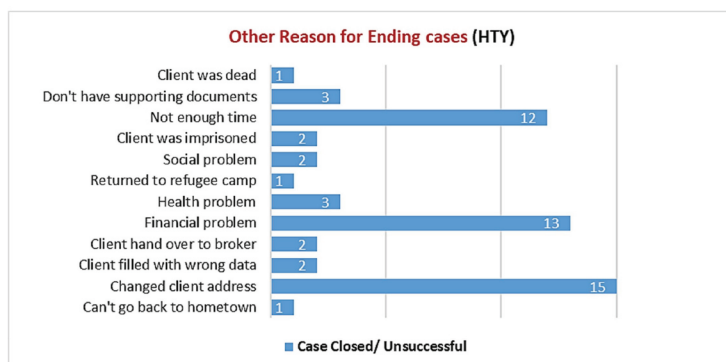


Table 36 – “Other” reasons why cases are ended in Hlaingtharyar

15. Illegal fees paid

While immigration department is allegedly notorious as one of the most corrupted entities in Myanmar, it is very interesting to see that many other stakeholders are involved when bribery cases are further breakdown. Clients do not feel comfortable to reveal how much and to whom they pay illegal fees. Normally they always denied they paid some bribes. Even if they admitted, they hardly talked to whom and why they paid. Therefore we have few cases out to total who claim illegal payments. Noteworthy between two locations is that Hlaingtharyar bribe cases involve many stakeholders while Kengtung clients pay only to immigration staff. In both cases, many clients think they are obliged to tip for accessing civil documents. The average amount clients pay is between 5000 to 20000 kyat. There are also some hearsay that clients pay more than 100,000 kyat but we could not get any concrete evidence and therefore we did not include them in our analysis.

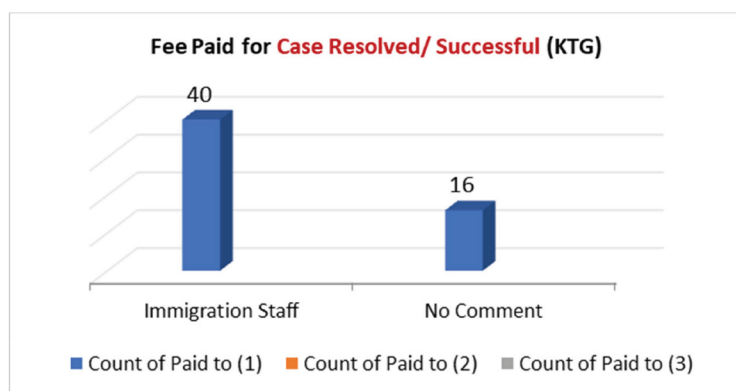


Table 37 – Fees paid for successful cases in Kengtung

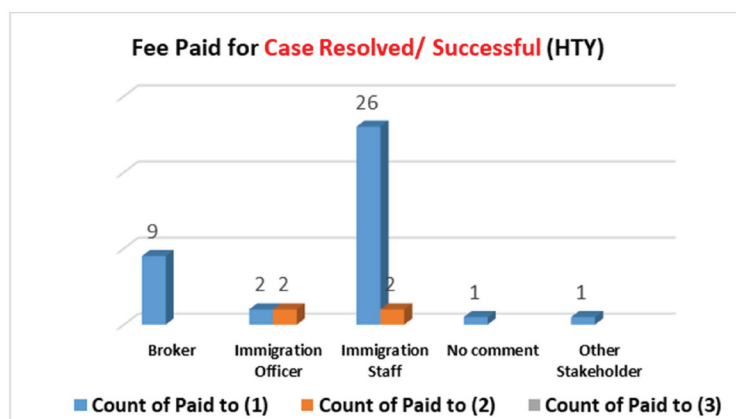


Table 38 – Fees paid for successful cases in Hlaingtharyar

Recommendations

Government

Based on our findings during our project period, we would like to recommend government the following tasks to make this system better.

- **Law reform** – The current 1982 Citizenship Law needs to be amended for four reasons; 1) it is outdated and the responsible ministry should be replaced with updated one as well as the central body; 2) it is controversial especially on reduction and protection of statelessness; 3) there is no clear provision for children of single parent, orphans and foundlings; 4) the final decision is made by the Council of Ministers, not the Supreme Court, which is contradicting the separation of supreme sovereignty⁴.
- **System reform** – Some parts of the system need to be reformed to better serve citizens. Official fees for citizenship cards are outdated (3 kyat, 6 kyat and 10 kyat respectively) and need to be real time and reasonable rates. Likewise, official time taken, required supporting documents and detail steps for an application should widely publish and post them outside the immigration office. (Currently public is informed about those things. However, even the departmental staff could not keep them, nobody cares about that.) Public information sessions should also be organized and led by the MoLIP to raise awareness about the importance of civil documents among public. This will enhance the department's transparency and reduce the probability of corruption.
- **Resource allocation** – Resources including adequate staffing should be allocated. At present, MoLIP offices are under staffed and have to fill up with daily wagers who might become brokers later. And if possible, staffing better be based on total population they serve (Hlaingtharyar is accommodating more than 1 million people where its MoLIP office has only 18 staff in total.)

Civil Society Organizations

- CSOs, while implementing their planned initiatives in any area within the country, they should also look at this civil document issue and attend to. Civil documents or legal identity is fundamental requirement to prove Myanmar citizen which is the right holder every law refers to. Therefore it needs to be fulfilled to enjoy other rights CSOs work on.
- Especially organizations working on legal empowerment should mobilize communities about their citizenship rights and assist them in access to civil documents. (Should you need technical support for this, kindly contact Braveheart Foundation and request the assistance.)
- CSOs should contribute and make collective effort to ensure no qualified person left undocumented.

Donors

- Donors and funding agencies need to integrate this civil document issue into existing programmes – shall it be women empowerment, employment security, healthcare services, promoting local governance – these all need CSCs!
- Access to civil documentation should be seen as part of wider efforts for access to justice. This is also needed to develop another thematic area to fulfill.
- More partners need to be urged to work on civil document issue as the undocumented population is still very high in the country – weakening the achievement of Sustainable Development Goals. This in the long run affects peace and stability as well.

⁴ The three branches of sovereign power namely legislative power, executive power and judiciary power are separated, to the extent possible, and exert reciprocal control, check and balance among themselves. (Art 11(a), Chapter 1, 2008 Constitution)

New steps for new generations

Although every 10-year-old can apply for CSC, it is about a family that faces difficulty as the mother lacks documents.



Daw Ah Me, 35 years old, living in Taw Ahn (1) village is an ethnic Ah Kha who does not have a CSC. She is living on small incomes like blacksmith and farming.

In her childhood, her parents did not apply CSC for her as they did not know how and which age they need to apply. But for her brothers, parents applied for CSC when Immigration Officers made field visit into the village. It could be a reason that they did not apply for Daw Ah Me as she was only 8 years old at that time.

After she became adult and got married, she tried to apply for CSC. But she failed as she did not know the process. When asking for information from others in the village, they told her that it is difficult to apply as she was too old and also it would be costly. So she lived as the way she was before.

Daw Ah Me has three children including two sons who are twelve and fourteen which are old enough to apply for CSC. They are students too.

They haven't had any chance to apply for CSC when the Immigration Officers visit the field trip to their school as they do not have supporting documents as their father lost CSC and their mother did not have any.

When neighbouring children got CSC, two sons of Daw Ah Me still could not access. Without CSC, she even worried that her sons were unable to continue their education.

For her sons' future, she was desperate to apply CSC for them at any cost. And she wanted to try. But she didn't know the process of application and which documents were required. As she had low education in childhood and cannot speak, read or write Burmese therefore was afraid of engaging with government offices. She was hopeless and just revealed her worries instead.

One day the Pastor announced that an awareness session about civil documents will be held in the village and she retaliated, "I was very happy" after she heard the news.

"That day, with the necessary documents in my hands, I was waiting in the place where the awareness session was delivered".

The one who delivered the awareness session is a Paralegal from Braveheart Foundation, and in that session, she explained the importance of CSC. She also explained what Braveheart Foundation was doing, which documents are needed to apply for CSC and it is an organization that helps and suggests how to apply for CSC by the applicants themselves.

Daw Ah Me stayed for a while even after the session and told the whole story to Paralegal that she didn't have a CSC and her other difficulties. Paralegal advised her to collect the necessary documentations needed to apply for CSC and then she gave her the visiting card to contact her if needed.

After collecting necessary documents, Daw Ah Me contacted the Paralegal and asked to accompany her to the government offices. Then the Paralegal checked all the documents and went along with her to the Immigration office.

The Immigration officer from her village tracts is a Bamar and it will be convenient only if she speaks Burmese. If a client applies for CSC at such old age, the officer would suspect the client is a foreigner like Thai or Chinese.

The Paralegal explained all the difficulties that Daw Ah Me experienced and approved that she was an ethnic woman living in the village for her whole life. Paralegal also translated every conversation between Daw Ah Me and the officer.

Immigration officer, knowing Braveheart very well, did not ask for Five Members Committee's recommendations and accepted her application. Daw Ah Me's husband took advantage of the situation and immediately applied for his lost card as well. Then the officer told them to come back 20 days later to collect their identities.

On the day of second appointment, Daw Ah Me was excited and went to the Immigration Office to collect CSC. But the Immigration Officer told her the card was not ready yet and come back again the following day.

This worried Daw Ah Me if she would not receive the identity or would be asked for extra money.

In the appointed day she went to the Immigration office and collected the CSC. She was very happy as she got the CSC what she was expected.

However, when she went back to the Immigration office and the card was ready there. She just voluntarily tipped 5000 kyats to show her appreciation. Daw Ah Me more than happy not only for receiving her CSC in short time and did not cost too much but also her husband retrieved his.

After both receiving CSCs, now their sons can also apply for their own. She was so pleased as her six-years-old daughter was able to get added to their household list.

She would not take her two sons to immigration office for application though as she heard that there would be a mobile visit soon to the school in her village. She would rather wait for it.

Daw Ah Me now learns everything and can have her six-year-old daughter registered when she turns to ten. She does not need to worry anymore for her children's education and their future. She is relieved now.

There are still many old people without documents in Kengtung like Daw Ah Me. To reduce such undocumented population, people should be more mobilized about the importance of civil documents.

A shining light at the end of tunnel

It is a true story about a woman who is losing the rights for lacking documents. She is physically challenged but mentally determined.



Daw Sar Myae, 69, is an Akha Ethnic living in Par Chen village, Kat Hpa village tract of Kengtung. She did not go to school thus cannot read or write. She has very little general knowledge too. She thought CSC (Citizenship Scrutiny Card) is needed only for travelling and therefore never applied before as she had no plan to travel.

Not having legal identity, she could not exercise her citizenship rights and faced with many challenges when she had to travel.

Ethnic people are regarded as citizens by birth but, if failed to prove legal connection, citizenship rights are still difficult to enjoy. Although Daw Sar Myae is a citizen, she doesn't have any supporting documents and therefore she missed many rights which she is supposed to exercise.

Daw Sar Myae got married to one from Pha Yae village, Mong Naw Groups in Keng Tung and had a daughter. But for some social and family problems, she took 4 years old daughter and went to the parents' village, Par Chan to make a

living on her own.

With her parents, she made *Khaw-Poat* (a traditional snack made of sticky-rice) for a living by selling them in the neighbouring village.

One day, in a way to sell *Khaw Poat*, she stepped on the land mine placed by Ba Ka Pa (Burma Communist Party) armed group. She was injured and taken to a hospital where her leg was amputated up to knee. She was 23 then. After that incident she never returned to her husband and settled in Parchan Village. She lived there ever after and solved every struggle on her own until she becomes 69 now.

She can only speak Akha and she had a language barrier, and didn't know the process, afraid of engaging with government departments, physically challenged for traveling on one leg, she stayed there without applying for CSC.

Daw Sar Myae has five family members that include one daughter and four grandchildren. She made her living by farming and breeding livestock.

She moved around with her very old crutches. She struggled for a living and had financial limits and could not think of applying CSC.

Daw Sar Myae , although she didn't have CSC for herself, applied CSCs for her daughter and grandchildren when the Immigration Officers made field visit to their village tract. They got CSCs with some relaxation then.

Years later, she heard the immigration officers were making a field visit in a village which ten miles away from hers. But she was too difficult to move with one leg and missed another chance for applying CSC again.

One of her grandchild was working in Mae Sai, Thailand. Daw Sar Myae wanted to visit her but she had no idea how to cross the border without any civil document. So she borrowed CSC from a woman of her age and went there. The first trip was okay with somebody's document but at second time, she was stopped at the checkpoint and not allowed for crossing. She was fined and had to return to Kengtung.

Since then Daw Sar Myae realized the importance of CSC. Nonetheless she had no idea how to initiate an application. She did not either have a friend who could lead and bring her to the immigration office and assist the application. Therefore she gave up finally.

One day, she learned that the ICRC (International Committee of Red Cross) in Kengtung was providing prosthetic legs for disable people. But she found out these were entitled to citizens only. As she had no legal document, she missed the opportunity and did not get treatment. She could not enjoy basic public service like healthcare.

She now understood how importance CSC is and made up her mind to go for application.

Hearing a public education session over legal documents organized by Braveheart in a neighbor village, she went there and asked the paralegal of that organization for help. Paralegal met her and took the case in March.

Daw Sar Myae did not have a motorcycle for transport and neither the money to rent a taxi. Then paralegal had to take Daw Sar Myae from her village to the village tract administrator whom she explained the client's difficulties and requested the necessary recommendations.

The administrator was a nice guy and offered his assistance for everything he could. Receiving the necessary recommendation, paralegal took the client again to immigration office.

As Daw Sar Myae was too old to retrieve her parents' documents, the immigration staff in-charge suggested them to collect Six-members Committee recommendation (to prove her nationality).

Paralegal again accompanied the client to Six-members Committee of Departmental Heads including Township Police Station, Law Department, Cooperative Department, Myanmar Motion Picture Enterprise, General Administration Department and Village Tract Administrator. Finally they together collected the committee members' signature.

After collecting every required recommendation letter, Daw Sar Myae then could submit her application to the Immigration office. After application, Daw Sar Myae returned to her village and waited for the appointed day when CSC would be ready.

She waited for one month to collect the CSC in order to receive a prosthetic leg, the most desired one of her life. Then in March, she was issued a CSC.

Soon after receiving the CSC, Daw Sar Myae was contacted by the village tract administrator to hand a health subsidy from the State entitled for elderly people. She had then every documents in hand.

However, she could not contact ICRC for the prosthetic leg because it was the crop season and had no time, and the roads were not accessible during the rainy season. Daw Sar Myae confirmed paralegal that she would get it only after the crop season.

Now Daw Sar Myae can travel freely as any other citizens can. As a Myanmar citizen, she can now fully enjoy citizenship rights. However, to do so, one has to prove his legal connection towards the State.

Many more public sessions should be organized so that everyone could fully enjoy the citizenship rights which (2008 Constitution) exclusively identified. Besides we should foster more volunteers who can outreach local communities and empower about the access to civil documents.

Good boy parents can rely on

It is about a son who can support the family after receiving a CSC and gets a decent job.



Maung Zaw Min Oo, 17 years of age, lives in Pin Tauk Village, 10 miles away from Kengtung. And he is an Akha ethnic. Being a family merely living on agriculture, his parents have many struggles.

He also has a younger sister. Their education was very difficult as their parents are poor. When Maung Zaw Min Oo was at the right age to apply for CSC, his parents didn't know the importance of CSC and thus they didn't apply CSC for Maung Zaw Min Oo.

Maung Zaw Min Oo quit school in Grade 7 because of the family's financial difficulties and he had to help his parents.

In 2019-2020 academic year, his sister was in Grade 6. As he wanted to see his sister to continue and support his parents, he decided to go to Tarchileik along with his friends to look for a job.

When he was in Tarchileik, he worked as a daily wager. The job was so tiresome with meager income; he could not support the family. Therefore Maung Min Zaw Oo tried to apply for a job at a hotel together with his friends to have more income.

His friends got their jobs in that hotel but not him. As he didn't have legal identity, the owner was reluctant to employ him.

Not getting that hotel job, he went back to former hard work. Then he realized it would better go back to Kengtung and apply for the document.

Back in Kengtung, Maung Min Zaw Oo went to Immigration Office to apply for CSC. But he just found out that his name was put in the household list but not officially though he had other required supporting documents. Someone might have written his name illegally in the list. As a result, his application for CSC was rejected.

His parents wanted to help him and explain to the immigration officer the whole story behind. But they could not speak Burmese nor know the solution to that problem and they all returned home.

One day, Maung Min Zaw Oo's mother attended the awareness session conducted by Braveheart Foundation about the application process of CSC. She listened eagerly to what the paralegal's explanation on the importance of civil document and benefits of having it and consequences of lacking it as well. They also explained in details about the application process.

His mother met with paralegal and explained the challenges Maung Min Zaw Oo was facing and asked each step of applying process. Paralegal advised her to collect the supporting documents. His mother collected all the necessary supporting documents for her son. Then with the help of paralegal, she applied for CSC at the Immigration Office.

In the office when meeting with the Immigration Officer, his mother explained that they were living in Pin Tauk Village since the time of their ancestors. She also explained that they didn't fill in the name of Maung Min Zaw Oo themselves but it happened when the village head wanted to collect the list. And that Village Head may have filled Min Zaw Oo's name. The Paralegal had to translate the conversation between them.

His mother later had to make a written statement of her testimony and then he could continue applying for a CSC. The Immigration Officer made an appointment to collect CSC.

After 14 days of applying, Maung Min Zaw Oo came to the Immigration Office to collect CSC. He was very happy holding a new CSC.

Maung Min Zaw Oo went back again to Tarchileik to look for a good job after receiving the CSC. He is now working happily together with his friends in the Hotel and his salary is around ten thousand Baht (approximately five hundred thousand Myanmar Kyats) per month.

His mother said that her son's job was not tiring any more as ever. Now he is sending back 7 thousand Baht (about 3 hundred thousand Myanmar Kyats) every month. Now their life becomes easier.

His mother heartily and happily remarked, "My son will never get such a decent job if he did not receive any guidance and assistance from you. He will never get documented. Now he even joins the driving training course and, if he qualifies, he will get the driving license and become a driver. He would earn more then".

Although people especially living in the hilly regions are regarded as citizens by birth, they could not fully enjoy their citizenship rights as they are not aware of the importance of CSC and how to apply them. They are also unwilling to engage with government departments as they could not speak Burmese.

As they are not aware of getting CSC, they are losing their citizenship rights. Moreover, their generations would also suffer the same and at high risk of being statelessness in the long run. They could even become the victims of human trafficking.

Therefore CSOs and government officials should conduct more public sessions to inform people about the importance of legal identity while implementing the development projects.

Hope sparkles

It is about a highlander who could not exercise his citizenship rights as he lacks civil documents.



There is a person who is dismayed and is always worried in an old house in a small mountain village where a lot of Lahu ethnic groups live. He is a 21-year-old Maung Mar Thae. He wanted to build a happy family like others but Maung Mar Thae is not happy as he does not have CSC. The reason why he does not have CSC is that his parents didn't know the importance of CSC and the process of applying CSC.

Most of his friends in the village do a job in picking Tea leaves in Mine Lar Township for 100 Yuan (about 21000 Myanmar Kyats) a day. Maung Mar Thae went with his friends to do a job. At the checkpoint, he had to return as he did not have CSC.

Maung Mar Thae now knew that there will be difficulties in travelling without CSC and the importance of CSC. He went to the village head and asked about CSC and he replied that it was very costly and need a lot of time. Also explained that there was a field visit of Immigration officers last month and if you cannot afford much money, you should wait the time they make a field visit. Maung Mar Thae felt depressed, gave up his hope and returned.

Friends of Maung Mar Thae have CSC and they have freedom of movement to do a living and have a good income and can also support their family. He felt happy and wanted to be like others. He can't help but feeling contentment for the friends. He hopes one day he will go and do a job like others and can support his family.

Maung Mar Thae became older and older and got married but he could not make a marriage contract as he did not have a CSC. More than that Maung Mar Thae's wife got pregnant and approached into the due date. If the child was born in the hospital, he cannot make a birth certificate as Maung Mar Thae does not have CSC. He is very much worried.

One day and it was unexpected, the village head announced that Braveheart will make an awareness session in the village to the people who do not have CSC, birth certificate and Household list. Braveheart group explained the benefits of having CSC and the disadvantages of not having CSC and they also explained in detail about the application process of CSC.

Although she explained carefully, Maung Mar Thae cannot memorize and he went to the Paralegal's house again and asked about the process. Paralegal explained again and again and guided him to collect the necessary documents. Although Paralegal explained, again and again, he cannot go and do himself and so the Paralegal accompanied with him and help him from the beginning to the end after he had all documents. Then the Paralegal took him to the Immigration Office where he had never been before.

Maung Mar Thae was nervous and when he was in Immigration office, the Paralegal checked the documents and did the necessary things. And they appointed him to collect the CSC after two weeks.

"I think the staff from Immigration office will treat us aggressively. There is no need to be afraid they explained to us well and I am so happy. I am counting and waiting for the day that I am no longer worried about my son or daughter to be delivered smoothly like others as I am receiving my CSC soon."

The day I am expected came in. The Paralegal called me to collect my CSC and I came down from the mountain happily and collected my CSC in the Immigration Office. I told the Paralegal "Thank you".

I am very happy as I now have a chance to start building a happy family. Not to be like me, I will told my friends who do not have CSC how importance CSC and what to do and the places.

Although the ethnics who are living in the mountains are natural-born citizen, they almost face the risk of losing citizenship as they do not know the importance of CSC, the application process, the language barrier and being afraid of going to the government offices.

By making awareness sessions on the importance of CSC and the rights of citizens to the village community, there will be a decrease in lack of legal documentation and lack of CSC in their old age.

Escape from Worries

This is the story of an Ann ethnic woman; very few are left and vanishing minority in the whole world, who has no legal identity and her challenges.



"I do not have a CSC (Citizenship Scrutiny Card). How can I do, Sir?" she asked me (paralegal) with high hope. She is an Ann ethnic, Ma Ee Lway. She was sitting at the doorway while I was giving a public awareness session about the importance of civil documents.

She lives in Ming Lin Ann village, 15 miles away from Kengtung. Local residents there are illiterate and they do not speak Burmese language either. Despite some knowledge that they should have CSC, they have no idea how to start an application. I learned that as many as 35 people in the village do not have CSC or any supporting documents. Ee Lway is one of them and she has many challenges as she does not have her parents CSC and other supporting documents.

"My parents didn't have CSCs so I am not eligible to apply one for me. That's what an officer in Ming Lan Village tracts told me", she said. She was grown up as an orphan and raised by her brother. She was not sure whether her parents had CSCs or not.

"My parents passed away when I was one-year-old, Sir", she told me with a sad face. She could not travel and go abroad for work as she didn't have CSC. So she faced many difficulties for a living. Although she wanted to apply for the CSC to get a decent job, she could not retrieve her parents' identities. She wanted to explain this to immigration officers but unfortunately she could not speak Burmese. She also didn't know how to start so she could not move forward and stayed as the way she was now.

Therefore we together tried to find the way out and learned that her brother has a household list. When we checked that document, we luckily found Ma Ee Lway was also listed there.

Steps of the application process

Ma Ee Lway was assisted to collect the necessary supporting documents to apply for CSC. After getting a recommendation letter from the administrator, and applied in the immigration office, she was told she had to get 5 Members committee recommendation letter. So after getting 5 members

committee recommendation letter, she had to sign an affidavit as she had never had CSC and she was now over 18 years old. She also needed two grantors and the administrator's recommendation letter. In the place of one grantor, paralegal signed and on December 10, 2018, we successfully applied for CSC to the Immigration Office.

We had an appointment to collect CSC in the Immigration Office in 25-1-2019. But it was not ready, and they told us they would contact us after the completion of CSC. After one month, we hadn't got any phone contact. So we went to the office the second time in 25-2-2019 to collect CSC. It failed again. But the immigration officer told us that they would get it ready in 15-3-2019 and appointed again.

Ma Ee Lway was from the distance apart and had no motorcycle. She had to rent the motorcycle and had trouble moving. In 15-3-2019, when meeting with the Immigration Officer and asked whether Ma Ee Lway got a CSC or not. He replied he hadn't found the case file of her and that they lost it.

When talking about the loss of the application documents and we had to start from the beginning, she responded that she would do it again. But she had no motorcycle and had difficulty in going to the offices. Also, there were no motorcycles for rent like in the towns and it was in trouble. So she requested again to pick her up to the Immigration Office and applied CSC again in 28-3-2019. That was the second time. In 4-4-2019 the Immigration Officer made an appointment again to collect CSC. This time we could successfully collect CSC.

Ee Lway delighted after having a CSC

Ma Ee Lway was very much grateful to the support of paralegal and said if she did not meet us she was not able to apply for CSC and had to live without CSC. Because of the support of us, she received CSC and she felt very happy. If you were not here she did not know how to collect necessary documents let alone to apply for CSC. She even did not know where the offices were. She now knew the importance of CSC and understood the value of CSC and the application process.

To receive a CSC, we had to go to the offices frequently and hardly. We spent much money on transportation charges. She was indeed very pleased as she possessed CSC. She can go wherever she likes. She can also work in abroad as she has CSC. Her happiness is endless.

Recommendations

There needs a lot of legal awareness-raising sessions. If there are Paralegals in every regions that could train and educate the community about the laws and the basic rights of the citizens, we can uncover the difficulties of the people and help them solve the problems. So I would like to suggest that paralegals should be trained in every region.

Illiteracy could not stop him for helping others

The person who assists in accessing civil documentation for Palaung migrants in the area who lose citizenship rights being undocumented



Eaik Kyauk is a Palaung and was born in Pan Taung, Pin Tauk village tract. He lives in a hilly area and works in farmland.

He moves to Yan Chauk, Kat Htike Village tract from the hilly area, 7 miles far away from Kengtung and settled there with his two children. He thought that “We do not need CSC (Citizenship Scrutiny Card) because we do not go anywhere”.

He started thinking of applying for CSC because only persons with legal identity are allowed at the checkpoints for travelling.

Challenges before he holds CSC

He could not buy a bus ticket and difficult to find a job at the other townships because he did not have CSC. Besides, he has to buy farmland very expensive because he bought it by showing household list documents to the landowner.

He wanted to apply for CSC but he did not understand the application process, don't know how to go to the government offices and necessary documents. He does not speak Burmese language and it is also an obstacle for him.

Awareness session conducted by Braveheart

The village head organized the community for paralegals to conduct an awareness session on Citizenship Card in the village. Eaik Kyauk was one of the participants in the session.

Paralegals explained about the benefits and opportunities of having a CSC, the application process for CSC and every 10 years old can start CSC applications.

Paralegals said, “We can help you”.

Eaik Kyauk explained his situation and asked for help from paralegals.

Paralegal asked for a household list from the client.

How paralegal supports:

Paralegal told Eaik Kyauk to take a recommendation letter from the ward administrator first, then checking the blood type and taking photos in Kengtung and Paralegal accompanied with him to the Immigration Office.

When they arrived at the Immigration Office, they submitted necessary documents to the Immigration Officer and he responded to them that you applied for CSC when you were 35.

Questions raised by Immigration Officer

Immigration Officer asked "Why didn't you apply before? "

"I live in a hilly area, I can't speak Burmese and I do not know how to do" Eaik Kyauk replied.

Immigration Officer asked, "Where have you been?"

Eaik Kyauk replied, "I just stay at home."

"Where do you live now?"

He replied, "I live in Yan Chauk, Kat Htike village tract."

"What is your occupation?"

"I work in a farmland"

After Eaik Kyauk answered questions, the immigration officer gave him six members committee documents. He went to six departments to get signed recommendation.

He had to go to some departments twice as the department head was not present from the office.

He could submit his application with complete documents. He eventually received CSC after two weeks.

The success done by Eaik Kyauk

After Eaik Kyauk received CSC, he took action to apply for CSC for his wife, two daughters, and son-in-law. Finally, he could make newborn update in-household list for his grandchild.

After getting CSC, Eaik Kyauk could apply for a driving license which is very important to him. He is currently saving money to apply for Tricycle license.

Although Eaik Kyauk can't speak and read Burmese, he well understands application procedures in Immigration office. Besides, he memorized which documents are needed in the CSC application process.

He initiated and encouraged the community to apply for CSC who does not have CSC. He helped the community who are willing to apply and accompany them to immigration office. He involved in all application process until it is finalized.

Later Eaik Kyauk became a helpful person for the community. Although he is not educated he understands the application process and has helped 60 of Palaung tribe to get CSC.

Recommendation

There are still many people in the community who have never applied for CSC because they do not understand the application process. We need more volunteers to serve the community not to lose ethnic rights and opportunity, and to get CSC for everyone in the community.