

Joint Submission to the
Human Rights Council

Universal Periodic Review

37th Session

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Myanmar

SMILE Myanmar

The Seagull

Free Rohingya Coalition

Burmese Rohingya Organisation UK

International State Crime Initiative

Institute on Statelessness and Inclusion

09 July 2020



**INTERNATIONAL
STATE CRIME
INITIATIVE**



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Introduction

1. **SMILE Myanmar**,¹ **The Seagull: Human Rights, Peace and Development**,² Free Rohingya Coalition (FRC),³ Burmese Rohingya Organisation UK (BROUK),⁴ the International State Crime Initiative (ISCI)⁵ and The Institute on Statelessness and Inclusion (ISI)⁶ make this submission to the Universal Periodic Review (UPR) on the right to nationality and various human rights challenges related to statelessness in Myanmar.
2. This submission addresses one of the darkest periods in 21st century history, during which crimes against humanity, war crimes and genocide were committed against members of the stateless Rohingya minority community of Myanmar. The atrocity crimes peaked in 2017, and have been well documented.⁷ However, Myanmar continues to persecute the Rohingya, impose apartheid like conditions on the community, arbitrarily penalise Rohingya individuals and allow hate crimes to be committed against them, with impunity.
3. The co-submitting organisations are mindful that even as the Rohingya have been the targets of such deep-seated and systemic discrimination, violence and atrocities in Myanmar, the international community has repeatedly failed to protect the Rohingya, both in Myanmar and in exile. Consequently, the information in this UPR Submission, while focusing a spotlight on Myanmar, also captures in its penumbra, the cost of international inaction on one of the defining challenges of the 21st century.

¹ SMILE Myanmar (www.smile-myanmar.com/) is a non-profit and non-governmental organisation working with diverse people from all levels of Myanmar society to promote freedom of religion and belief and to protect the dignity and rights of religious minorities. SMILE works in partnership with CBOs, NGOs, INGOs and a broad range of civil society actors.

² The Seagull is an advocacy organisation based in Mandalay, Burma(Myanmar) working on Human Rights, Peace and Development.

³ Free Rohingya Coalition (www.freerohingyacoalition.org) is a global network of Rohingya activists and friends of Rohingyas who share common concerns about Myanmar's on-going genocide and the need for Rohingya survivors to play an active role in seeking a viable future for their group.

⁴ The Burmese Rohingya Organisation UK (BROUK) is based in London, United Kingdom, and was established in 2005 by diaspora Rohingya. The organisation works to highlight the plight of Rohingya internationally and to support the Rohingya community both inside Myanmar and in other countries. BROUK conducts research, monitors the human rights situation in Myanmar through an extensive network of contacts, highlights ongoing violations against Rohingya through international media and high-level meetings, and advocates for change.

⁵ Based at Queen Mary University of London's School of Law, The International State Crime Initiative (ISCI, www.statecrime.org) is an academic interdisciplinary forum for research, reportage, training and debate on state violence and corruption. ISCI has researched and reported on the Rohingya genocide since 2014.

⁶ ISI (www.institutesi.org) is an independent non-profit organisation committed to an integrated, human rights based response to the injustice of statelessness and exclusion through a combination of research, education, partnerships and advocacy. Established in August 2014, it is the first and only global centre committed to promoting the human rights of stateless persons and ending statelessness. The Institute has made over 65 country specific UPR submissions on the human rights of stateless persons, and also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23rd to the 36th UPR Sessions.

⁷ See for example, the various reports and statements of the International Independent Fact-Finding Mission on Myanmar. Available here: <https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/Index.aspx>.

4. The co-submitting organisations urge states, to take this UPR as an opportunity to make strong recommendations to Myanmar and to apply the required pressure to ensure these recommendations are acted on. But we also urge states to use this UPR as a moment of introspection, to question why and how the international community has failed to protect the Rohingya, and why this continues to be the case; and to redouble efforts to seek justice and accountability, restitution and rights.
5. In addition to addressing the **genocide, crimes against humanity and other violations against the Rohingya**, this submission also focuses on:
 - I. Myanmar’s discriminatory 1982 Citizenship Law;
 - II. Arbitrary and discriminatory practices related to access to civil documentation and other groups whose right to nationality is at risk; and
 - III. The COVID-19 impact on the Rohingya.

Previous UPR of Myanmar under the First and Second Cycle

6. Myanmar was previously reviewed during the 10th and 23rd sessions of the UPR, in 2011 and 2015 respectively. During the first cycle, Myanmar received three recommendations relevant to the right to the right to nationality and statelessness from Belgium, Hungary and Uruguay. These recommendations concerned amending the 1982 Citizenship Law to end statelessness for the Rohingya, improving birth registration and avoiding statelessness, and acceding to the Statelessness Conventions. Myanmar did not accept or note any of these recommendations.⁸
7. During the second cycle, Myanmar received 24 relevant recommendations, 7 of which concerned amending the 1982 Citizenship Law.⁹ Myanmar accepted only three recommendations, which related to the acceleration of citizenship verification processes, continued efforts for citizens to live in harmony without discrimination, and the development of a simplified birth registration system.¹⁰

Myanmar’s International Obligations

8. Myanmar is a party to a number of human rights treaties that provide for the right to a nationality and protection of the rights of stateless persons, including the Convention on the Rights of a Child (see articles 7 and 8), International Convention on the Elimination of All Forms of Discrimination against Women (see article 9), Convention on the Rights of Persons with Disabilities (see article 18),¹¹ and the International Covenant on Economic, Social, and Cultural Rights (see article 2.2). Myanmar is also party to the Convention on the Prevention and Punishment of the Crime of Genocide. However, Myanmar is not a party to the 1954 Convention relating to the Status of Stateless Persons nor the 1961 Convention on the Reduction of Statelessness.

⁸ United Nations Human Rights Council, ‘Draft Report of the Working Group on the Universal Periodic Review Myanmar’, 10th sess, UN Doc A/HRC/WG.6/10/L.7 (2 February 2011).

⁹ Myanmar received recommendations from Albania, Paraguay, Canada, Portugal, Switzerland, Germany, Argentina, Libya, Oman, Malaysia, Egypt, Iceland, Saudi Arabia, Slovenia, Mexico, Sweden, the Netherlands, Australia and the United Kingdom of Great Britain and Northern Ireland.

¹⁰ United Nations Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review Myanmar’, 31st sess, UN Doc A/HRC/31/13 (20 November 2015).

¹¹ In relation to Myanmar’s failure to comply with the CRPD in relation to the right to nationality, see the submission to the 22nd Session of the CRPD by ISI and SNAP, July 2019, available at: https://files.institutetsi.org/Submission_CRDP_Myanmar_DW_July%202019.pdf.

9. Furthermore, as a member of the United Nations (UN), Myanmar is obligated by the UN Charter to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". The principle of non-discrimination – particularly on the grounds of race – is a peremptory norm of customary international law and must be applied in relation to protecting the right to nationality.
10. As a member State of the Association of South East Asian Nations (ASEAN), Myanmar a signatory to the 2012 ASEAN Human Rights Declaration.¹² Although this declaration is a non-binding document, it nonetheless reflects consensus as to the right to a nationality and the importance of human rights in the region.¹³

Genocide, Crimes Against Humanity and Other Violations against the Rohingya

11. The Rohingya are one of the most persecuted minorities in the world. Having been arbitrarily deprived of citizenship by the 1982 Citizenship Law and its discriminatory implementation, they have faced decades of discrimination and repression, lacking access to even the most basic of rights. The arbitrary deprivation of nationality and resultant statelessness of the Rohingya remains a significant obstacle to finding a sustainable and dignified solution to the crisis.
12. Since 2016, there has been a wave of violence against the Rohingya. In August 2017, brutal military-led 'clearance campaigns' were carried out by the Myanmar army (Tatmadaw), leading to a range of gross human rights violations including arbitrary arrests and torture, indiscriminate killings, mass gang-rape of women, enforced disappearances, forced labour, and the destruction by fire of entire villages.¹⁴ This resulted in nearly one million Rohingya fleeing across the border to Bangladesh, where hundreds of thousands of Rohingya refugees already lived for decades.
13. These 'clearance operations' have since been correctly recognised as crimes against humanity amounting to genocide, and the previous UN Human Rights Commissioner called the situation in Rakhine State "a textbook example of ethnic cleansing."¹⁵ These allegations, based on meticulous research and the lived testimony of thousands of Rohingya survivors have been met by denial from the Myanmar government, opaque domestic inquiries and sham trials of low ranking military officers. Additionally, the government has actively blocked or impeded humanitarian aid and human rights monitors from helping victims.
14. A UN Independent Fact-Finding Mission was established in March 2017 to establish the details of human rights violations by military and security forces in Rakhine, Kachin and Shan States. It found that the Tatmadaw conducted 'clearance operations' in 54 locations, with first-hand accounts of such operations in a further 22 locations. Around "40,600 structures were also destroyed between August 2017 and April 2019, with over 200 [Rohingya] settlements almost completely wiped out".¹⁶ The report also discusses the rampant hate speech propagated by the authorities and spread across social media.

¹² ASEAN, *ASEAN Human Rights Declaration* (18 November 2012) <<https://asean.org/asean-human-rights-declaration/>>.

¹³ 2012 ASEAN Human Rights Declaration, article 18.

¹⁴ UN Human Rights Council, 'Myanmar: UN Fact-Finding Mission releases its full account of massive violations by military in Rakhine, Kachin and Shan States' (18 September 2018), available at <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E>.

¹⁵ 'UN human rights chief points to 'textbook example of ethnic cleansing' in Myanmar' *UN News* (11 September 2017), available at <https://news.un.org/en/story/2017/09/564622-un-human-rights-chief-points-textbook-example-ethnic-cleansing-myanmar#.WfJRrtSy70>.

¹⁶ UN Human Rights Council, 'Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar' (17 September 2018) UN Doc. A/HRC/39/CRP.2.

15. Since 21 June 2019, the Myanmar government has restricted internet access across eight townships in Rakhine and Chin States. The Ministry of Transportation and Communication cite security concerns when justifying the internet blackout, which affects more than one million people.
16. Between August 2017 and 31 March 2020, 835,268 Rohingya refugees have fled to Bangladesh and registered through the joint government of Bangladesh UNCHR registration programme.¹⁷ UNHCR also estimates the number of stateless Rohingya in Rakhine State Myanmar to now be 459,114.¹⁸
17. The Rohingya who remained in Rakhine following 2017 live in deprived apartheid conditions. Tun Khin, President of the Burmese Rohingya Organisation UK, wrote that:

“Across the border in Rakhine State, Rohingya continue to live in what “amounts to an open-air prison where all aspects of their lives are controlled. Decades of systematic, state-sponsored discrimination has denied Rohingya citizenship and their freedom of movement, meaning people have to apply for special permission to leave their villages, earn a living, or even to seek healthcare. Education – in particular beyond primary level – is essentially blocked to most Rohingya. Levels of poverty and malnutrition are shockingly high”¹⁹

Repatriation

18. Despite the prevalence of such dehumanising conditions, an ongoing genocide process and structural barriers to equality – including the deprivation of nationality of the Rohingya – in 2018, the UNHCR and UNDP entered into a MoU with Myanmar to facilitate repatriation of Rohingya to Myanmar. Despite significant concerns and criticism, including for the failure to consult Rohingya or to even share the MoU text with Rohingya refugees,²⁰ the MoU has been twice renewed, most recently in May 2020.²¹
19. In 2017, having analysed the challenges related to the statelessness, refugee status and repatriation of Rohingya, and consulted with Rohingya groups, ISI published seven conditions to be met, before repatriation to be even considered. These conditions are voluntariness, UN oversight, right to nationality, equality and human rights, normalisation, accountability and rehabilitation & reintegration.²² None of these conditions have been met.
20. However, since 2017, there have been three attempts at repatriation of Rohingya from Bangladesh to Myanmar, with the latest in August 2019. However, these attempts were not successful, largely due to the failure of the Myanmar government to address the structural root causes of the crisis, and a failure to consult the Rohingya themselves about details of repatriation. Many Rohingya refuse to return to Rakhine state which has recently been enveloped in another conflict between government troops and Arakan Army insurgents.²³ These conditions, according to the UN, are not

¹⁷UNHCR (2020) Operational Dashboard: 2020 Indicators Monitoring [online] available at: <https://data2.unhcr.org/en/documents/download/76054>

¹⁸ UNHCR data, ‘Myanmar’ (2019), available at <http://reporting.unhcr.org/node/2541?y=2019#year>.

¹⁹ T. Khin, ‘It’s Been Two Years Since 730,000 Rohingya Were Forced to Flee. There’s No End in Sight to the Crisis’, *Time Magazine* (25 August 2019), <https://time.com/5660088/rohingya-crisis-myanmar/?xid=tcshare>.

²⁰ See for example, this 2018 statement by 23 Rohingya organisations: <https://www.dhakatribune.com/world/2018/06/10/rohingya-organizations-int-l-communities-in-dark-over-recent-mou>.

²¹ For more information on the MoU, see: <https://www.unhcr.org/asia/news/press/2020/5/5eb8fe484/undp-unhcr-and-the-government-of-the-union-of-myanmar-extend-memorandum.html>.

²² For more information, see Institute on Statelessness and Inclusion, ‘Repatriation, statelessness and refugee status: three crucial issues in the unfolding Rohingya crisis’, October 2017, available at: https://files.institutesi.org/repatriation_statelessness_and_refugee_status_2017.pdf.

²³ T. T. Aung et al, ‘Exclusive: Myanmar, Bangladesh agree to start Rohingya repatriation next week’ (15 Aug 2019), available at <https://uk.reuters.com/article/uk-myanmar-rohingya-exclusive-idUKKCN1V510B>.

fit for refugee return. The Rohingya are also requesting that the government issue them full citizenship cards if they return.

Accountability

21. The Rohingya community has consistently come forward with information, expert testimony and material, which it has shared with international institutions, in order to strengthen calls for accountability. The demand of the Rohingya has been that they are centrally included in all of these processes. In 2019, a group of 13 Rohingya leaders stated:

*As the victims of these crimes, our demand is for justice and accountability, and the right to return to our country to live in security and dignity, as equal citizens. The international community must hear our voices and do everything in its power to uphold international law and bring the perpetrators to justice. Please include us in these processes, which are ultimately about us. We are available to be consulted and to share our perspectives, experiences and solutions with you.*²⁴

22. On 11 November 2019, The Gambia filed a case to the International Court of Justice (ICJ) against Myanmar, alleging violations of its obligations under the 1948 Genocide Convention and requesting the Court to grant provisional measures to protect the Rohingya from ongoing genocide. In paragraph 6 of their application, The Gambia indicated that the acts committed by Myanmar were “intended to destroy the Rohingya as a group in whole or in part, mass murder, rape, other forms of sexual violence and the systematic destruction of villages often with inhabitants locked inside burning houses.” Myanmar responded by denying the allegations of genocide and focused on the disputed total number of those Rohingya killed, while, notably failing to comment at all on any counts of sexual violence, despite the strong focus on this in The Gambia’s application.

23. In a hasty response to growing international pressure, a Myanmar government established ‘Independent Commission of Enquiry’, submitted a final report, that was not made public. This report, taking the same line as Myanmar’s ICJ defence, acknowledged that Myanmar security forces may have been responsible for “disproportionate use of force” and war crimes, but that:

*“there is insufficient evidence to argue, much less conclude, that the crimes committed were undertaken with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, or with any other requisite mental state for the international crime of genocide”.*²⁵

24. On 23 January 2020, the ICJ unanimously ruled on the following provisional measures, stating that Myanmar must: take measures to protect the Rohingya from genocide; prevent the Military from committing genocide; take steps to prevent the destruction of evidence of genocide; and file a report with the ICJ in four months, and every six months that follows until the closure of the case, documenting what they have done to ensure these measures are met. These provisional measures

²⁴ Message from - Abdul Hamid (United Stateless); Anwar Arkani (Rohingya Association Canada); Habib (Australian Burmese Rohingya Organisation); Hafsar Tameesuddin; Khin Maung (Free Rohingya Coalition – based in Bangladesh); Muhammed Saifullah (Canadian Rohingya Development Initiative); Nay San Lwin (Free Rohingya Coalition – Based in Germany); Nurul Islam (Arakan Rohingya National Organisation); Raiss Tinmaung, Yasmin Ullah and Zainab Arkhani (Rohingya Human Rights Network Canada); Razia Sultana (Rohingya Women Welfare Society); Sujauddin Karimuddin (Elom Empowerment); and Tun Khin (Burmese Rohingya Organisation UK), 11 July 2019, available at: https://files.institutesi.org/ISI_statement_on_Dutch_parliamentary_Rohingya_motion.pdf.

²⁵ Independent Commission of Enquiry, ‘Press Release’ (20 January 2020), available at <https://www.icoe-myanmar.org/icoe-pr-final-report>.

are legally binding and Myanmar's compliance will be monitored by the UN Security Council and the ICJ.²⁶

25. The first of Myanmar's reports was submitted to the ICJ on 23 May 2020. Despite calls for Myanmar's report to be made available to the Rohingya community, report is not yet available to the public.²⁷ Recent "security clearance operations" undertaken by the Tatmadaw and Myanmar government have raised concerns that the ICJ's provisional measures are actively being defied.²⁸ As such, it is important to note that the genocide process is still ongoing.
26. In April 2020, Myanmar issued several directives ordering government personnel not to commit genocide,²⁹ destroy evidence,³⁰ and to halt hate speech,³¹ which can be interpreted as an attempted response to provisional measures. However, this has not translated into concrete action, and Amnesty International has stated that "*without meaningful follow-up and transparency around Myanmar's compliance with the ICJ order, these measures can only be seen as a window dressing.*"³²
27. On 14 November 2019, the International Criminal Court (ICC) also launched an investigation into "*crimes against humanity of deportation across the Myanmar-Bangladesh border and persecution on grounds of ethnicity and/or religion against the Rohingya population*".³³ Myanmar has rejected the ICC's investigation claiming the Court has no jurisdiction as Myanmar has not signed the Rome Statute. However, Bangladesh, which has received Rohingya refugees is party to the Court's Statute, enabling the ICC to investigate the crime of deportation. The court also has the mandate to issue reparations for victims. The case is ongoing.
28. Also on 14 November 2019, a case was filed to an Argentinian court under the principle of universal jurisdiction, which marked the first time that legal action had been taken directly against Aung Sang Suu Kyi.³⁴ Following a Court order on 29 May 2020, Argentinian prosecutors have started to collect information, requesting information from the ICC so justice efforts are not duplicated.³⁵
29. On 27 December 2019, the UN General Assembly also approved a resolution condemning rights abuses against Myanmar's Rohingya Muslims and other minorities.³⁶ This calls for the Myanmar government to immediately cease fighting and hostility, justice for all rights violations to the

²⁶ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) Order (23 January 2020), available at <https://www.ici-cij.org/files/case-related/178/178-20200123-ORD-01-00-EN.pdf>.

²⁷ Joint Letter Re: Myanmar's Obligation to Comply with the Provisional Measures Indicated by the ICJ of 23 Jan. 2020 (June 19 2020), available at <https://www.theerc.eu/joint-letter-to-ici-myanmars-obligation-to-comply-with-the-provisional-measures/>.

²⁸ Burma Human Rights Network, 'Announcement of Clearance Operation by Tatmadaw in Rathaedaung Township Defies ICJ Ruling' (27 June 2020), available at <http://www.bhrn.org.uk/en/press-release/1125-announcement-of-clearance-operation-by-tatmadaw-in-rathaedaung-township-defies-ici-ruling.html>. Also see Burmese Rohingya Organisation UK, 'Myanmar's failure to implement the International Court of Justice Provisional Measures Order' (May 2020), available at <https://www.brouk.org.uk/wp-content/uploads/2020/05/A-continuing-genocide.pdf>.

²⁹ 'Compliance with the Convention on the Prevention and Punishment of the Crime of Genocide' *Myanmar News Agency* (9 April 2020), available at <https://www.globalnewlightofmyanmar.com/compliance-with-the-convention-on-the-prevention-and-punishment-of-the-crime-of-genocide/>.

³⁰ 'Preservation of evidence and property in areas of northern Rakhine State' *Myanmar News Agency* (9 April 2020), available at <https://www.globalnewlightofmyanmar.com/preservation-of-evidence-and-property-in-areas-of-northern-rakhine-state/>.

³¹ Republic of the Union of Myanmar Office of the President Directive No. 3/2020 13th Waning of Tagu, 1382 ME (20 April 2020)

'Prevention of incitement to hatred and violence (or) Prevention of proliferation of hate speech', available at <https://www.president-office.gov.mm/en/?q=briefing-room/news/2020/04/21/id-10007>.

³² Amnesty International, 'Myanmar: Government fails to protect Rohingya after world court order' (22 May 2020), available at <https://www.amnesty.org/en/latest/news/2020/05/myanmar-government-fails-to-protect-rohingya-after-world-court-order/>.

³³ International Criminal Court, Press Release (14 November 2019), available at <https://www.icc-cpi.int/Pages/item.aspx?name=pr1495>.

³⁴ 'Aung Sang Suu Kyi faces first legal action over 'existential threat' to Rohingya' *The Telegraph* (14 November 2019), available at <https://www.telegraph.co.uk/news/2019/11/14/aung-san-suu-kyi-faces-first-legal-action-existential-threat/>.

³⁵ 'Argentinian court decisions brings hope for Rohingya' *AA* (2 June 2020), available at <https://www.aa.com.tr/en/americas/argentinian-court-decision-brings-hope-for-rohingya/1861967>.

³⁶ United Nations General Assembly, 'Resolution adopted by the Human Rights Council on 3 July 2015: Situation of human rights of Rohingya Muslims and other minorities in Myanmar' (3 July 2015) UN Doc A/HRC/RES/29/21, available at file:///Users/OSpearman/Downloads/A_HRC_RES_29_21-EN.pdf.

Rohingya and other minorities, and to “eliminate statelessness and the systematic institutionalised discrimination...and create conditions necessary for the safe, voluntary, dignified and sustainable return of all refugees.”

Ongoing violence in Rakhine state

30. In addition to the crimes perpetrated against the Rohingya, there is also ongoing violence in Rakhine State between the Tatmadaw and the Arakan Army (AA), a Rakhine armed group. Following the provisional order by the ICJ, fighting has continued to escalate in Rakhine and Chin states. Amnesty International has stated that the Rohingya find themselves “caught in an escalating armed conflict between the Myanmar military and the Arakan Army”.³⁷
31. In April 2020, the AA and other ethnic armed groups, including the Arakan Rohingya Salvation Army, called for a month-long ceasefire in light of the COVID-19 pandemic. The Tatmadaw chose to ignore the ceasefire and have been launching air and artillery raids in civilian areas of Rakhine and Chin, killing adults and children.³⁸ UN Special Rapporteur on the Situation of Human Rights in Myanmar, Yanghee Lee, accused the Tatmadaw of “inflicting immense suffering on the ethnic communities” and “systematically violating the most fundamental principles of international humanitarian law and human rights.”³⁹ She stated that the Tatmadaw operates with impunity and employs tactics intended to maximise civilian suffering. She has called for an investigation into “possible war crimes and crimes against humanity ongoing in Rakhine and Chin states.”⁴⁰
32. In the short span between March and June 2020, more than 30,000 people have been displaced as a result of ongoing violence. 174 people have been reported as killed and 229 wounded.⁴¹ The total number of internally displaced persons - the vast majority of which are Rohingya - in Myanmar has surpassed 130,000.⁴²

Myanmar’s discriminatory 1982 Citizenship law

33. Statelessness is not just a problem in Myanmar’s North Rakhine State (where the majority of the Rohingya live). It is prevalent, though less visible, throughout the country. This is largely due to the arbitrary and discriminatory 1982 Citizenship Law and the manner in which it is applied.
34. The 1982 Citizenship Law Act was passed by the military government of General Ne Win, repealing the 1948 Union Citizenship Act and the 1948 Union Citizenship Election Act.⁴³ The law grants citizenship based upon membership to “national races” and establishes a multi-tiered, hierarchical citizenship structure. Section 2 of the 1982 Citizenship Law defines three categories of citizens: ‘citizens’, ‘associate citizens’ and ‘naturalised citizens.’ Different rules apply to each category regarding transmission of citizenship, the circumstances in which citizenship can be revoked, and

³⁷ Amnesty International, ‘Myanmar: Government fails to protect Rohingya after world court order’ (22 May 2020), available at <https://www.amnesty.org/en/latest/news/2020/05/myanmar-government-fails-to-protect-rohingya-after-world-court-order/>.

³⁸ ‘UN Rapporteur Urges New Probe Into Possible Myanmar War Crimes’ *Al Jazeera* (29 April 2020), available at https://www.aljazeera.com/news/2020/04/rapporteur-urges-probe-myanmar-war-crimes-200428072927948.html?utm_source=website&utm_medium=article_page&utm_campaign=read_more_links.

³⁹ *Id.*

⁴⁰ UN Human Rights Council, ‘Situation of Human Rights in Myanmar’ UN GAOR, 43rd session, UN Doc A/HRC/43/L.19 (29 April 2019).

⁴¹ Progressive Voice, ‘A Nation Left Behind: Myanmar’s Weaponization of COVID-19’, (June 2020), available at <https://progressivevoicemyanmar.org/2020/06/02/a-nation-left-behind-myanmars-weaponization-of-covid-19/>.

⁴² N. Hardman and P. Preet Singh, *Pandemic Adds New Threat for Rohingya in Myanmar*, Human Rights Watch (May 2020), available at <https://www.hrw.org/news/2020/05/29/pandemic-adds-new-threat-rohingyas-myanmar>.

⁴³ Institute on Statelessness and Inclusion and European Network on Statelessness, ‘Statelessness in Myanmar: Country Position Paper’ (May 2019), p. 5.

the rights attached to citizenship, with naturalised citizens being the most disadvantaged. As a result the consequences of the different citizenship statuses extend beyond the provisions of the 1982 Citizenship Law itself. The law contradicts Article 21(a) of the 2008 Constitution of the Republic of the Union of Myanmar, which sets out that “every citizen shall enjoy the right to equality.”

35. Full citizenship is given to individuals from the Kachin, Kayah, Kayin, Chin, Burman, Mon, Rakhine or the Shan ethnic groups, which form Myanmar’s 135 “national races” (as defined in the Constitution).⁴⁴ This category also applies to persons outside these ethnic groups if they meet certain criteria.⁴⁵
36. The 1982 Citizenship Law provides that associate and naturalised citizens are entitled to enjoy the rights of a citizen under Myanmar’s laws, “with the exception of rights stipulated by the Council of State.”⁴⁶ This exposes associate and naturalised citizens to the risk of revocation of their citizenship, also provided for in section 8(b) of the 1982 Citizenship Law.⁴⁷ Other potential grounds for revocation of citizenship for an associate or naturalised citizen include:
 - I. Failing to provide a written allegiance to the state,⁴⁸
 - II. Showing disloyalty to the state⁴⁹ or
 - III. Committing an offence of moral turpitude.⁵⁰
37. Another distinction between the treatment of full citizens and associate and naturalised citizens is apparent in the criminal sanctions and penalties imposed under the 1982 Citizenship Law. Certain criminal penalties are applicable to persons that are not considered to be “*citizens by birth*.”⁵¹ Full citizens are not subject to the same criminal penalties, unless they have committed a crime.⁵²
38. The 1982 Citizenship Law fails to comply with basic international law standards that Myanmar is obligated to uphold.
 - I. **Discrimination on Grounds of Race or Ethnicity:** The Law privileges the recognised ethnic groups and disadvantages others in the acquisition of nationality. The ethnicity-based criteria leave a large portion of the population, who have no links to another country, with no right to automatic acquisition of nationality
 - II. **The Child’s Right to a Nationality:** The Law falls short of Myanmar’s obligations under the CRC, in particular Article 7, which guarantee’s every child’s right to acquire a nationality. As

⁴⁴ J. M. Arrazia and O. Vonk, ‘Report on Citizenship Law: Myanmar’ (October 2017), p. 2.

⁴⁵ Section 7 of the 1982 Citizenship Law sets out that persons born in or outside Myanmar are also citizens if they are (a) persons born of parents, both of whom are citizens; (b) persons born of parents one of whom is a citizen and the other an associate citizen; (c) persons born of parents, one of whom is a citizen and the other a naturalized citizen; (d) persons born of parents, one of whom is (i) a citizen; or (ii) an associate citizen; or (iii) a naturalized citizen; and the other is born of parents, both of whom are associate citizens; (e) persons born of parents, one of whom is (i) a citizen; or (ii) an associate citizen; or (iii) a naturalized citizen, and the other is born of parents, both of whom are naturalised citizens; or (f) persons born of parents one of whom is (i) a citizen; or (ii) an associate citizen; or (iii) a naturalized citizen and the other is born of parents, one of whom is an associate citizen and the other a naturalized citizen.

⁴⁶ 1982 Citizenship Law, 30(c) and 50(c).

⁴⁷ 1982 Citizenship Law, 8(b).

⁴⁸ 1982 Citizenship Law, 24, 26, 27(a), 28, 46, 48, 49(a) and 50.

⁴⁹ 1982 Citizenship Law, 35(d) and 58(d).

⁵⁰ 1982 Citizenship Law, 35(f) and 58(f).

⁵¹ International Commission of Jurists, ‘Citizenship and Human Rights in Myanmar: Why Law Reform is Urgent and Possible A Legal Briefing’ (June 2019), p. 9.

⁵² 1982 Citizenship Law, 40.

such, the Committee on the Rights of the Child raised various concerns with the state in its 2012 Concluding Observations on Myanmar.⁵³

III. **Discrimination on Grounds of Disability:** Under the Law, being of ‘unsound mind’ is considered to be a basis for the denial of citizenship by naturalisation. However, Article 18 of the CRPD sets out that persons with disabilities have the right to a nationality “on an equal basis with others”.

IV. **Gender:** Article 9 of CEDAW prohibits gender discrimination in nationality laws. While there is no direct gender discrimination in the Law, the requirement that both parents must have citizenship to confer citizenship upon a child is likely to have a discriminatory impact. These provisions disadvantage the children of single mothers, other women in vulnerable situations and undocumented women.⁵⁴

39. Significantly, the law creates and perpetuates statelessness, shutting out from access to citizenship, entire ethnic groups. The 1982 Citizenship law has been critiqued by several UN experts for being discriminatory on grounds of ethnicity.⁵⁵

Arbitrary and Discriminatory Practices Related to Access to Civil Documentation

40. **The lack of civil documentation is a widescale and systemic problem in South East Myanmar as well as country wide. In 2014, up to 11,000,207 persons (27.3 percent) over the age of 10 did not have a valid identification document.**⁵⁶ This does not mean that the citizenship of all these people is under question, but such large-scale lack of documentation combined with the discriminatory legal framework inevitably impacts the citizenship rights of those belonging to minorities, and/or those who are likely to face discrimination on multiple grounds such as disability, socio-economic disadvantage, displacement and even gender. Myanmar is a multi-ethnic, multi-religious society with a long history of large-scale migration (within the country and to and from the country) and a more recent history of forced migration and (in some cases) return. This reality is neither reflected in or catered to by the inadequate existing law and policy framework. For example, the forced migration of individuals due to the conflict in South East Myanmar has been largely concentrated into the South Western and Western border regions of Thailand. The existing law and policy framework in Myanmar do not recognise the birth certificates of refugees born in Thailand undermining the recognition of citizenship and access to rights and benefits of refugees and their children born abroad, on return to Myanmar.⁵⁷

41. The Rohingya are the largest stateless group in the country. However, other groups, especially those who have affiliations with populations in the Indian sub-continent and China are also excluded from citizenship because they are not recognised as residing in Myanmar prior to the colonial period. Some of these groups may not be generally referred to in Myanmar by self-ascribed

⁵³ UN Committee on the Rights of the Child, ‘Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Myanmar’ (14 March 2012), CRC/C/MMR/CO/3-4, available at: http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_MMR_CO_3-4.pdf, para. 41.

⁵⁴ For a more comprehensive analysis of gender discrimination in Myanmar’s citizenship law, see Norwegian Refugee Council, The Seagull, Institute of Statelessness and Inclusion, Snap, ‘A Gender Analysis of the Right to Nationality in Myanmar’ (2018), available at: <https://www.nrc.no/resources/reports/a-gender-analysis-of-the-right-to-a-nationality-in-myanmar/>.

⁵⁵ See for example, the Statement by Ms. Yanghee Lee, Special Rapporteur on the Situation of Human Rights in Myanmar at the 34th session of the Human Rights Council (13 March 2017), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21355&LangID=E>

⁵⁶ 2014 Myanmar Housing and Population Census, The Union Report, p. 207.

⁵⁷ Norwegian Refugee Council, The Seagull, Institute of Statelessness and Inclusion, Snap, ‘A Gender Analysis of the Right to Nationality in Myanmar’ (2018), available at: <https://www.nrc.no/resources/reports/a-gender-analysis-of-the-right-to-a-nationality-in-myanmar/>

ethnic identities due to the political nature of categorisation during the British colonial period, fixing ethnic categories. Less is known about their experiences in negotiating the rigid ethnic criteria of the citizenship law as these groups are smaller and more dispersed. They may include Gurkhas, Tamils, Hindu speakers of Bengali-dialects, groups that straddle the Chinese/Myanmar border and Muslim and Hindu populations who do not fall into an ethnic designation listed by the Myanmar state.⁵⁸

42. Other minority groups in Rakhine State have also been increasingly affected by statelessness. This includes Hindus and Maramargyi Buddhists who are linguistically affiliated and bear some physical resemblance to Rohingya.⁵⁹ Also affected are Kaman (or Kamein), who are a Muslim ethnic minority group residing in Rakhine State that are listed as one of the recognised national ethnic groups of Myanmar. Many Kaman are at risk of statelessness partly as a result of the destruction of their documents and displacement during the 2012 violence in Rakhine State, and also because their citizenship applications are viewed with increasing suspicion and are scrutinised in the context of documenting Rohingya populations.⁶⁰
43. Muslims from other areas of Myanmar lack adequate documentation and are increasingly at risk of statelessness. Myanmar Muslims report systematic refusals and indefinite delays in the issuance of identity cards and passports⁶¹ as well as discrimination against the Myanmar Muslims migrant workers who need to have their citizenship verified by the state to regularise their status in neighbouring countries, such as Thailand.⁶² Muslims in Myanmar are also registered, or coerced into registering, under the category “mixed race” or ethnic categories that denote them as or foreign, such as “Bengali”, “Pakistani” or “Indian”. They report being subjected to longer delays and greater obstacles in citizenship applications, as well as being forced to pay higher bribes than other (non-Muslim) applicants. Additionally, some are harassed by Intelligence officers as a result of applications.⁶³
44. In addition to members of ethno-religious minority groups who are not included in the list of 135 national ethnic groups, the following are also vulnerable to being arbitrarily denied documentation, deprivation of nationality thus heightening their risk of statelessness:
 - Non-combatants and members of ethnic armed groups living in conflict areas;
 - IDPs and IDP returnees;
 - Former refugees who have returned to Myanmar from Thailand;
 - The children of inter-ethnic marriages;
 - Persons who do not possess all required supporting documents to apply for nationality (including those who do not have household lists or whose parents are not documented);
 - Disabled persons including those with mental disabilities; and
 - Women and girls in situations of vulnerability.

⁵⁸ M. Charney, ‘Misunderstandings of ethnic identities in Rakhine as fixed and biological are leading to policy errors by the Government of Myanmar and NGOs on the ground in Rakhine’, SOAS (July 2018), available at <https://eprints.soas.ac.uk/26123/1/Charney%202018%20Brief%20on%20Rohingya%20identity.pdf>.

⁵⁹ Internal Displacement Monitoring Centre, ‘Submission to the UPR working group’ (IDMC 2015), available at <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2112&file=EnglishTranslation>.

⁶⁰ ICG, ‘Myanmar: The Politics of Rakhine State’ (2015), available at https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-politics-rakhine-state_p_10.

⁶¹ N. N. Kyaw, ‘Alienation, Discrimination, and Securitization: Legal Personhood and Cultural Personhood of Muslims in Myanmar’, *The Review of Faith & International Affairs* (2015), 13:4, p. 50-59; Burma Human Rights Network, ‘State-led Persecution of Burma’s Muslim Minorities’ (2017), available at <http://www.bhrn.org.uk/en/report/20-bhrn-publishes-research-revealing-state-led-persecution-of-burma-s-muslim-minority.html>; Burma Human Rights Network, ‘Discrimination against Muslim Passport Applicants’ (2018), available at <http://www.bhrn.org.uk/en/report/1051-bhrn-releases-report-on-discrimination-against-muslim-passport-applicants.html>.

⁶² Burma Human Rights Network, ‘Burma Reinforces Muslims’ Statelessness as Thai Migrant Registration Deadline Looms’ (2018), available at <http://www.bhrn.org.uk/en/report/1052-burma-reinforces-muslims-statelessness-as-thai-migrant-registration-deadline-looms.html>.

⁶³ *Ibid.*

45. Those who possess one or more of the characteristics identified above are more likely to face discrimination under the 1982 Citizenship Law, its procedures and their implementation. Importantly, most people face discrimination and exclusion due to the convergence (or intersection) of more than one of these characteristics. For example, a woman without a clear affiliation to one of the state-recognised ethnic groups who is also an IDP is likely to be at greater risk of being denied documents.
46. There are various civil documentation processes to establish proof of birth, family connections and citizenship. Key documents include the birth certificate,⁶⁴ and the household registration list (a family book), which is mandatory for all residents to be registered in.⁶⁵
47. In 1989, under the new 1982 Citizenship Law framework, the former National Registration Cards (NRCs) issued under the 1949 Residents of Burma Registration Act, were replaced by three different types of “Citizenship Scrutiny Cards”. These were colour-coded to facilitate the categorisation of the citizenship status of the bearer – pink cards for full citizens (CSC), blue for associate citizens (ACSC) and green for naturalised citizens (NCSC).⁶⁶
48. Citizens by birth are eligible and required to carry their own CSCs from the age of 10. These are to be renewed at the ages of 18, 30 and 45.⁶⁷ Associate and Naturalised Citizen parents can apply to have their children added to their own ACSC or NCSC. Such children are eligible for their own ACSC or NCSC at 10 years of age. These too must be renewed at the ages of 18, 30 and 45.⁶⁸
49. Temporary Registration Cards (TRCs or white cards) had historically been issued to those who had lost or damaged their NRCs or to those with pending applications for one.⁶⁹ However, in 1995, TRCs were given to large numbers of persons who had previously held NRCs, but were denied CSCs under the 1982 law. This marked a key step towards further entrenching discrimination and arbitrariness within the system. While the legal and policy grounds for this move and the status of TRC holders remained unclear, the TRCs were treated in practice as an official ID Card which allowed its holders to vote in subsequent elections.⁷⁰
50. In February 2015, the TRCs were withdrawn along with voting rights. TRC holders were given a receipt - not an alternative identity card - in exchange.⁷¹ In December 2015, under the new National League for Democracy (NLD) government, new “Identity Cards for National Verification” (ICNVs, also known as Turquoise cards) were introduced as an interim card in the National Verification process with the purported aim “*to scrutinise whether the applicant meets the eligibility to become a citizen of Myanmar and to identify them as residents of Myanmar during the citizenship verification process*”.⁷²
51. In reality, these cards are target the Rohingya and other Muslim minorities, and are part of a systematic campaign to erase the identity and claim to citizenship of such groups.⁷³ The Rohingya

⁶⁴ Birth registration is a legislated requirement pursuant to the 2013 Child Law and the 1982 Citizenship Law and 1983 Procedures.

⁶⁵ The Family Household List, also known as “Form-66/6”, is issued under the Residents of Myanmar Registration Act, 1949. However, details on the implementation of the process are not publicly known. It is assumed, however, that there was internal guidance on the procedures to be followed.

⁶⁶ Thein. M. (Nyein Chan Lulin) ‘Pyidaungsuthar Muslims’, Kit Thit Sar Pay (2016).

⁶⁷ 1983 Procedures Relating to Citizenship, s 12.

⁶⁸ 1983 Procedures relating to Naturalized Citizenship, s 5; 1983 Procedures relating to Associate Citizenship, s 5.

⁶⁹ See 1951 Residents of Burma Registration Rules, ss 2 and 13.

⁷⁰ N. N. Kyaw, ‘Unpacking the Presumed Statelessness of Rohingyas’ (2017) *Journal of Immigrant and Refugee Studies* 15(3), p. 279.

⁷¹ Lall et. al, 18; International Crisis Group, 14. Presidential Notification 15/2015 Announcing Temporary Registration Cards Expiry on 31 March 2015.

⁷² Republic of the Union of Myanmar, ‘State Counsellor’s Notification’ (27 December 2016), para. 7.

⁷³ Al Jazeera, ‘Genocide Card: Myanmar Rohingya verification scheme condemned’, September 2019, available at: <https://www.aljazeera.com/news/2019/09/genocide-card-myanmar-rohingya-verification-scheme-condemned-190903012922259.html>

and other Muslim communities in Rakhine state, are required to identify as “Bengali” when applying for the cards (reinforcing inaccurate propaganda that they are from Bangladesh, thereby undermining their claim to Myanmar citizenship). Card holders are labelled as “foreigners”. At times, authorities have forced Rohingya at gunpoint to accept these identity cards,⁷⁴ and subjected them to torture and arbitrary restrictions of movement and access to work.⁷⁵ The holders of NVCs are barred from applying for citizenship.⁷⁶

Access to Civil Documentation

52. Those applying for an ID card face extremely cumbersome evidentiary requirements. Applicants are required to bring many documents, including a household list, ancestral information, original birth certificate, original pink cards of the applicant’s parents and recommendation letters. In practice, the requirements may change depending on where the applicant is applying and what characteristics they possess. The requirements are inconsistent and unpredictable and are largely dependent upon the perceived ethnicity and religion of the individual.⁷⁷ Applicants report being unable to list their ethnic or religious group of choice, as officials unilaterally determine their identity.⁷⁷
53. Applicants face many other issues when applying for civil documentation including language barriers, geographic barriers (often government offices are very far away and not easily accessible), challenges linked to data entry, unofficial fees and bribes and undue delays in the decision-making process.⁷⁸

The COVID-19 Impact on the Rohingya

54. Myanmar’s COVID-19 response has raised concerns that pandemic is being used as an opportunity to exercise increased control over the Rohingya and other vulnerable populations. The state’s pandemic response coupled with the ongoing violent conflict and internet blackout has worsened the vulnerability of populations, who cannot access crucial information about the virus and the ongoing conflict which is crucial for survival and stability. In certain townships, internet and information is so severely restricted that humanitarian workers have reported that those living there are completely unaware of the pandemic.⁷⁹
55. Implementation and enforcement of public health policy has a clear discriminatory intent. Widespread diagnostic testing is limited in Myanmar, with IDPs in Rakhine being excluded, despite the heightened risk they face due to their living conditions. Additionally, punishments for not following public health guidelines have not been equitable. For example, the government fined only four of a hundred people who attended a Buddhist Monk’s funeral., But all 14 mourners at a Muslim funeral were sued, with the twelve adults in attendance being imprisoned for three months.⁸⁰
56. Organisations attempting to give humanitarian aid in the region have struggled to effectively distribute assistance without the internet. Journalists and news organisations in Rakhine have

⁷⁴ *Myanmar Forces Rohingya to Accept Cards That Preclude Citizenship*, Reuters, Sept. 3 2019.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Smile Education and Development Foundation and Justice Base, ‘Access to Documentation & Risk of Statelessness’, (December 2017).

⁷⁸ Research available on file with ISI.

⁷⁹ J. Slotkin, ‘Parts of Myanmar Unaware of COVID-19’, *National Public Radio* (24 June 2020), available at <https://www.npr.org/sections/coronavirus-live-updates/2020/06/24/882893419/parts-of-myanmar-unaware-of-covid-19-due-to-internet-ban-advocates-say>.

⁸⁰ *Different Laws Applied to Myanmar COVID-19 Restrictions*, The Irrawaddy, May 2020, <https://www.irrawaddy.com/specials/myanmar-covid-19/different-laws-applied-myanmar-covid-19-restrictions-lead-inconsistent-punishments-violators.html>

found the publication of news to be disrupted and difficult under the blackout. Commenting on this situation, Nay San Lwin of the Free Rohingya Coalition said:

*In Myanmar, Rohingyas are severely suffering by internet ban. They are not being well informed about pandemic, how to prevent and contain the disease. Access to healthcare facilities and tests are limited. Myanmar must lift the internet ban, provide unhindered access to all humanitarian and healthcare.*⁸¹

57. On 23 March 2020, Myanmar created the COVID-19 Emergency Response Committee. This is led by the military and has no representation from the Ministry of Health and Sports.⁸² Given the power to prosecute anyone deemed to have been spreading “misinformation”, it is feared that this committee has been given the power to further target, discriminate, and persecute Rohingya and ethnic Rakhine under the guise of fighting the pandemic.⁸³ It is noteworthy that on the same day that the COVID-19 committee was formed, the Arakan Army was declared a terrorist organisation and the Ministry of Communications ordered that access to over 220 websites be blocked, many of which were independent ethnic news and media sites.⁸⁴
58. On 31 March 2020, police and security forces raided and shut down a Rakhine news organisation. Days later, two other news organizations were raided in a similar fashion. Reporters and editors were interrogated and arrested.⁸⁵ Local media coalitions and Special Rapporteur Yanghee Lee, called for the dropping of the charges against the editors and pointed to the need for open and continued reporting during armed conflict and a pandemic.⁸⁶
59. The availability and distribution of diagnostic testing is also a major concern. Testing has only been provided for areas outside of Rakhine and Chin states, leaving the Rohingya population untested and without crucial information needed to track the spread of the virus.⁸⁷ This is especially troubling in the Internal Displacement Camps within Rakhine, where the crowded populations lacking access to clean water, sanitation, and other essential services have been likened to a “tinderbox” for COVID-19 transmissions.⁸⁸
60. Myanmar officials claim to have implemented pandemic prevention policies within the camps. However, camp residents have told journalists that this prevention amounted to distributing a single bar of soap per household. Residents within the camps cannot afford face masks, sanitizer or other necessary protective equipment.⁸⁹

⁸¹ Institute on Statelessness and Inclusion, ‘Impact Report: Stateless in a Global Pandemic’ (June 2020), available at https://files.institutesi.org/Covid19_Stateless_Impact_Report.pdf.

⁸² Progressive Voice, ‘A Nation Left Behind: Myanmar’s Weaponization of COVID-19’, (June 2020), available at <https://progressivevoicemyanmar.org/2020/06/02/a-nation-left-behind-myanmars-weaponization-of-covid-19/>.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ ‘In Myanmar, the Coronavirus Gives Nationalists an Opening’ *Foreign Policy* (1 May 2020), available at <https://foreignpolicy.com/2020/05/01/myanmar-coronavirus-pandemic-gives-nationalists-opening-ethnic-minorities-risk/>.

⁸⁸ ‘Myanmar: Displacement Camps Are COVID-19 Tinderboxes’, *Human Rights Watch* (30 March 2020).

⁸⁹ Progressive Voice, ‘A Nation Left Behind: Myanmar’s Weaponization of COVID-19’, (June 2020), available at <https://progressivevoicemyanmar.org/2020/06/02/a-nation-left-behind-myanmars-weaponization-of-covid-19/>.

Recommendations

38. Based on the above analysis the co-submitting organisations urge reviewing States to make the following recommendations to Myanmar:

- I. Fully cooperate with the ICJ, ensure that no more crimes against humanity and acts of genocide are perpetrated and ensure accountability and access to justice through a transparent legal process in accordance with international standards.
- II. Ensure that the Myanmar report to the ICJ, and all future reports are made public.
- III. Create the right conditions for repatriation of Rohingya refugees, namely, voluntariness, UN oversight, right to nationality, equality and human rights, normalisation, accountability and rehabilitation & reintegration, before any further repatriation efforts are carried out.
- IV. Repeal and replace the 1982 Citizenship Law with a nationality law that is not discriminatory, that protects against statelessness and which prohibits the arbitrary deprivation of nationality, and is applied with retroactive effect.
- V. Recognise the right to nationality of the Rohingya and other minority communities who have been arbitrarily deprived of their right to nationality and made stateless.
- VI. Address the significant challenges regarding access to civil documentation including the excessive evidentiary requirements, challenges linked to data entry, difficulties in accessing the documentation procedure, language barriers, geographic barriers, unofficial fees and bribery and undue delays in the decision-making process.
- VII. Immediately end the national verification process and ensure the restoration of citizenship to all those deemed non-citizens or ineligible for citizenship due to the implementation of discriminatory measures, including the national verification process.
- VIII. Immediately cease from forcing Rohingya returnees to undergo the discriminatory and arbitrary national verification process.
- IX. Immediately end the internet blackout in Rakhine and Chin states allowing for freedom of information and in the context of the COVID-19 pandemic, access to potentially life-saving information.
- X. Prioritise public health over security control in all COVID-19 response.
- XI. Allow the United Nations Special Rapporteur unhindered and unlimited access to Myanmar to enable her to investigate, report and work with the Government in implementing recommendations.