

**Minorities under Threat, Diversity in Danger:**  
Patterns of Systemic Discrimination in Southeast Myanmar

Karen Human Rights Group  
November 2020

# **Minorities under Threat, Diversity in Danger: Patterns of Systemic Discrimination in Southeast Myanmar**

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## Introduction

Myanmar has often been cited as one of the most diverse countries in Asia. The government itself officially recognizes 135 *taingyintha* (translated in some cases as 'ethnic groups' or 'indigenous races') as nationals of Myanmar. But the government's policies and actions tell a different story about the diversity of Myanmar and the government's celebration of that diversity. The government has systematically excluded and marginalized those who cannot claim and prove Bamar (Burmese) ethnicity, and has long engaged in a widespread policy of Burmanisation that discounts and suppresses the culture, language, history, and ethnic expression of non-Bamar peoples. This report considers the experiences of ethnic minorities in Southeast Myanmar and the government's on-going violation of their political and cultural rights.

Ethnicity and conflict have been deeply interlinked since Myanmar's independence from British colonial rule in 1948. Many ethnic leaders never accepted incorporation into the nation-state, while others preferred a federal system with full autonomy over their own areas. The failure of the newly established central government to meet the demands of ethnic groups resulted in uprisings against the government on the part of Ethnic Armed Organisations (EAOs) to secure increased autonomy or independence. Following a military coup in 1962, General Ne Win took power and launched a militarized campaign of Burmanisation that sought to create a strong, unified nation built on Bamar culture and identity. The new junta government combined heavily militarized operations to counter ethnic insurgency, like the 'Four Cuts' strategy that used attacks against civilians in an attempt to sever armed opposition from food, funds, intelligence, and recruits, with more culturally-oriented operations that forbade the teaching of ethnic languages and actively silenced alternative historical narratives. Such strategies led not simply to the widespread killing, torture and displacement of villagers, but also the corrosion of ethnic languages and cultures, and the distrust and stigmatisation of non-Bamar peoples. This association between violence and persecution, on the one hand, and cultural assimilation, on the other, remains strong in the mind and memory of villagers, and can be heard in many of the interviews conducted by KHRG.

It was also during this period that the idea of *taingyintha* took on a heavily politicised meaning in the service of a xenophobic, Burmese-centred state. Framed as a celebration of the country's diversity, *taingyintha* was increasingly used to distinguish between ethnic groups in order to make claims that the country belonged to some but not to others.<sup>1</sup> The drafting of the 1982 Citizenship Law established *taingyintha* as the primary basis of citizenship. Thereafter, the right to claim citizenship became contingent on the ability to prove affiliation to *taingyintha*, which the subsequent military government, the State Law and Order Restoration Council (SLORC),<sup>2</sup> defined through a controversial

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<sup>1</sup> Nick CHEESMAN, "How in Myanmar 'National Races' Came to Surpass Citizenship and Exclude Rohingya", *Journal of Contemporary Asia*, 2017; see also Nick CHEESMAN, "Myanmar's 'national races' trump citizenship", *East Asia Forum*, May 2017.

<sup>2</sup> The State Law and Order Restoration Council replaced the Burma Socialist Programme Party (BSPP) following the September 18<sup>th</sup> 1988 coup d'état by then General Saw Maung (later Senior General). The SLORC was officially dissolved in 1997 by Senior General Than Shwe and was replaced by the State Peace and Development Council (SPDC).

list of 135 ethnic groups.<sup>3</sup> The term *taingyintha* came to be equated with the idea of indigenous ‘national races’, and a single political community, “united in struggle against common enemies inside and out.”<sup>4</sup>

This legislation has often been cited because of its blatant exclusion of many populations residing in Myanmar. The list of recognised ethnic groups itself has been widely criticised for its numerous inaccuracies, as well as its lack of inclusiveness – notably the non-inclusion of Rohingya – and its lack of scientific foundation.<sup>5</sup> But even in the government’s call for unity and solidarity among the ‘national races’, the idea of *taingyintha* has been used primarily to rally around a Burmese chauvinism that claims ethnic Burmese to be the most legitimate ‘national race’. As Jane Ferguson, anthropologist at the University of Sydney, has noted, while other ethnic groups might be recognized as indigenous, only ethnic Burmese are seen as exclusively indigenous in government discourse.<sup>6</sup> It has been argued that even the name change from Burma to Myanmar in 1989, which was framed as an attempt to create greater inclusivity of other *taingyintha* by removing the association of the nation with ethnic Burmese, was a mere ploy to quell ethnic insurgency. Since Burma is actually just a colloquial version of Myanmar, in reality it did not represent a shift in government logic.<sup>7</sup> Moreover, it was coupled with a wider program of Burmanisation that stripped away non-Bamar ethnic identifiers by changing the names of locations and people.

The partial transition to civilian rule in the 2010s brought some hope for change. In 2015, the Ethnic Rights Protection Law created Ministries of Ethnic Affairs at both the Union and Regional/State levels to protect “the fully [sic] enjoyment of the rights of ethnic groups” and develop and preserve “language, literature, fine art, culture, custom, and exploration and preservation of historical and ancient heritage of ethnic groups.”<sup>8</sup> Provisions were also made in the National Education Law to include the teaching of ethnic languages, culture and history in government schools. But the Ethnic Rights Protection Law still fails to encompass ethnic groups that are not included in the official list of national races, which leaves Rohingya and some groups of Chinese or Indian descent out of its scope of application. And because the 1982 Citizenship Law is also based on the concept of indigenous ‘national races’, many members of these unrecognised groups remain barred from citizenship and thus deprived of any rights.

Even ethnic groups recognised by the government continue to face difficulties in accessing citizenship, along with their full civil and cultural rights. Ultimately, the 2015

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<sup>3</sup> This list was established in the early 1990s by the State Law and Order Restoration Council (SLORC), the military junta that ruled over Myanmar from 1988 to 1997. See International Crisis Group, “[Identity Crisis: Ethnicity and Conflict in Myanmar](#)”, Asia Report No. 312, August 2020.

<sup>4</sup> Nick CHEESMAN, “[Myanmar’s ‘national races’ trump citizenship](#)”, East Asia Forum, May 2017.

<sup>5</sup> Bertil LINTNER, “[A question of race in Myanmar](#)”, Asia Times, June 2017; Sa Wansai, “[2014 Population Census: The Problematic of 135 Ethnic Groups Categorization](#)”, Burma Link, December 2017.

<sup>6</sup> Jane M. Ferguson, “Who’s Counting? Ethnicity, Belonging, and the National Census in Burma/Myanmar”, *Bijdragen tot de Taal-, Land- en Volkenkunde/ Journal of the Humanities and Social Sciences of Southeast Asia* 171(1), 2015, p. 10.

<sup>7</sup> Idem, p. 16.

<sup>8</sup> Republic of the Union of Myanmar, [Pyidaungsu Hluttaw Law No. 8/2015 - The Ethnic Rights Protection Law](#), 2015.

Ethnic Rights Protection Law was merely an attempt to create legislation that would ensure the ethnic rights already prescribed in the 2008 Constitution, like Article 348 stating that “the Union shall not discriminate any citizen” based on race, religion, status or culture, and Article 22 stating that “the Union shall assist to develop language, literature, fine arts and culture of the National races.”<sup>9</sup> Despite these progressive elements, the Constitution itself was the product of the earlier re-named military junta, the State Peace and Development Council (SPDC, formerly SLORC),<sup>10</sup> and was adopted by force and fraud through the censoring of all opposition.<sup>11</sup> Although it did later open the door for democratic reform, it has been criticised as legitimising military power in a way that “relegates the people to a status from where they may never constitutionally depose the military.”<sup>12</sup> It has also been criticised as anti-democratic and anti-pluralist, reinforcing the power of the Bamar majority. As Nyi Nyi Kyaw points out, “For ethnic minorities, it is a Constitution of the majority, by the majority, for the majority.”<sup>13</sup>

Thus, inequalities and imbalances in the government’s validation of non-Bamar ethnic groups as citizens of Myanmar continue to be central to government policies and activities. These inequalities and imbalances have been nurtured through an assumed correlation between population size, political legitimacy and entitlements.<sup>14</sup> As such, state tools like the census have played an important role in supporting political agendas that bolster the power of certain groups over others. This correlation between population size and legitimacy even appears in the 2008 Constitution. The government had further divided the 135 *taingyinthas* into eight major national groups (Kachin, Kayah, Kayin, Chin, Mon, Bamar, Rakhine and Shan), and then only accorded those groups “of suitable population [size]”<sup>15</sup> the right to legislative representation. While some ethnic groups have been entirely excluded from the possibility of representation, the rest are forced into a numbers game that pits them against other ethnic minorities in order to have any political legitimacy. Because the accuracy of the census in representing ethnic diversity has been called into question, so has its potential or future use in making determinations not only about legislative representation but the allocation of rights, protection and services.

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<sup>9</sup> Republic of the Union of Myanmar, [Constitution of the Republic of the Union of Myanmar](#), 2008.

<sup>10</sup> The State Peace and Development Council (SPDC) was created by the military junta ruling Burma/ Myanmar in 1997. It followed the State Law and Order Restoration Council (SLORC) which ruled from 1988 until its dissolution in 1997. The SPDC was officially dissolved on March 30<sup>th</sup> 2011 by Senior General Than Shwe following the election of a quasi-civilian government in Burma/Myanmar in November 2010.

<sup>11</sup> Human Rights Watch, “[Vote to Nowhere: The May 2008 Constitutional Referendum in Burma](#)”, April 2008; David C. WILLIAMS, “[Analysis of the 2008 SPDC Constitution for Burma](#)”, *Burma Partnership*, April 2010.

<sup>12</sup> Nyi Nyi Kyaw, “[Putting Their Guns on the Scale: Constitution-Making in Burma/Myanmar under Military Command](#)”, *The Chinese Journal of Comparative Law*, Volume 7, Issue 2, September 2019, pp. 309–332.

<sup>13</sup> Ibid.

<sup>14</sup> Sarah L. CLARKE, Seng Aung Sein Myint, Zabra Yu Siwa, *Re-Examining Ethnic Identity in Myanmar*, Centre for Peace and Conflict Studies, 2019, p. 31.

<sup>15</sup> Republic of the Union of Myanmar, [Constitution of the Republic of the Union of Myanmar](#), 2008.

This report examines the effects of the government's Burmanising policies by presenting the challenges villagers in Southeast Myanmar have faced in validating their citizenship and their rights. The first part of this report focuses on issues related to civil and political rights. It highlights the ways in which the necessity of proving one's affiliation with one of the government-recognised 'national races' leaves many ethnic minorities undocumented despite their right to Myanmar citizenship. Because this problem concerns all who are considered non-Bamar, the perspectives of the different ethnic groups in KHRG's operational area are presented here. Although primarily Karen, the diversity of the region cannot be ignored, and is revealing of the complex local dynamics that have been produced as a result of Burmanisation. A discussion of Muslims is included, and shows that although they are part of Karen communities, and may even have Karen parentage, the discriminations they face are clearly embedded in the wider, systemic exclusionary practices enacted against Muslims throughout Myanmar, even in more volatile areas.

The second part focuses on cultural rights, mostly from a Karen perspective. It demonstrates that, although ethnic populations in the Southeast now have more opportunities to celebrate their ethnic identity in the public space than before the Nationwide Ceasefire Agreement (NCA),<sup>16</sup> government interference still prevents them from enjoying the same rights as their Burmese counterparts in this regard. In addition, an analysis of the measures taken to introduce the teaching of ethnic subjects in Myanmar schools demonstrates that much more needs to be done to make sure that all schoolchildren from ethnic minorities can learn about the language, culture and history of their ethnic group, and from their own ethnic perspective.

## Methodology

Research for this report consists primarily of oral testimonies, gathered via audio-recorded semi-structured interviews undertaken between November 2019 and June 2020. The interviews were conducted by KHRG staff and a network of researchers who are local community members, trained and equipped to employ KHRG's documentation methodology.<sup>17</sup> The interviews were based on pre-established questionnaires prepared by KHRG staff:

- a general questionnaire for villagers and local leaders (51 interviews),
- a questionnaire specifically targeted to teachers (11 interviews),
- a questionnaire specifically targeted to KNU staff (4 interviews),
- a questionnaire specifically targeted to local CBO-CSO staff (3 interviews).

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<sup>16</sup> On October 15<sup>th</sup> 2015, after a negotiation process marred with controversy over the notable non-inclusion of several ethnic armed groups, a Nationwide Ceasefire Agreement (NCA) was signed between the Burma/Myanmar government and eight of the fifteen ethnic armed groups originally invited to the negotiation table, including the Karen National Union. It was followed by the adoption of a Code of Conduct by the signatories in November 2015. In February 2018, two additional ethnic armed groups signed the NCA under pressure from the Burma/Myanmar government.

<sup>17</sup> KHRG's full documentation philosophy and methodology is available upon request.

KHRG interviewed a total of 62 villagers, teachers and local leaders (38 men and 24 women) from diverse ethnic backgrounds. These interviewees self-identified as follows: 42 Karen, 9 Muslims, 2 Karen-Muslims, 1 Bamar, 2 Shan, 1 Law Shan, 1 Mon, 2 Pa'O, 1 Pa'O-Karen and 1 Pa'O-Taw Thoo. KHRG also interviewed four high-ranking Karen National Union (KNU) officials (three men and one woman) from the Karen Education and Culture Department (KECD) and the Karen Legal Assistance Center (KLAC).

Additionally, local CBO-CSO staff were interviewed, including the General Secretary of the Karen Women's Organisation (KWO), who submitted a written response to KHRG's questionnaire, as well as two senior staff (one woman and one man) from the Karen Teachers Working Group (KTWG), who were interviewed directly. As the KWO consists of a network of volunteers across Southeast Myanmar, some of these volunteers were interviewed using the general (villager) questionnaire. Some of them are punctually referred to as members of the KWO in the body of the report.

The interviews were conducted across all 7 districts within KHRG's operation area: Doo Tha Htoo (Thaton), Taw Oo (Toungoo), Kler Lwee Htoo (Nyaunglebin), Mergui-Tavoy, Mu Traw (Hpapun), Dooplaya and Hpa-an. These are commonly referred to as 'districts' and are used by the KNU, as well as many local Karen organisations, both those affiliated and unaffiliated with the KNU. KHRG's use of the district designations in reference to our research areas represents no political affiliation; rather, it is rooted in the fact that many rural communities commonly use these designations.

To complement the information provided by the interviewees, KHRG also used its own documentation and other external sources where appropriate.

All participants were informed of the purpose of the interviews and provided consent to be featured in this report. Interviews were conducted in S'gaw Karen and Burmese. The names and identifying details of interviewees have been withheld for security reasons. In certain cases, village names have been censored using single digit letters beginning from A---. The code names do not correspond to the actual names of the villages or to coding used by KHRG in previous reports.

All conversion estimates for the Myanmar kyat in this report are based on the October 21<sup>st</sup> 2020 official mid-market rate of 1 kyat to USD 0.00077.<sup>18</sup>

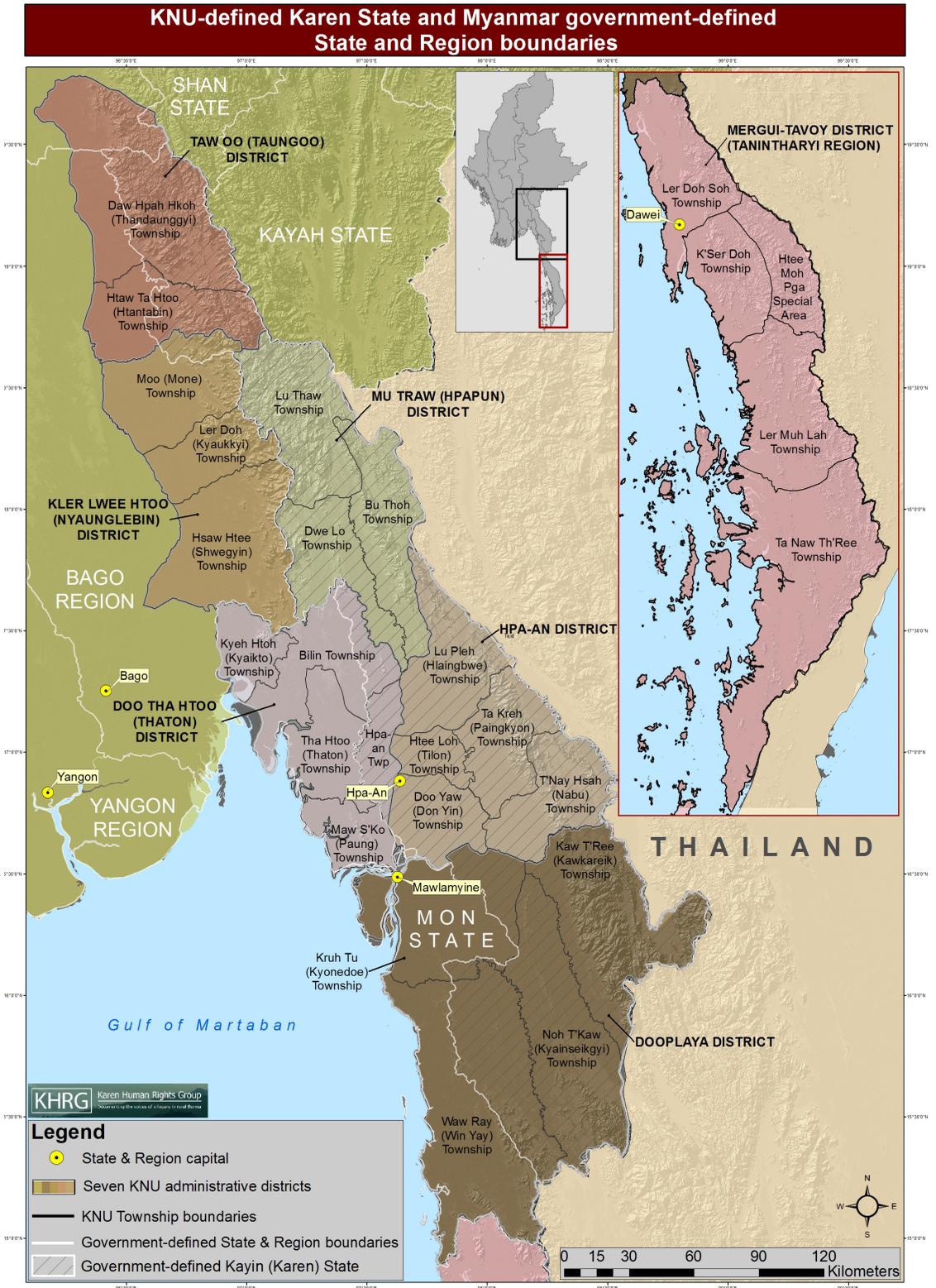
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<sup>18</sup> All conversions were done through [TransferWise](#).

## **Abbreviations**

|       |  |
|-------|--|
| CBO   | Community-Based Organisation                   |
| DKBA  | Democratic Karen Buddhist Army                 |
| EAO   | Ethnic Armed Organisation                      |
| CSO   | Civil Society Organisation                     |
| KECD  | Karen Education and Culture Department         |
| KLAC  | Karen Legal Assistance Center                  |
| KNLA  | Karen National Liberation Army                 |
| KNU   | Karen National Union                           |
| KTWG  | Karen Teachers Working Group                   |
| KWO   | Karen Women's Organisation                     |
| MIP   | Ministry of Labour, Immigration and Population |
| NCA   | Nationwide Ceasefire Agreement                 |
| NGO   | Non-Governmental Organisation                  |
| NLD   | National League for Democracy                  |
| SLORC | State Law and Order Restoration Council        |
| SPDC  | State Peace and Development Council            |

# Map: KHRG's operation area



## Part I. Citizenship: A complicated landscape of identities

This section highlights the complexity of ethnic and religious identity and the challenges in resolving unequal access to rights, whether political or cultural, for the myriad of ethnic and religious groups in Southeast Myanmar. KHRG's operational area, although largely Karen, is far from homogeneous. Aside from diversity within the category 'Karen' itself, there are a number of other ethnic groups, including Bamar, Pa'O, Mon, and Shan, residing within the seven districts defined by the Karen National Union (KNU),<sup>19</sup> along with many people of mixed ethnicity. The ethnic diversity of Southeast Myanmar (and Myanmar as a whole) is of course more complex, not simply because there are no reliable statistics on the population as a whole,<sup>20</sup> but because any exercise in counting ethnic groups is ultimately a political act that essentialises and oversimplifies identity. Instruments like the 1982 Citizenship Law and the 2014 census attempt to push members of a society into predefined categories that have political and social implications for the individuals themselves. This is clearly seen in the collapsing of multiple ethnic and linguistic groups under single labels like 'Karen', 'Bamar', etc. as well as in the Myanmar government's Burmanisation policies. This can also be seen in the situation of Muslims, who are often unable to make claim to a government-recognized ethnic identity, and thus become relabelled in different ways that typically cast them outside the national community.

Identity politics are always intertwined. So policies that target one group or certain groups will have reverberations that touch other groups in different ways and to different degrees. Interviews with Karen villagers show that one of their primary preoccupations in terms of ethnic rights and equality centres on issues of Burmanisation and its threat to Karen identity. Countering and resisting Burmanisation through the defence of Karen traditions, culture, history, and language, may have the potential for expanding protection for all ethnic minorities, but can also inadvertently impact other groups within these communities, limiting their ability to safeguard or validate their own ethnic identity. Although equality and access to rights should not be treated or seen as a zero-sum game, this has been a prominent narrative in Myanmar politics.<sup>21</sup> Not only can this lead to conflict between minority groups, it also means that smaller minority groups are less able to create a political presence for themselves, and often must accept being categorized under a different label to secure any rights at all.

The existence of different governance systems throughout KHRG's operational area also means that discrimination and exclusion often play out differently for different

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<sup>19</sup> The Karen National Union (KNU) is the main Karen political organisation. It was established in 1947 and has been in conflict with the Burma/Myanmar government since 1949. The KNU wields power across large areas of Southeast Myanmar and has been calling for the creation of a democratic federal system since 1976. Although it signed the Nationwide Ceasefire Agreement in 2015, relations with the government remain tense.

<sup>20</sup> According to the 2014 government census, Myanmar has a population of more than 51.4 million. It was the first census in over 30 years, and fell short of estimates of 60 million, which suggests that at least 9 million people were not counted in the census. See Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples - Myanmar/Burma*, September 2017.

<sup>21</sup> Sarah L. CLARKE, Seng Aung Sein Myint, Zabra Yu Siwa, *Re-Examining Ethnic Identity in Myanmar*, Centre for Peace and Conflict Studies, 2019.

ethnic and religious groups. This is seen most fully in the case of Muslims, but also holds for Shan, Mon, and Pa'O villagers. Acknowledging the diversity of Southeast Myanmar, KNU leaders have claimed a commitment to protecting the rights of all communities living under KNU control, but in some cases have themselves participated in creating imbalances between the ethnic groups in their areas of governance. For example, Muslims in certain districts are accorded access to land through the KNU, but are nevertheless faced with heavy restrictions that ultimately protect Karen interests, thus creating a distinction between Karen and Muslim, despite the fact that many Muslims may also be Karen.

## A. Accessing citizenship

The 1982 Citizenship Law created an ethnically-based citizenship that makes being born in Myanmar (*jus soli*) or having parents who are citizens (*jus sanguinis*) insufficient for automatic conferral of citizenship. Instead, lineage to one (or more) of the 'national races' (*taingyintha*) defined by the government has become the primary determinant of citizenship eligibility. With citizenship directly predicated on membership in particular 'national' or 'indigenous' races, documentary evidence testifying to that fact has also become a defining feature of current citizenship protocols. This dynamic ends up creating barriers to citizenship for certain ethnic groups, whereby even those who legally qualify as citizens are often unable to confirm that right, and thus remain uncounted and undocumented as citizens.

In order to obtain a national ID card (now called the Citizenship Scrutiny Card), citizens are required to present a variety of documents: their original household registration list, a completed family tree/genealogy form (that includes information about three generations), their original birth certificate (or, if a child, a letter from the child's school confirming the age of the applicant), the applicant's parents' original identity documents, a letter of recommendation from the ward or village administrator (as proof of residence), a document listing their blood type, and three passport-size photos.<sup>22</sup> It is important to underline that possession of a national ID card (Citizenship Scrutiny Card) is in fact the only proof of full citizenship. None of the supporting documents on their own actually validate citizenship. In that respect, until an individual has obtained their national ID, their citizenship actually remains in question.

For rural villagers in Southeast Myanmar, obtaining any or all of these evidentiary documents can be extremely challenging. The issuance of birth certificates has only become common in recent years, and it is not clear how individuals might retroactively obtain one. Due to protracted conflict, violence, and displacement, even if villagers may have held some of these documents at one time, they often no longer have these documents (because destroyed, lost, or confiscated), and may not know how to or even be able to acquire them now. As KHRG previously reported, IDPs and refugees as a

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<sup>22</sup> Norwegian Refugee Council, Myanmar Office of Immigration, UNHCR, *Applying [for] Citizenship Scrutiny Card Infographic Short Film*, 2018, video posted on the UNHCR sponsored Thailand-Myanmar Cross Border Operational Portal Facebook page on May 31<sup>st</sup> 2019.

whole are even more likely to lack the required documents.<sup>23</sup>

In 2011, a special committee was formed to facilitate the issuing of ID cards and household registration certificates to villagers in rural areas through a government initiative called the Moe Pwint ('raindrops' in Burmese) Project, "which aimed to accelerate issuances to the country's poorly documented citizenry."<sup>24</sup> Instead of requiring villagers to come to the Ministry of Labour, Immigration, and Population (MIP) office themselves, government staff visit villages to process the civil documents of all villagers who are eligible. Although many villagers have been able to more easily obtain their civil documents in this way, the government initiative facilitates the process for those who are already eligible and can clearly prove their lineage and right to citizenship. All of the more 'questionable' cases are however still excluded. A villager in Dooplaya District recounts how the government came to process IDs in their village but refused to issue one to her husband: "[T]hey said he is Kaw La [Muslim]. My youngest child did not get an ID card either because he also looks like Kaw La. He got his ID card only when he went to study in Bible school. They [government staff] said he looks like Kaw La. But A--- [the father] told them he is not Kaw La. He was born in this village. [...But] they did not do it for him." All of her other children received IDs. Her youngest son also eventually got his ID, but her husband still has not been able to, simply because he looks Muslim.

An additional concern has been raised about the government's agenda in visiting the villages to process IDs. One villager noted that *"there are more people who are processing ID cards when it is close to the election [...]. They use our ID cards [because they have it when they processed it] for voting even though we do not go to vote. [...]. However, they have our names, our ID card numbers and they have the lists in their hands. Therefore, they can do [with] it [as they like]."* The implication is that the government might be using these registrations not only to boost their electorate, but to make claims about the national profile, including the makeup of the citizen base. Another interview suggested that government staff who come to process IDs near election time are often a bit more lax in enforcing the documentary requirements. That said, this seems to be less an issue of expanding rights to ethnic minorities than buying (or stealing) votes in exchange for citizenship.

A further complication that impacts many citizens, particularly those who are not Bamar (ethnically Burmese), in obtaining their national ID card arises from variations in names and the spelling of names on the different documents in one's possession. Without consistent information on existing documents, it is difficult to produce the required evidence to establish one's identity. Although in some cases differences in the recorded name are a result of administrative errors, the majority of differences are actually due to the common administrative practice of the Myanmar government of Burmanising the name of the individual on legal documents.

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<sup>23</sup> See KHRG, "[Stepping into Uncertainty: Refugee and IDP Experiences of Return in Southeast Myanmar](#)", August 2020.

<sup>24</sup> San Yamin Aung, "['Smarter' National ID Cards in the Pipeline](#)", *The Irrawaddy*, September 2013.

## B. Burmanisation and the creation of ethnic minorities

Although the Myanmar government has recognized 135 ethnic groups or ‘national races’ (*taingyintha*) in its application of the 1982 Citizenship Law, it consistently engages in an institutionalised assimilation that places Bamar identity at the centre of the nation.<sup>25</sup> One of the ways in which this Burmanisation manifests itself in Myanmar is in the recording of people’s identity through ID cards and household registration documents. It is important to note that this process of Burmanisation operates in complex ways. For instance, categories like ‘ethnicity’ and ‘religion’ exist on civil documents, and thus these documents do in fact distinguish between different ethnic and religious groups like Bamar, Karen, Shan, Mon, etc., as well as Buddhist, Christian, Muslim. While the government provides for these distinctions, it systematically Burmanises the names and titles of individuals of non-Bamar ethnic groups on these very same documents and, in doing so, removes an important ethnic identifier for them.

### i. Legal documents and Burmanisation

Ethnic groups in Myanmar use different honorific titles that also serve as ethnic identifiers. S’gaw Karen men’s names begin with ‘Saw’, while S’gaw Karen women’s names begin with ‘Naw’. Pwo Karen men’s names begin with ‘Mahn’ or ‘Sa’, for male adults and younger males respectively, while Pwo Karen women’s names begin with ‘Nang’. Pa’O men use the title ‘Khun’, while women use the title ‘Nang’. Shan men use ‘Sai’, while Shan women use ‘Nan’. Mon use ‘Nai’ for older men and ‘Min’ for younger men, while ‘Mi’ is used for Mon women. Burmese men’s names begin with ‘U’ or ‘Maung’, for male adults and younger males respectively, while Burmese women’s names begin with ‘Daw’ or ‘Ma’, for female adults and younger/unmarried females respectively.

A common practice of the Myanmar government is to replace non-Burmese honorific titles with Burmese honorific titles on the legal documents of non-Bamar ethnic groups. Karen men are no longer Saw XXX, but U XXX; and S’gaw Karen women are no longer Naw YYY, but Daw YYY. Karen interviewees consistently felt that their identity is taken away by such modifications.

According to KHRG interviewees, this happens without consent from them, and despite what they might indicate on their ID application forms. As a result, some village leaders and local ethnic (rights) organisations have begun instructing villagers how to fill out the application forms. They are told to write the honorific title as part of their name on the form. A staff member from Karen Legal Assistance Center (KLAC)<sup>26</sup> has pointed out, however, that government administrative staff do not always take villagers seriously, and so even if they try to make sure their name includes Saw or Naw, “*they [government clerks] just immediately put ‘U’ or ‘Maung’ in front of the villager’s name.*” She added:

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<sup>25</sup> The [1982 Citizenship Law](#) itself does not cite the 135 ‘national races’. It simply states that only taingyintha are citizens, leaving the government to define which groups are taingyintha.

<sup>26</sup> The Karen Legal Assistance Center (KLAC) was created in 2015 by the Department of Judiciary of the Karen National Union (KNU). Its main missions are to provide legal advice during court proceedings, support the activities of the courts and raise awareness about legal mechanisms among the population.

*“[Even I] had to be vigilant in order that my name not be written with ‘Ma’.”*

This practice has also resulted in people’s names being written with both honorific titles: the Burmese title (U/Daw or Maung/Ma) along with their ethnic title, like U Saw or Daw Naw followed by their name. Although this still Burmanises their name, for many it is preferable to only having the Burmese title. As one KHRG interviewee in Moo (Mone) Township, Kler Lwee Htoo (Nyaunglebin) District noted: *“‘Saw’ remains in front of my name and they just would like to call us as ‘U’, but I am still Karen so I am okay.”* Several noted that to lose their honorific title entirely from their ID and other civil documents is a form of ethnic suppression. According to a KLAC administrator: *“Yes, it is one way to eliminate ethnicities and their culture and tradition.”* One township leader adds: *“Genocide doesn’t only mean we were shot by guns. Making our title disappear is part of genocide.”*

A large number of KHRG interviewees who are Karen were in fact able to have either just their ethnic honorific title or both the Burmese title and their Karen title listed on their ID card. Interestingly, virtually all of these individuals had the benefit of assistance from their local leaders, either because government officials came directly to their village to process IDs or because their village head accompanied them (often in groups) to the MIP office and helped them fill out the forms and deal with government staff. By contrast, individuals who had to apply on their own and went unaccompanied not only were more likely to have problems retaining their ethnic honorific title, but also paid higher fees for the processing of their ID. Whereas those who benefitted from government officials coming to their village to process their ID paid little (a few thousand kyats) or nothing at all, those who had to go to the MIP office paid anywhere from 20,000 kyats [USD 15.44] to 300,000 kyats [USD 231.63], on average.

Ethnic minorities have pointed out that they are discriminated against by MIP staff when they try to get their IDs processed. They endure long wait times and excessive demands by staff. A sign is actually posted outside MIP offices (which villagers typically refer to as simply “the immigration office”) that reads: “The earth will not swallow a race to extinction but another race will.” Visitors interpret this as “a warning for immigration officers to carefully scrutinise the citizenship status of anyone who does not belong to a ‘national race’.”<sup>27</sup>

These modifications made to people’s civil documents can create on-going issues. As mentioned earlier, correspondence of information between the different legal documents is critical. Personal information in legal documents can be difficult to change, and thus often locks people into a name and an identity that are incorrect or undesired. One Karen interviewee found that if the U/Daw Burmese honorific is already marked on the household registration list, it is very difficult to have Saw/Naw listed on the ID card. Some village leaders have recognized this problem and are encouraging people to adopt strategies to ensure their ethnic identity is retained in their name on legal documents. A village counsellor in K’Ter Tee [Ka Taing Ti] village tract, Dwe Lo Township, Mu Traw (Hpapun) District states: *“We warned our Karen people in the village to give the name of their children in Karen when they have babies. We told them not to give the*

<sup>27</sup> Lawi Weng, “Call me Mi: Ethnic groups celebrate honorifics victory”, *Frontier Myanmar*, July 2020.

*name of their children in Burmese language.*" A village elder in Pyaung Pya village tract, Bilin Township, Doo Tha Htoo (Thaton) District advises a similar strategy to villagers in his area: *"So now, I told the villagers that if they process the birth certificate for their children, even if their names are in Burmese language, they should put 'Naw' and 'Saw' before the names. So if 'Saw' and 'Naw' are already written on the birth certificate, the Myanmar government cannot deny and change it."*

Names themselves are often Burmanised.<sup>28</sup> Several interviewees noted that their name had been completely modified by government staff when processing their ID. This also happens commonly in government schools, where teachers Burmanise the 'ethnic' names of students. One former teacher in Dooplaya District recalled what she had witnessed at her school: *"For example, the student's name is Paw Wah. They [teachers and school administrators] should register [the name] as Naw Paw Wah in the school as well. However, they put it as Pan Phyu. I told them, 'You cannot do that.' They replied, 'It sounds good.' I said, 'You cannot do that just because it sounds good. You should just put the actual name of the student.'"* Both Paw Wah (Karen) and Pan Phyu (Burmese) mean 'white flower', which may be why the teacher felt the Burmese name to be an acceptable substitution.

When people's names are changed in school, particularly in the school registers, it can set a precedent for the official recording/spelling of their name, and/or impact their access to other documents. Some villagers are reliant on a school letter to prove their children's age if a birth certificate does not exist. However, if the name on the school letter does not match what is listed on their household registration, the parents will not be able to get IDs for their children. It can also be difficult to change one's name later on, as several interviewees noted, since everyone already knows them by this other name.

The very act of Burmanisation creates political and cultural minorities of non-Bamar ethnic groups by invalidating their ethnic identity as citizens of Myanmar. Because this process takes place in the domain of legal documents, it can also create minorities in an operational sense by replacing their ethnic labels with that of the Bamar majority to statistically produce a lower number of these other ethnic groups. Some interviewees mentioned 'errors' in their documents that labelled them Bamar or Buddhist.

A few interviewees remarked that this Burmanisation also happened frequently as part of the census process. When government officials come to the villages to collect population numbers, they do not allow the villagers to use their ethnic honorific titles. The coordinator of the Karen Women's Organisation (KWO) in B--- village, Ler Doh Soe Township, Mergui-Tavoy District states: *"I think they want us to represent Burmese so they count us in the Burmese population."* She says that their ethnicity is listed as Karen-Burmese, not simply Karen. A KWO district adviser in Dooplaya adds: *"They would like to make Karen people disappear and they would like to increase the population of Burmese people."* Although the 1982 Citizenship Law stipulates that being

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<sup>28</sup> Karen names, for example, are in a language completely different from Burmese, written in a different script and pronounced differently; adapted to Burmese script and pronunciation, they often come out completely different.

Karen, Mon, Shan, etc. is sufficient to be considered a citizen of Myanmar, the government's policies treat non-Bamar ethnic groups as though they need to be more Bamar in order to be counted as citizens.

## ii. Other ethnic experiences

Other ethnic groups experienced additional problems due to the government's discriminatory policies. One Pa'O interviewee living in a predominantly Pa'O village in KNU-controlled area in Noh T'Kaw (Kyainseikgyi) Township, Dooplaya District explained that Pa'O villagers struggle to obtain IDs. Because of that, they adopt strategies that sometimes make it even more difficult for them to retain their honorific title. As he recounts, Pa'O were not allowed to apply for an ID card several years ago. He, as well as others, had to go to other villages under government control in order to get an ID. He went to a Karen village in Kaw T'Ree (Kawkareik) Township, where he found a family that would accept to add him to their household registration list. For that reason, he has a Karen honorific title. He shared his thoughts on this: *"Pa-O people should have 'Khun' in front of their names but in reality, 'Saw' or 'Maung' or 'U' is placed in front of their names. [...] The villagers do not understand about their identities and their rights, so [the government] can put whatever in front of their names. [...] I also did not understand anything when I went to process my ID card. They said they will put 'Saw' in front of my name so I said it is fine. They were able to put anything because it was more important for me to get the ID card."* Although he would like to change his name on his ID card, there are three other documents that use the name from his ID card, so if he changes his ID, it won't match his other documents. He states: *"I worry that I will face more problems so I just let it go this way,"* and has accepted using his real name as just a nickname.

It is difficult to tell how widespread this kind of practice is. It is nevertheless worth highlighting because it points to issues that other non-Karen villagers may face. The particular push factors may vary, but for those whose access to civil documents is more problematic, as seemed to be the case for many of these Pa'O villagers, they often have little choice but to accept measures that compromise their identity in order to gain legal status. This example suggests that the right to civil documents was easier for Karen villagers in this area, and highlights the strategies used by ethnic minorities in general to validate their rights despite governmental barriers.

The interviewee also points to some interesting issues about how the registering of one's ethnic title and identity takes place and might lead to either errors in the recording of ethnicity, or blanket labelling of ethnic groups, particularly in areas where there might be larger numbers of a particular group: *"If the village head is Karen, they [government clerks] just add 'Saw' to everyone's names."* He further notes that in cases where the village head assists villagers in filling out the forms, all villagers are often directed to fill out the form in the same manner: *"It depends on the village head a lot when you process the ID cards. It is because the village head has to write your name, age, and ethnicity for you to register. If the village head says to put 'Saw', the villagers also have to put 'Saw'."* If Karen villagers have increasingly been able to include their honorific title on their civil documents, that does not seem to be the case for individuals from other ethnic

groups. Only one non-Karen interviewee stated that he was able to have the correct honorific title on his ID.

Non-Karen interviewees also pointed to a few issues of discrimination. Although most discussions of discrimination have centred on that undertaken by the Myanmar government and the Tatmadaw, a Pa'O villager mentioned that neither the Myanmar government nor the KNU accept their village as Pa'O and thus they are often excluded from larger decision-making and village tract/township meetings. A Shan villager in Bu Tho Township, Mu Traw District mentioned facing discrimination by Karen people as he is a minority in his village: *"They [Karen people] told me, you are Shan. Why don't you go back to Shan State?"* The issue of not residing in a territory or political space tied to one's own ethnic group also came up for a Mon villager living in a Karen community in Noh T'Kaw Township, Dooplaya District. He said that when he travels to the city, Bamar insult him and look down on him: *"[W]e face discrimination from Burman [Bamar people]. [...] They said even though we are living in Myanmar; we have to live under the Karen KNU ethnicity."* Although there was some mention of conflict and tension between ethnic minorities, both Karen and non-Karen interviewees generally spoke of positive relations within their communities.

### iii. Civil rights protection for ethnic minorities

The Vice-Secretary of Karen Education and Culture Department (KECD)<sup>29</sup> in Moo Township, Kler Lwee Htoo District told KHRG: *"All Karen, regardless of being Christian or Animist, have been discriminated against by the government and their military."* Naw K'nyaw Paw, General Secretary of the KWO, shared her perspective: *"The saddest thing is most of the ethnic people who live under the system do not even know that they are being discriminated against based on their ethnicity or their identity in their whole life. They even think that it is their fate or destiny to have a life like this."*

Despite the fact that all of the ethnic groups mentioned thus far are protected under the 2015 Ethnic Rights Protection Law (because considered one of the 135 'national races'), few villagers interviewed by KHRG were actually aware of its existence. Although ethnic rights are prescribed in the constitution, the Ethnic Rights Protection Law was instituted in order to put in place legislation that would ensure those rights. Aside from establishing the Ministry of Ethnic Affairs to oversee this process, the law's primary focus however is the protection of cultural and linguistic rights of minority groups. It is much more vague on issues of civil rights regarding ethnic identity—like the right to an honorific title, or the right to claim one's ethnic identity on civil documents or other government-related registers. Of course ethnic minorities still struggle just to obtain their civil documents and claim Myanmar citizenship.

Although in most cases lack of civil documents is due to barriers erected by the

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<sup>29</sup> The Karen Education and Culture Department is the education department of the Karen National Union. Its main goals are to provide mother tongue education services to rural Karen populations in Southeast Myanmar, as well as to preserve the Karen language, culture and history. Despite being an important education provider in the region, it is not officially recognised by the Myanmar government.

government, in some cases, villagers do not seek to obtain them because they do not see the necessity, especially when living in remote rural areas of Southeast Myanmar. Civil status documents are however necessary for exercising one's rights. Without a national ID card, they cannot vote in elections, circulate freely within Myanmar, send their children to school beyond the compulsory primary levels, or purchase or register land. Those living in KNU-controlled areas may be more cushioned from the negative impact of not having government-issued ID, particularly if their children attend KECD schools and they have not (yet) faced problems of land confiscation by the government or development companies due to failure to register their lands with the Myanmar government. But given that the system of citizenship in Myanmar consistently demands proof of a genealogical link to the nation, when villagers choose not to obtain IDs they could potentially be placing in question the citizenship rights of generations to come.

Voter participation and voting rights remain a large issue in Southeast Myanmar, but not simply because many ethnic minorities do not possess an ID card. According to one interviewee who had previously worked as a voting attendant (poll worker), if one's ethnic honorific has been replaced by the Burmese honorific on the ID card, one is no longer allowed to vote for the Minister of Ethnic Affairs. Other interviewees mentioned that in the 2015 election, villagers were unable to vote because government officials did not actually come to their villages to collect their votes.

All voters should have the right to freely choose their representatives, yet one interviewee pointed out that government employees are essentially robbed of their right to vote: *"For us, our votes automatically go to them [the government] because we work as Myanmar government staff. Even without our knowledge, our votes go to them already."* He adds: *"I do not know which party they voted for with my name. But I cannot do anything [...]. I think I will not let them use my vote again. We want to vote on our own."* It is not just government staff who are not able to freely participate in the voting process. Interviewees for this report, and for a previous KHRG report on the 2015 election,<sup>30</sup> have consistently stated that they are told by their leaders who to vote for. An additional problem is lack of confidence in the system itself, as one village elder explained: *"Some villagers think that even if they vote, it does not change anything so they say that it is better not to vote."*

A recent development, since the interviews were conducted for this report, is that ethnic Mon, Karen, and Pa'O living in Mon and Kayin [Karen] States are now able to use their ethnic honorific titles when applying for national IDs, enrolling their children in school, and updating their household registration. Although an important step in challenging Burmanisation, ethnic leaders recognise that discrimination against ethnic minorities will continue to push many people to adopt Burmese names and titles nevertheless.<sup>31</sup>

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<sup>30</sup> KHRG, *"The 2015 Elections and Beyond: Perspectives from villagers in rural southeast Burma/Myanmar"*, February 2016.

<sup>31</sup> Lawi Weng, *"Call me Mi: Ethnic groups celebrate honorifics victory"*, *Frontier Myanmar*, July 2020.

## C. Muslims

Although ethnic and religious discrimination impacts all non-Bamar groups in Myanmar, the problems that Muslims face differ from what has been described by KHRG non-Muslim interviewees. Despite reforms intended to open up democratic space and protect the rights of ethnic minorities over the past decade, Muslims remain excluded. Although the situation for Muslims in KHRG's operational area in Southeast Myanmar is not as volatile as in Rakhine State, Muslims in Southeast Myanmar face particular discriminations and issues that individuals from other ethnic and religious groups in their areas do not.

It is important to note that 'Muslim' is treated as both an ethnic and religious designation in Southeast Myanmar, the reason being that many 'Muslims' in Southeast Myanmar are unable to trace their ethnic origins. What is generally meant by that is that they are not able to trace their ethnic origins back to one of the 135 government-defined 'national races' that are used to determine citizenship. They are thus referred to simply as 'Muslims', whereas individuals from other ethnic groups might be referred to as Mon Buddhist, or Karen Christian, etc.<sup>32</sup>

Although the English terms 'Muslim' and 'Islam' are sometimes used by villagers, the terms Kaw La (ကောလာ) in Karen and Ka La (ကလား) in Burmese are frequently used when referring to Muslims in common parlance.<sup>33</sup> According to Karen informants, the term Kaw La in Karen is not seen as derogatory, even though the same term Ka La in Burmese is.<sup>34</sup> This difference in interpretation may be due in large part to the fact that even only recently has there been media attention critiquing the use of Ka La as highly derogatory in Burmese. In KHRG interviews, although Muslims often talked about being referred to as Kaw La as derogatory and discriminatory, some non-Muslim interviewees used the term Kaw La to refer to their Muslim neighbours without considering the possible negative connotations.<sup>35</sup>

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<sup>32</sup> The list is considered by many to be excessively and deliberately long; for example, Karen is broken into 11 groups, while Chin are broken into 53, often with no difference other than geography or religion. While the government and some international agencies tout the artificial list of 135 recognised 'races' as evidence of government recognition of ethnicity, the length of the list is often used to justify centralized, Bamar-dominated governance rather than federalism, and to further marginalise groups that are not on it, such as Muslims and groups with Chinese ancestry.

<sup>33</sup> While 'Muslim' or 'Kaw La'/'Ka La' may be used as ethnic designators in common parlance, neither however is appropriate in designating ethnicity on official documents because not part of the official vocabulary used for ethnic designations that confer citizenship.

<sup>34</sup> In fact, it is also common for Karen to use a similar term, Kaw La Wah ('white' Kaw La), in referring to any person of European origin, to signify 'foreigner' or 'outsider'. Kaw La Thoo ('black' Kaw La) is shortened to Kaw La in referring to people of Middle Eastern origin.

<sup>35</sup> KHRG has left the terms 'Kaw La' and 'Ka La' as used in interviews, but prefers use of the term 'Muslim' in all other cases.

## i. Legal documentation and exclusion

The Myanmar government's complicated requirements for obtaining a national ID card can make it difficult for all villagers in Southeast Myanmar to obtain their civil documentation, but Muslims as a whole face particular challenges. In fact, most Muslims are unable to obtain a national ID card. As Burma Human Rights Network (BHRN) has reported, the difficulties manifest in different ways. Muslims reported problems of flat-out denial of ID cards as well as being required to provide extensive documentation proving family lineage back to 1824. Muslims are also not allowed to register as Bamar. Instead, they must add another nationality to their National Registration Card (NRC), "usually one of a Muslim-majority country like Bangladesh or Pakistan, regardless of the fact that the applicant has no family (or any other) connections with that country."<sup>36</sup> KHRG interviewees reported similar problems.

One Muslim interviewee from C--- village, Meh K'Law village tract, Bu Tho Township, Mu Traw District explains in detail the difficulty of trying to obtain a national ID card: *"We tried to get it when I was a hundred household administrator in 2014 and [the government] informed us that they would issue an ID card for those who have a white temporary ID card.<sup>37</sup> We had to gather ten people in a group and then went to the Ministry [of Labour, Immigration and Population] office group by group. At first we had to submit our document copies to the office. However, only people who had sufficient and complete evidence got the ID. Complete evidence means having a complete [family] history of seven generations and the FRC [Foreign Registration Certificate] form."* He explains that those who were not able to complete the family genealogy would only be recognized as foreign nationals. He and his fellow villagers have applied "innumerable times" and even though they have the necessary documents, they have yet to be successful.

A few of the Muslims interviewed by KHRG have been able to obtain national ID cards, either for themselves or their children. Although a few did not have problems, most of them spoke of the difficulties in doing so, even if they had all of the necessary documents. One of our interviewees was able to get ID because one of his parents is of an ethnicity recognised by the government. In addition, his father worked for the government at the time that he got his first ID: *"I got it already but I had to go through many difficulties before I got it. It was not easy for us to get it. [...] At first, I did the 'ten years old card' [the first ID card available to children is at the age of 10]. My father was a government employee at that time and my mother is an ethnic person. We are Muslim people so whatever we do, it is not easy for us. We had to talk to them many times and faced*

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<sup>36</sup> Burmese Human Rights Network, *Persecution of Muslims in Burma: BHRN Report*, 2017, p. 21.

<sup>37</sup> In 2015, the Myanmar government actually revoked the white card. Although the claim was that white card holders would then be able to apply for national ID cards (Citizenship Scrutiny Cards), in the end they were issued 'temporary' cards (Identity Card for National Verification) while waiting for the citizenship scrutiny process to determine if they were eligible for the pink full citizenship card or one of the other associate (blue) or nationalized (green) citizenship cards. Many however have not been able to qualify for any of the new cards, and so are left with only this 'temporary' card that confers no rights but does allow them to remain in the country as long as they continue to renew it. See Fortify Rights, ["Tools of Genocide": National Verification Cards and the Denial of Citizenship of Rohingya Muslims in Myanmar](#), September 2019; Nobel Zaw, ["Former 'White Card' Holders to Get a Turquoise Alternative: Official"](#), *The Irrawaddy*, June 2015.

*many problems.*” When he needed to renew his card as an adult, he continued to face problems, even though having an existing ID should have been sufficient for reapplying as an adult: “[W]e showed [the immigration officer] the proof and documents we had [...]. He asked me to do this and that, one after another and to copy the documents. He only asked me to do things and he did not do anything for me.” After being there from 7 am until 7 pm, still without his new ID, he eventually asked to have his documents returned to him so that he could go to another office. He adds that having to deal with the government administration makes one want to take drastic measures. Some people just get depressed and give up. Ethnic minorities in general are often subject to long and unnecessary delays, with government staff simply ‘sitting on’ their applications. This can be even more extensive for Muslims.

Although citizenship legislation requires that only one parent be traceable to the 135 ‘national races’, having one parent of Karen ethnicity if one is Muslim still offers no guarantee of obtaining a national ID card. In fact, neither KHRG interviewee who self-identified as Karen Muslim has yet been able to obtain an ID card. One Karen Muslim interviewee says that she plans to apply for her ID, but is not sure that she will get it because “[it is] Myanmar authorities [who] provide ID to us.” She adds that no one in her village has received their national ID card. The other interviewee did not apply, but states: “I actually want it, but I assume that it will be too expensive so I cannot afford it.”

Muslims who are able to obtain national ID cards as full citizens by proving parentage to one of the recognised ‘national races’ are generally forced to accept having a foreign nationality added as one of their ethnicities. One KHRG interviewee, for instance, was listed as being “Bengali + Karen / Islam” under the race (ethnicity)/religion section. In some cases the very derogatory term ‘mixed blood’ is entered into this section. Such designations on their ID cards can lead to denials of citizenship for their children.<sup>38</sup>

Although only two of the interviewees self-identified as Karen Muslim, many of the interviewees, in discussing their attempts at obtaining civil documents, revealed that they have Karen parentage. As explained by one interviewee, historically many Muslims in Southeast Myanmar married Karen (women), but often from other regions. As a result, they may have lost connection with the Karen side of the family, as well as the information that is needed to document Karen ethnicity for the purpose of proving one’s right to citizenship. Certainly forced displacement during periods of conflict has added to this problem.

Without a national ID card, circulation can be difficult for Muslims, who are more susceptible to being stopped by soldiers and police, and in fact are required to obtain a travel permission letter each time they want to leave KNU-controlled areas. Most cited around 1,000 kyats [USD 0.77] per travel permission, but one interviewee was asked to pay 10,000 kyats [USD 7.72]. Another interviewee highlighted that this makes travel dependent on the village administrator. One time when he needed a travel letter, the village head was not around, so he had to cancel his travel plans. This kind of issue serves as a reminder of the restricted rights that confront Muslims in their daily lives.

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<sup>38</sup> Thomas MANCH, “For Muslims across Myanmar, citizenship rights a legal fiction”, *Frontier Myanmar*, December 2017.

Muslims are rarely able to obtain their civil documents without needing to pay bribes. One interviewee stated that it costs 600,000 kyats [USD 463.26] per ID; another cited 500,000 to 700,000 kyats [USD 386.05 to 540.47]. A health worker from Th'Yeh Taw village tract, T'Nay Hsah Township said that it cost over 300,000 kyats [USD 231.63] per ID for each of her seven children despite having all of the necessary documents: *"The first time getting the Myanmar ID for my three children was in October 2019. At that time, it cost 330,000 kyats [USD 254.79] for each of my children. The second time, I was going to get Myanmar ID for four of my children in the last week of November. At this time, it cost 360,000 kyats [USD 277.96] and up to 370,000 kyats [USD 285.68] for each of my children. I have no idea why the ID cost that much money since we have all the documents required."* She sees this as a clear form of discrimination: *"As for Karen ethnicity, they don't have to pay that much money because this is their right (Karen national rights) to have the Myanmar ID. We, as Muslims, don't have these rights. The authorities were doing it for us by keeping mutual understanding."* She adds that it also goes against government claims about ethnic rights regarding Muslims: *"I would say it is not fair. Now, we do not have equal rights. In the beginning, we were told that there is no problem which [Muslim] ethnicity we are from (such as Indian, Bangladesh and Pakistan), as long as a person has a mother who is Karen and a father who is Muslim, they are considered to be ethnic."*

Despite the problems with obtaining a national ID, other civil documents seem to be more available to Muslims than in the past. One interviewee, whose mother is a midwife, says that all babies, including Muslim babies, are now able to get a birth certificate when they are born. Many Muslim interviewees mentioned being able to easily get a household registration. Some however seem to only have a Form 10 (Relocated Household Registration) and have not been able to obtain a new household registration (Form 66/6) in their new location even after several years. Although KHRG does not have further information, it is possible that this issue is indicative of other barriers that Muslims face in trying to obtain their civil documents. One interviewee in Th'Yeh Taw village tract, T'Nay Hsah (Nabu) Township, Hpa-an District noted that in the past (1980s), some Karen people did not want Muslims living in their area, so they were not able to get a household registration. They have only just now been able to do that, but they are required to pay 35,000 kyats (for a document that is supposed to be free of charge).

## ii. Segregation and access to land

Few of the Muslims interviewed by KHRG have been able to purchase or own land. The issues surrounding land go beyond the problems of lack of ID mentioned above. Although having an ID is required for registering land with the Myanmar government (a necessary step since land not registered with the Myanmar government is subject to confiscation according to the 2012 Vacant, Fallow and Virgin Land Management Act), our interviewees pointed to other obstacles of equal concern.

In D--- village, Th'Yeh Taw village tract, T'Nay Hsah Township and E--- village, Paung village tract, Ta Kreh (Paingkyon) Township, Hpa-an District, where most of our Muslim

interviewees live, Muslims are not allowed to purchase land in Karen areas of the village, only in the Muslim part of the village. Both villages are essentially segregated, with Karen villagers living in one part of the village and Muslim villagers living in another part. In D--- village, 68 of the 357 households in total are Muslim—all the other households are Karen, according to our interviewees. In E--- village there are 18 Muslim households and only 7 Karen households. When asked why such restrictions exist, one interviewee explained: *“When I asked, they said, people don’t allow Kaw La to live among them. They did not tell me who won’t allow it. If I sell the lands, they can buy them. But if I want to buy, I can only buy in Kaw La villages [parts of the village].”* She goes on to state that even if they have the financial means to purchase land they are not allowed, highlighting the injustice: *“We are living in the same village but we cannot buy even if we have money.”*

The KNU manages these land purchases, and in doing so makes it possible for Muslims to purchase land. But by allowing these purchases to take place only in Muslim areas, they fail to challenge the government’s narrative about Muslims being necessarily distinct from all other peoples within the Union, and the policy of segregation currently in place, regardless of who established it. Additionally, Muslim lands are still not protected from confiscation by the Myanmar government because the land title is only through the KNU. Furthermore, these restrictions make it such that if or when there is no more land available in the Muslim part of the village, families must choose between moving elsewhere in the hope of purchasing land, or being reliant on other means for securing their livelihood. A Muslim villager in Thandaung Myot Thit, Daw Hpah Hkoh (Thandaunggyi) Township, Taw Oo (Toungoo) District states that even though he was able to purchase land and has a land title, he is not allowed to build a house on the land simply because he is Muslim. Muslim villagers also face restrictions on their ability to rent lands to farm. According to a villager in D--- village, they are not allowed to rent lands from Karen land owners, and they cannot work on lands near the village, only on lands that are quite far away.

One interviewee remains hopeful: *“I believe that the situation will improve in the future. We have seen that Karen people are trying to negotiate [for peace] a lot.”* But given the instability of the political situation, and on-going violence and discrimination against Muslims by the Myanmar government and the Tatmadaw, greater access to land for Muslims is likely to remain highly restrictive. Another interviewee even points out that Muslims are not allowed in all areas: *“I also heard some people say ‘Ka La Ma Win Ya [Ka La cannot come].’”* BHRN also highlighted in its 2017 report that there has been a rise in the number of villages across Myanmar (including Southeast Myanmar) that “have declared themselves as no-go zones for Muslims.”<sup>39</sup> They documented the existence of at least 21 villages (2 in Kayin [Karen] State), “where locals, with permission from authorities, have erected signboards warning Muslims not to enter.”

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<sup>39</sup> Burmese Human Rights Network, *Persecution of Muslims in Burma: BHRN Report*, 2017, p. 40.



This photo was taken on May 12<sup>th</sup> 2016 in Thit Chaik Hseik village, Yay Tar Shay Lay village tract, Yedashe Township, Taw Oo District. The photo shows a signboard with Buddhist flags set up along the road in front of villagers' houses and a local shop. The sign states that the area should be free from followers of Islam. It then lists three rules discriminating against Muslims: 1. Muslims are prohibited from staying overnight in the village; 2. Villagers should not buy, sell or rent land to Muslims; 3. Buddhists are not allowed to marry Muslims. Whilst some villagers reported that they disagreed with the signboard, they did not remove it out of fear that something would happen to them. The signboard was reportedly constructed by a local monk. [Photo: KHRG]

### iii. Leadership and decision-making

KHRG documentation shows that, while a few Muslim people hold leadership roles within their local communities, their authority remains limited. A Muslim villager from Bu Tho Township, Mu Traw District reported: *“Muslims cannot participate or be involved in any management decision-making process.”* A Muslim villager from Daw Hpah Hkoh Township, when asked whether there are Muslim people who take government positions in his area, responded, *“No. I have not seen any. We, Muslim people, do not get a place for leading even though we are educated or have the abilities to do it. It does not mean now that we do not hold positions. It started since U Nay Win’s period [pre-1988]. Later, they lowered us and made us become illiterate so now we do not have many educated persons among Muslims anymore. This is how they are oppressing us.”* He emphasized that, because they are not able to get IDs, their children are not able to continue their studies, even if they do well on their exams. He added: *“There are Muslim people who take leadership roles in other countries but not here.”* They can participate in local or village-level social organizations, but *“if any organization is tied to the Myanmar government then it is impossible for us to get involved.”*

In D--- village, Muslims are able to hold positions of authority, but only within their own village or section, which then reinforces the segregation created through land ownership. Muslims are allowed to be a section leader in their part of the village, but not the village head—only Karen people can be appointed village head or village tract administrator: *“In our Muslim section, one person was appointed as ten household head. But if something requires the village head, we have to go to them [Karen]. We have to work together... [but] we cannot be a village head. We do not have that much opportunity [authority].”* Nevertheless, one villager from T’Nay Hsah Township adds that even though the higher administrative positions can only be held by Karen, they are still treated fairly: *“As Muslim minorities, we are allowed to take administration among our group. As a whole, Karen people take the administration in the village tract. We are being treated justly.”*

One interviewee from E--- village mentions that in the past, Muslims did hold positions of leadership, but only because of the conflict: “I used to work as a village head for one year during the Tatmadaw Light Infantry Battalion #547 and #548 period [conflict period]. Pwo Karen were afraid to be village head, so I had to take the responsibility. During that period, the Tatmadaw punished village heads a lot. I could speak Burmese very well, so they chose me to be the village head. It has been six years already [since then].”

#### iv. Elections and disenfranchisement

The right to vote hinges on recognized citizenship and the possession of a national ID card. Because most Muslims are not recognized by the government as Myanmar citizens, even those who should legally qualify based on their Karen (or other officially recognized ethnic) parentage, few are able to participate in the voting process, let alone run for political office.

Out of the 11 Muslims interviewed by KHRG, eight do not have ID. Of the three Muslim interviewees who do have a national ID card, only one person could vote in the 2015 general election without any restriction. The others were blocked from voting by local authorities. One Muslim villager from Daw Hpah Hkoh Township, Taw Oo District said he could not vote because Muslim people in his area were forbidden from voting: *“Even though we have ID or official documents, we cannot vote. They just do not allow us to vote. I have Form 10 [Relocated Household Registration] and it was provided in Toungoo [town] so they told me that it cannot be used in Thandaung. I learned that I can vote anywhere I want as long as I have official documents. But the Immigration [MIP] head officer who is responsible in the place I currently live bans us from voting so we cannot do anything.”*

Another Muslim from T’Nay Hsah Township who has an ID card encountered a similar issue where Muslims in his village could not vote because their village head did not allow them to: *“[W]e were invited by the village head. A lot of Muslim people went there [showed up] but then we were not provided voting cards.”* He adds that Muslims in other areas were however able to vote: *“[A]ll Muslim people in Kaw T’Ree [Kawkareik town] got to vote. Both Karen and Muslim people got to vote. Only Muslim people in our village didn’t get to vote.”* These examples suggest that voting rights for Muslims cannot even be guaranteed by the possession of a national ID card.

#### v. Burmanisation

Although many Muslims do not have ID cards, they may still have household registrations and birth certificates for their children, and thus, like other ethnic groups, may encounter the Burmanisation of their name on legal documents. Among Muslims interviewed by KHRG, there was considerable variation in their response to Burmanisation. As with other ethnic minorities, regardless of what they might note on the government forms in applying for a national ID card or their household registration, U/Daw (for male and female adults) or Maung/Ma (for male and female children and unmarried females) is

added to their name. Several mentioned that the addition of the Burmese name titles does not bother them. Some pointed out that Muslims do not have their own name titles as in Karen. In that respect, the main issue seems to be whether or not they are allowed to use their Muslim name or are required to use a Burmese name. For most of our interviewees, this as well did not seem to be a problem. One interviewee, when asked if she minded that her name (and identity) became Burmese, responded: *“We are Muslim but Burma Muslim. We are not India Muslim so it is fine for us.”* Another interviewee echoed this sentiment: *“I was born in Myanmar. That is why I use Myanmar terms.”* Another responded: *“I don’t mind about that. What makes me displeased is not having an ID card.”*

If Muslims are less concerned by Burmanisation than other ethnic groups interviewed by KHRG, it may be due to the fact that identity issues for Muslims are very different given their blatant exclusion from the right to citizenship by the Myanmar government. Unlike the 135 government-recognized ‘national races’, Muslims are treated as foreigners, and thus are not permitted Burmese identity. As one Muslim interviewee in the 2017 BHRN report was told when she applied for her national ID card, “there are no Muslims in the Burmese race.”<sup>40</sup> Many are thus seeking recognition of their legitimate place as Burmese within the Union.

Furthermore, the discriminations that they face often make adopting Burmese names preferable to the alternative. The use of Burmese names by Muslims is common in school because, as one interviewee felt, Muslim names seem to be too difficult for most teachers to pronounce. Another interviewee added that *“Some teachers do not even call their names. They just say something like ‘Ka La’ and that’s it.”* Another interviewee feels that the situation has actually worsened over the past 25 years, which is why he has given Burmese, and even Karen, names to his children.

#### vi. A deprivation of rights

According to KHRG research, the majority of Muslims are not aware of the 2015 Ethnic Rights Protection Law. It was unclear from the interviews why they do not know about this law. But it should be noted that most would probably not be included in the law. The law only applies to “ethnic groups who have resided continuously within the Republic of the Union of Myanmar, stipulating as the original State. In this expression, naturalized citizens and associate citizens are not included.”<sup>41</sup> Muslims who cannot claim one of the government-defined ethnic identities are thus not included in the 2015 Ethnic Rights Protection Law. A Muslim interviewee from T’Nay Hsah Township questioned a KHRG researcher about whether or not they can claim their rights: *“Can we ask for our rights when they are being violated?”* The question might also be asked how they are able to claim their rights when even their right to have rights is being denied.

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<sup>40</sup> Burmese Human Rights Network, *Persecution of Muslims in Burma: BHRN Report*, 2017, p. 22.

<sup>41</sup> Republic of the Union of Myanmar, *Pyidaungsu Hluttaw Law No. 8/2015 - The Ethnic Rights Protection Law*, 2015.

Many Muslims raised concerns about not having the same rights as other ethnic groups, especially in terms of religion. In D--- village, Paung village tract, Ta Kreh Township, they are able to worship freely but have to ask permission from the Myanmar government when they hold religious ceremonies, particularly for the killing of cows which is part of the Eid celebration. In both D--- and E--- villages, the government has not allowed them to build or rebuild their mosque. Permission has been requested, but they continue to wait for permission to be granted. An interviewee in E--- village expressed his feelings about these restrictions: *“If we do not obey them and build the mosque [anyway], they will come arrest us. I am getting older now and am not a child. I don’t want to go and live in jail. So, we had to leave the building without repairing and building it.”*

In Thandaung Myot Thit, Daw Hpah Hkoh (Thandaunggyi) Township, the restrictions are even greater. One villager stated: *“Actually, we are also not allowed to do anything so we dare not do anything. We do not usually gather together to do a celebration and there is no religious ceremony here as well.”* In order to worship in the mosque, they are required to travel to Toungoo town, but at times of special celebrations they risk being stopped: *“[Tatmadaw] check everyone’s ID in the checkpoint before entering the town. If anyone is found with no ID card, they are forced to go back or to leave the place.”* Even in their village, they feel the need to be careful: *“We cannot worship with a lot of people at home. The police always keep their eyes on us.”* He adds: *“Especially for Islamic religion, they restrict everything by any means to stop us from our belief. [...] Currently, we have to live in fear. I just would like everyone to get equal rights.”*

Another Muslim expressed her feelings on the overall lack of equal rights experienced by Muslims: *“I feel sad because they [other ethnic people] get the opportunities that we do not get. [Yet] we are the same human beings.”*

## Part II. Promoting ethnic identity during the ceasefire period: trends and challenges

The military government that ruled the country between 1962 and 2011 actively pursued a Burmanisation policy to force ethnic minority groups to assimilate to Bamar culture and dominant religion through laws, policies and other activities.<sup>42</sup> During the Thein Sein administration (2011-2016), the Myanmar government adopted the Ethnic Rights Protection Law, along with a National Education Law that paved the way for the inclusion of ethnic languages, history and culture in the school curriculum. The NCA also set the guarantee of equal rights to all citizens as one of its basic principles. These developments brought hopes that the transition to civilian rule might result in more opportunities for ethnic minorities to promote their culture.

However, the interviews conducted by KHRG show that, despite notable improvements in some areas, ethnic citizens are not yet fully able to do so, while policies that amount to Burmanisation continue to be implemented by the current government. Karen communities still face restrictions when it comes to holding celebrations or erecting statues to pay tribute to historical leaders, and expressing their identity through their ethnic flags in front of some local schools. In addition, some Karen location names have been changed into Burmese in Southeast Myanmar, in what appears to be an on-going process.

Several interviewees told KHRG that they viewed the expansion of the Myanmar education system into ethnic areas as a threat to their identity, as the Myanmar national curriculum has long been an instrument of Burmanisation. Although it has been recently revised, it has remained Bamar-centred, and continues to promote Burmese narratives when it comes to history. Despite the fact that some progress has been made to integrate ethnic language, culture and history into the curriculum in some States and Regions, including government-defined Kayin [Karen] State, much more needs to be done to ensure that all the ethnic students can benefit from these classes.

### A. Expression of ethnic identity in the public sphere

#### i. Ability to hold ethnic celebrations

Section 4(c) of the Ethnic Rights Protection Law states that ethnic groups “have the right to independently hold ceremonies and special days carried out by their culture and custom.”<sup>43</sup> Several interviewees pointed out that the Tatmadaw used to crack down on Karen celebrations, but that the situation had improved after the signing of the ceasefire. According to Naw G--- from Bilin Township, Doo Tha Htoo District: *“In the past, we had to be afraid of the Tatmadaw when we celebrated Martyrs’ Day [Karen Martyrs’ Day,*

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<sup>42</sup> Naw Wai Hnin Kyaw and Soe Soe Nwe, *From Margin to Center: Experiences of Political and Social Marginalization of Ethnic Minorities in Karenni State*, Friedrich-Ebert-Stiftung & Peace Leadership and Research Institute, 2019.

<sup>43</sup> Republic of the Union of Myanmar, *Pyidaungsu Hluttaw Law No. 8/2015 - The Ethnic Rights Protection Law*, 2015.

August 12]. I remember, once, the Tatmadaw came to the village while we were celebrating Martyrs' Day. [...] We all fled. If we had stayed and continued to celebrate, the Tatmadaw soldiers would have tortured and beaten us. Now we can do it without fear."

Most interviewees, regardless of their ethnic background, reported that they are now able to celebrate their ethnic holidays freely. According to U Khun Saw H--- from Kaw T'Ree Township, Dooplaya District: "Now, we are getting more rights than we asked for. This year, the authorities [from the Myanmar side] allowed us to celebrate Taw Thoo [Pa'O] national day. We are so grateful for their recognition of ethnic minorities." In government-controlled or mixed-control areas, communities are usually expected to notify the local Myanmar authorities in advance. However, the process seems to be a mere formality, and local Myanmar authorities sometimes even support the organisation of ethnic events, as Mahn J--- from Kruh [Kyone K'Won] village tract, Waw Ray (Win Yay) Township, Dooplaya District explained: "When we celebrated Karen New Year, the government supported us."



The photo on the left was taken in Bago, Bago Region [Myanmar government administrative division] on August 29<sup>th</sup> 2019. It shows local Karen people celebrating Karen Wrist Tying Day in the Bago City Hall. The photo on the right was taken on November 21<sup>st</sup> 2014 in Way Mone village, Meh Klaw village tract, Bu Tho Township, Mu Traw District. It shows local community members attending a Shan New Year ceremony. [Photos: KHRG]

However, recent developments have shown that the Myanmar government remains prone to cracking down on some ethnic events, especially those celebrating ethnic nationalist leaders. Karen Martyrs' Day commemorates the death of Karen revolutionary leader Saw Ba Oo Gyi and those who died during the Karen conflict. It is widely celebrated in Karen areas, and annual commemorations have been held by the Karen community in Yangon since the signing of the preliminary ceasefire agreement in 2012.<sup>44</sup> However, the Myanmar government has recently decided to forbid the use of the term 'martyr' for this event, and some local authorities started banning celebrations labelled as Karen Martyrs' Day in 2019.<sup>45</sup>

<sup>44</sup> On January 12th 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way.

<sup>45</sup> Nyein Nyein, "Karen Martyrs' Day Case Shows Ethnic Rights in Retreat Under Present Myanmar Govt", *The Irrawaddy*, September 2019.

A member of the KWO in Dooplaya District told KHRG that her community has to celebrate Karen Martyrs' Day in secret: “[T]hey [Myanmar authorities] do not give permission to celebrate Martyrs’ Day because they say it is about the hero of the Karen rebel group [...]. Therefore, we have to celebrate it secretly and not officially.” She explained that this was due to the fact that the local authorities did not want to allow them to pay tribute to leaders that rebelled against the central government: “They view the KNU as a rebel group, and those who died and sacrificed themselves as rebels. They do not recognise our Karen heroes and our leaders. They just said it is a rebel group and, given what the rebels or the enemies did, they have the right to destroy them.”

In Yangon, the Kyauktada Township authorities even took advantage of the overly broad legal restrictions on the right to freedom of assembly to press criminal charges against organisers of Karen Martyrs' Day events. In October 2019, Karen human rights activist Naw Ohn Hla and two Karen youth leaders were sentenced to 15 days in prison for using the word ‘martyr’ during the celebration of the 69<sup>th</sup> Karen Martyrs' Day in August 2019.<sup>46</sup> Similarly, in August 2020, two Karen men were also charged with violating the 2011 Right to Peaceful Assembly and Peaceful Procession Law after organising an event to mark the 70<sup>th</sup> Karen Martyrs' Day in Yangon. The Myanmar Police Force alleged these men had publically read messages at the event that were not mentioned in the notification letter they sent to the local authorities, and thus were in violation of the law.<sup>47</sup>

When asked about their opinion on the arrest of Naw Ohn Hla, several interviewees like U Khun Saw H--- deplored the current situation: “This is outright oppression of the Karen people. If we celebrate our national events in rural areas only, how can we represent the Karen people in front of other people? There will be only a few people in the community knowing about and involved in this event. There are many Karen people in public areas [cities]. We want to celebrate it there, but we cannot.” Saw K--- from Dooplaya District emphasised that both the Burmese and the Karen should have the right to celebrate their events freely: “We are not happy for our ethnic group when we do not get permission to celebrate our holidays. Would they also feel good if we banned them from celebrating their holidays? We should not ban each other.”

## ii. Use of ethnic flags

Ethnic populations in Southeast Myanmar strongly identify with what they consider to be their ethnic flag, and view it as a key part of their identity. This is amplified by the fact that the Myanmar flag is associated with the former military government, and often viewed as failing to represent the country’s ethnic minorities. Its adoption in October 2010 was met with criticism from ethnic representatives, mostly because it featured a single white star, as opposed to the multiple stars on the previous flag. This symbol is seen as conveying the idea that Myanmar is a unitary state, when most ethnic armed

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<sup>46</sup> Zaw Zaw Htwe, “[Activists Found Guilty for Marking Karen Martyrs’ Day in Myanmar](#)”, *The Irrawaddy*, October 2019

<sup>47</sup> Zaw Zaw Htwe, “[Three Activists Charged for Unlawful Assembly Over Karen Martyrs’ Day Event in Myanmar](#)”, *The Irrawaddy*, August 2020.

organisations advocate for a federal system.<sup>48</sup>

The government used to crack down on the possession and use of the Karen flag before the ceasefire—most likely because it was perceived as a sign of support towards the KNU. However, Naw L--- from Ler Doh (Kyaukkyi) Township, Kler Lwee Htoo District explained that the situation has changed: *“We faced prohibitions regarding the use of the Karen flag before. In the past [during the ‘Four Cuts’ period], we did not dare to keep the flag with us. But now, we can keep the flag in our home and use it for Karen New Year.”* Despite this positive development, several interviewees pointed out that the use of ethnic flags remains prohibited in front of some government or mixed schools,<sup>49</sup> although the situation varies from one area to the next. For the communities affected, this is often seen as a denial of their ethnic identity, as Naw M--- from Dooplaya District explained: *“In my opinion, there is no equality. There is no recognition of the Karen people. We have to live under their control.”*

The interviews conducted by KHRG suggest that the ability of Karen communities to display their flag in front of schools depends on the local power dynamics. Although this suggests that the central government is not targeting the use of ethnic flags, it also denotes its lack of willingness to create the conditions to allow ethnic minorities to promote their identity more actively. Indeed, some local leaders are so afraid that raising a Karen flag might result in tensions that they choose not to do it. According to a KECD official interviewed by KHRG, this is notably the case in areas with strong Tatmadaw presence. By contrast, Saw N--- from Dwe Lo Township, Mu Traw District noted that, in his area, government schools in Karen villages were allowed to raise the Karen flag: *“[S]chools in Karen villages have both the Karen and the Myanmar flag, raised at the same level.”*

Section 13(c) of the Union Flag Law actually prohibits “hoisting any flag of local organizations above or at the same level of the Union flag,”<sup>50</sup> but the interviews conducted for the purpose of this report suggest that this provision is not being implemented consistently. Several interviewees refused the idea that the Union flag should take prevalence over ethnic flags, pointing out that this would amount to a breach of equality. According to Saw O--- from Noh T’Kaw Township, Dooplaya District: *“They [Tatmadaw] told us to lower the Karen flag, one foot under the Myanmar flag. But we do not want to do that because we believe we are equal.”* Saw P--- from Waw Ray Township, Dooplaya District shared the same idea: *“[T]he Myanmar flag had to be above all the ethnic flags. I said we should have the same opportunities [enjoy the same rights].”* He also explained that he refused to lower the Karen flag after being ordered to do so by Myanmar authorities in Kyainseikgyi Township.

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<sup>48</sup> “New Flag Flying in Burma”, *The Irrawaddy*, October 2010.

<sup>49</sup> Mixed schools refer to schools that are staffed by both KECD and Myanmar government teachers.

<sup>50</sup> Republic of the Union of Myanmar, *The State Peace and Development Council Law No. 8 / 2010 - The Union Flag Law*, 2010.



This photo was taken on December 26<sup>th</sup> 2019 in Ga Mone Taung village, Meh Paul village tract, Pyinmana Township, Naypyidaw Union Territory [Myanmar government administrative division].

On that day, many people from nearby villages gathered to celebrate the 2759<sup>th</sup> Karen New Year. The chairperson of the local Karen New Year Committee told KHRG that they were not allowed to hoist the Karen flag on the highest flagpole above the main stage.

Many Karen villagers were reportedly unhappy about this decision.

[Photo: KHRG]

In some areas, the issue led to tensions among teachers, as Naw Q--- from Kaw T'Ree Township, Dooplaya District reported: *"We, the KECD, raised our [Karen] flag and they [government teachers] also raised their flag. I talked about the flag in a meeting, and we argued about it. Since then, our relationship is not [as] good as it was before."* In other areas, Tatmadaw soldiers took down Karen flags from local schools. The KNU Waw Ray Township administrator in Dooplaya District recounted such an incident to KHRG: *"In Kho Khaw, the Tatmadaw took down the Karen flag from the school. But they did not do anything after it was raised again. It is because they knew what they were doing was not right."*

KHRG also documented a similar incident in T'Naw Th'Ree [Tanintharyi] Township, Mergui-Tavoy District. On January 2<sup>nd</sup> 2020, Tatmadaw soldiers from Light Infantry Battalion #265 prevented the local community from displaying the Karen flag in front of a Myanmar government school. They also dismantled the flag pole and the commemorative base the villagers had prepared without permission from the local community. However, a local teacher told KHRG that she was determined to display the Karen flag despite opposition from the Tatmadaw: *"I felt really sad about it but I am eager to try it again. I will try to raise our Karen flag in the school. If it doesn't happen next time, I will try again. I will try again and again until it happens."*<sup>51</sup>



These photos were taken in January 2020 in front of the local school in Ah--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District. They show the flag pole and its commemorative base that were dismantled by the Tatmadaw on January 2<sup>nd</sup> 2020 to prevent the local community from raising the Karen flag. [Photos: local villager]

<sup>51</sup> KHRG, "Mergui-Tavoy District Interviews: Tatmadaw soldiers prevented Karen villagers from displaying their ethnic flag in front of their local school in Ta Naw Th'Ree Township, January 2020", June 2020.

### iii. Burmanisation of location names

The Burmanisation of location names dates back to the pre-ceasefire period. In June 1989, the military government enacted the Adaptation of Expressions Law to change the official English name of the country from Burma to Myanmar in a move aimed at breaking with the colonial legacy.<sup>52</sup> The Law also allowed the government to amend the English name of every administrative entity to make it conform to the Burmese pronunciation. Moulmein became Mawlamyine, while Rangoon and Karen State were changed to Yangon and Kayin State, respectively. This last change was largely rejected by Karen communities, as they still identify with the British term 'Karen'.

Several Karen interviewees reported that, in a similar fashion, traditional Karen village names had been changed into Burmese in their area. According to Saw N--- from R--- village, Dwe Lo Township, Mu Traw District: *"There are some village names in Karen that have been changed into Burmese. For example, the Karen name for T'Poh Klah village was changed into Kaing Daw in Burmese. The Karen name for Khaw Wa Hta village was changed into Shan Ywar in Burmese."* Naw M--- from S--- village, Dooplaya District also made the same observation: *"The name of many Karen locations are being changed into Burmese in this area."* Such changes are usually made by government staff, Tatmadaw officials or non-Karen civilians. They are later recognised and used by local Myanmar administrations, in what appears to be an on-going process facilitated by the expansion of administrative services into ethnic areas.

Karen people name locations according to their history, legends and local environmental features. However, some of the new Burmese names completely ignore this heritage, as Saw P--- from T--- village, Waw Ray Township, Dooplaya District explained: *"This place used to be just farms in the past, and there is a pond on the hill. Therefore, they called it Noh Pa Htaw [Large Lake]. People came here to do farming and built huts with Ta May [Eugenia trees] on the hill. When the Burmese came, they saw a lot of Ta May trees on the hill so they called it Tha Byay Kone [Eugenia Trees Island]."* In the same district, the renaming of Hoh Htoh Law and Khaw Hkee village to A Nan Kwin and Ta Nyin, respectively, follows the same pattern.

For some interviewees, the Burmanisation of Karen location names is an integral part of what they consider a government strategy to undermine the identity of ethnic minorities. Naw M--- even views it as a deliberate attempt to rewrite history in favour of the Burmese majority: *"They would like to influence all those villages. [...] If those village names are in Burmese, it will be like the founders of the village were Burmese. [...] [T] here are no villages that do not have Burmese names, even though they are Karen villages and have Karen names."*

Saw P--- also told KHRG that the renaming of villages was accompanied by pressure to use the Burmese name, notably by government administrations: *"When our children go study in the city, they have to tell they are from Tha Pyay Kone village. If you say Noh Pa Htaw village, you will be scolded for that."* According to him, the goal of the

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<sup>52</sup> Republic of the Union of Myanmar, The State Law and Order Restoration Council Law No. 15/89 - The Adaptation of Expressions Law, 1989.

government is to push Karen people to assimilate to Burmese culture: *“The Burmese want the Karen to become Burmese. They are trying to oppress and to eliminate the Karen people.”* Such fears were also shared by Saw K--- from U--- village, Dooplaya District. When asked whether the changing of location names was a way of discriminating against the Karen and erasing their history, he replied: *“Yes, it might be [...]. [T]hey started changing village names to Burmese. They will do it slowly. [...] The Karen people will be lost if they continue doing it.”*

Karen people in Southeast Myanmar firmly oppose the renaming of villages into Burmese, as Saw V--- from W--- village, Bilin Township, Doo Tha Htoo District explained: *“I think this is unfair. They undermine the location names given by local people who have been living there since the beginning.”* Naw X--- from Y--- village, Bilin Township, Doo Tha Htoo District expressed a similar view: *“We prefer the names given by our forefathers. We don’t want them to be changed.”* This opinion was also echoed by U Z---, an ethnic Burmese villager and former Tatmadaw soldier living in a Karen community in Bilin Township, Doo Tha Htoo District: *“I don’t like these kinds of names to be changed without the consent of the local people. The names of the villages in Karen State have to be in Karen in the map of Myanmar. [...] I don’t want the existing names of these towns and States to be changed.”*

However, villagers often feel powerless and afraid to openly oppose the renaming of their village by the Myanmar authorities. This feeling was expressed by U Khun Saw H---, a Karen/Pa’O interviewee from Kyaw Hta village tract, Kaw T’Ree Township, Dooplaya District: *“[T]he name of our village is Kyaw Hta in Karen. We do not want it to be in Burmese, ‘A Zin’. [...] Now, the signpost with the village name is only written in Burmese. We want to show it in Karen, but we don’t know if we will be allowed to or not. Since our village name has changed into Burmese, we cannot oppose it because the country is ruled by the Myanmar government. [...] Even if we want to change it back, we cannot do it. [...] We are just villagers so we cannot do anything.”*

However, ethnic leaders and Karen civilians are trying to resist the Burmanisation process by reaffirming their Karen heritage, as Saw Ab--- from Ac--- village, Pyaung Pya village tract, Bilin Township, Doo Tha Htoo District explained: *“We would like to see the Karen people use the Karen language, and the symbols of our people more in our area. The township administrator informed us that in our village tract, we have to use signposts written in Karen language between one village and another.”* He also made clear that his community would reject any attempt to change the name of their village: *“So far, they haven’t changed the village names here, in our area. If they do, we will not accept it because we will keep our original village names as they are. Our ancestors named them so we want to keep them like that.”*

#### iv. Public tribute to ethnic leaders

Since the National League for Democracy (NLD)<sup>53</sup> took office, the authorities have started erecting statues of General Aung San across the country. Although the motives

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<sup>53</sup> The National League for Democracy (NLD) is the current political party that governs Burma/Myanmar. Led by Aung San Suu Kyi, the NLD won the General Elections in 2015 and came into power in 2016.

behind this policy are unclear,<sup>54</sup> they seem to be part of a larger strategy to rehabilitate Aung San's image after the former military government had almost entirely erased official homage to him.<sup>55</sup> Major infrastructure projects were also named after him,<sup>56</sup> and new banknotes featuring his face were released in January 2020.<sup>57</sup> This occupation of the public space with symbols associated with Aung San is seen by some ethnic people as the latest Burmanisation trend, as Naw X--- from Bilin Township, Doo Tha Htoo expressed: *"The Myanmar government set up this symbol in order to show that this place belongs to them."*

This statue building spree was met with objections in ethnic areas, notably in Myitkyina, Kachin State and Mudon, Mon State in 2017.<sup>58</sup> In February 2019, the Myanmar Police Force violently cracked down on thousands of demonstrators protesting against the installation of a statue of Aung San in Loikaw, Kayah State.<sup>59</sup> Although General Aung San is seen as the founding father of an independent modern Myanmar by the Bamar majority, he is a more controversial figure among ethnic groups, as highlighted by this statement made by the KWO: *"We [...] understand that Burmese ethnic people hold the General as a hero of their people and the father of their independence. This is not how the indigenous people of Burma view him. He was a general in the Burmese Army. The same army that attacks civilians uses rape as a weapon of war and burns villages."*<sup>60</sup>

Ethnic opposition to the promotion of Aung San in the public space stems from the fact that he is seen as a Burmese symbol. U Z---, an ethnic Bamar villager living in a Karen community in Bilin Township, Doo Tha Htoo District, explained that ethnic minorities would rather honour their own heroes: *"They [the government] shouldn't do it if local villagers do not want them to set up [statues] in their areas. [...] Every ethnic group has its heroes, so they would like to have [statues of] their own heroes."* This was echoed by Saw Ad---, a Karen civilian from Hsaw Htee (Shwegyin) Township, Kler Lwee Htoo District. Although he acknowledged the importance of Aung San for the Burmese majority, he also expressed his desire to see statues paying tribute to Karen heroes in his community: *"From their [Burmese] perspective, they might consider the statue as a sign of respect to the 'Father of freedom'. We also wanted to erect our own statue in our Karen area."*

However, the Myanmar military seems to oppose statues of Karen nationalist leaders, thus preventing Karen communities from paying tribute to them. A KNU township administrator from Dooplaya District told KHRG that the Tatmadaw prevented the KNU

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<sup>54</sup> Oliver Slow, "[Analysts: Myanmar Government Statue Drive Risks Alienating Ethnic Groups](#)", *VOA News*, September 2018.

<sup>55</sup> Noel Caballero, "[New statues of Suu Kyi's father irk ethnic minorities in Myanmar](#)", *EFE*, February 2019.

<sup>56</sup> Lun Min Mang, "[Bogyoke Aung San Bridge opens amidst controversy over name](#)", *The Myanmar Times*, April 2017.

<sup>57</sup> [CBM to issue one thousand kyats note with Bogyoke Aung San picturesque on 4<sup>th</sup> Jan, 2020](#)", *Myanmar Digital News*, December 2019.

<sup>58</sup> Nan Lwin Hnin Pwint, "[Kachin, Mon Oppose Statues of General Aung San](#)", *The Irrawaddy*, February 2017.

<sup>59</sup> [Police crack down on protest in Loikaw against divisive statue](#)", *Frontier Myanmar*, February 2019.

<sup>60</sup> See "[Ethnic People Protest General Aung San's Statue – Police Respond with Violence](#)", *Karen News*, February 2019.

from erecting a statue of Saw Ba Oo Gyi on two occasions: *“In 2018, we celebrated Karen New Year in Khoh Ther Pler [Payathonzu] town. We wanted to erect a statue of Saw Ba Oo Gyi. But the Tatmadaw objected to it. They abused and did not recognise our rights to do it. On February 11th 2019, we were going to erect a statue of Saw Ba Oo Gyi in our township office. But the Tatmadaw came to object to it. We feel like they are abusing our rights. We have suffered from their oppression until now.”*

This created a feeling of injustice among local Karen villagers, who now feel that they do not enjoy the same rights as the Burmese, as Saw Ae--- from Kaw T’Ree Township explained: *“I think they should not do like that because, the same way they want to erect the statue of their leader, we also want to show our leader and erect his statue. It is an injustice. We would like to build justice.”* Some even think that such events undermine the sustainability of the peace process, which is based on the promise of equality between ethnic groups. In the words of Saw Af--- from Ag--- village: *“We hope to celebrate [Karen] Martyrs’ Day and have a Saw Ba Oo Gyi statue as a memorial. We feel bad when they [Myanmar government] prohibit it. We doubt whether the ceasefire agreement they made with us is sincere or not. [...] [It] really undermines our trust in the sincerity of the peace process.”*



The photo on the left was taken on December 16<sup>th</sup> 2017 in Khoh Ther Pler [Payathonzu], Win Yay Township, Dooplaya District. It shows a pedestal that was built by the KNU to host a statue of Saw Ba Oo Gyi. The photo on the right was taken in Meh Ka Tha village tract, Noh T’Kaw Township, Dooplaya District on February 9<sup>th</sup> 2018. It shows a statue of Saw Ba Oo Gyi in a yard beside the local Karen National Liberation Army (KNLA)<sup>61</sup> district headquarters. It was transported there after the Tatmadaw objected to its installation in Khoh Ther Pler. [Photos: KHRG]

<sup>61</sup> The Karen National Liberation Army is the armed wing of the Karen National Union.

## B. Language and education

### i. The expansion of the Myanmar school system: A threat to ethnic identity?

Due to a lack of resources and the inability to access the territories controlled by EAOs, the Myanmar government education system has long been unable to reach all the ethnic populations in the country. In Southeast Myanmar, the KNU has filled the gap by offering mother tongue education services to Karen children through the Karen Education Department (KED, which later became the Karen Education and Culture Department, KECD). However, the signing of the 2012 preliminary ceasefire and subsequent NCA, coupled with greater public investment in education – from 310 billion kyats [USD 239,351,620] in 2011/2012 to 2,686 billion kyats [USD 2,073,865,972] in 2019/2020<sup>62</sup> has allowed the government to expand its educational network in Karen areas over recent years, including by co-opting KECD schools or building new facilities.

The Vice-Secretary of the KECD explained that there are currently 1,495 schools in KECD's operational area. 382 of these schools are under direct KECD administration, 743 are mixed schools and 370 are Myanmar government schools: *"Before the peace process [preliminary ceasefire] in 2012, all those schools were actual KECD schools, and we could operate properly in those areas."* According to the KECD secretary, the Myanmar government started sending teachers to KECD operational areas in 2012 ultimately allowing it to take control of KECD schools: *"This happened the most between 2013 and 2015, which was a big wave of change. [...] Nowadays, the Myanmar government still brings in its teachers but their actions are not as obvious as they were in the past."*

Several interviewees pointed out that the Tatmadaw played an important role in this process, as explained by this member of the Karen Teacher Working Group (KTWG): *"The Myanmar government and their military also began taking advantage of the ceasefire. They initially extended their territory [...] around their military bases by surveying the schools and teachers and then asking Naypyitaw [the Myanmar government] to assign teachers to their bases. [...] This is the strategy they used to bring all community schools under their administration."* A member of the KWO in Doolaya District even told KHRG that, in her view, this process amounted to colonisation: *"Wherever they [Tatmadaw] are, there must be their army camp, their school and their hospital."*

According to the interviews conducted by KHRG, the government mostly offered material support, learning materials and better salaries to local teachers in order to convince ethnic communities to turn their local schools into Myanmar government schools. However, some communities refused that change, as Naw Ag---, a KECD teacher from Ah--- village, Waw Lay village tract, T'Nay Hsah Township, Hpa-an District, explained: *"It happened three or four years ago. The former headmaster of Ai--- school came to ask to build a [Myanmar government] school. He gave supports to persuade*

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<sup>62</sup> Salem-Gervais and Raynaud, *Teaching ethnic minority languages in government schools and developing the local curriculum: Elements of decentralization in language-in-education policy*, Konrad-Adenauer Stiftung & Urbanize: Policy Institute for Urban and Regional Planning, 2020, p. 64.

us. But people did not accept it. We do not hear anything about that anymore.” Such decisions are usually motivated by the fact that these Karen communities see the KECD as a more legitimate education provider than the Myanmar government.

Although this new governmental education policy has improved access to education in rural Southeast Myanmar, the influx of government teachers has disrupted or discontinued the practice of mother tongue-based education and the teaching of S’gaw Karen literacy in some of the KECD and community schools that were co-opted by the government.<sup>63</sup> Similarly, a Karen/Pa’O teacher from Kaw T’Ree Township, Dooplaya District told KHRG that her local self-funded school was transformed into a Myanmar government school six years ago. She pointed out that the increasing number of Myanmar government teachers in her area was, in her opinion, a source of concern for the survival of the local Pa’O identity: *“In the past, we had four to five ethnic teachers, but now we have only two ethnic teachers left. There are no more ethnic teachers in other villages either. We would like the school to hire more ethnic teachers. We also worry that our [Pa’O] traditions and culture will be lost.”*



The photo on the left was taken on December 1st 2015 in Ku Pyoung village, Daw Hpa Hkoh Township, Taw Oo District. The photo on the right was taken on December 13th 2015 in Mar Day village, Late Tho town, Daw Hpa Hkoh Township, Taw Oo District. Both these primary schools used to be self-funded schools. Although they ultimately became government schools, the Ministry of Education did not provide resources and funding to allow the local communities to rebuild them. [Photos: KHRG]

Since government schools use the national curriculum, several interviewees from different ethnic backgrounds told KHRG that this policy was a threat to their ethnic identity. In the words of a Karen teacher from Bilin Township, Doo Tha Htoo District: *“This is an actual threat to our people. We will not have the opportunity to use the KECD curriculum in school as soon as the Myanmar government starts taking it over. This will decrease our chances to study our history and our language.”*

Sai Aj---, a Shan interviewee from Ak--- village, Dwe Lo Township, Mu Traw District, also stressed that the identity of his ethnic group would be lost if the government fails to include enough ethnic language classes in their curriculum: *“Our ethnicity could go*

<sup>63</sup> Kim Jolliffe and Emily Speers Mears, *Strength in Diversity: Towards Universal Education in Myanmar's Ethnic Areas*, The Asia Foundation, 2016, p. 19.

*extinct. Ethnic people will lose their literacy and language if they don't get to study it [their language]. If there are more illiterate people, we could even lose our ethnic group."* However, being from a multi-ethnic village himself, he made clear that all ethnic groups should benefit from this policy: *"We want the education department to promote the [culture of] ethnic populations in some ways. Then, ethnic populations will be able to maintain their ethnic literacy and language. If they [education department] don't help, it will just be like they have left the ethnicities behind."*

## ii. The importance of ethnic language and history

The Ethnic Rights Protection Law states that ethnic groups have the right "to teach and learn their language and literature if it is not contrary to the education policy of the State"; and "to reveal historical process [sic] of their ethnic groups and preserve heritages in accordance with Law."<sup>64</sup> The main shortcoming of this law is that it only protects the rights of ethnic groups that are recognized by the government. In Southeast Myanmar, Muslims typically fall outside its scope of application, despite the fact that some Muslim interviewees expressed the importance of learning what they view as their language (presumably referring to Arabic, as they mentioned that it was taught to young children at the mosque) and history.

Several interviewees from other ethnic backgrounds told KHRG that language and history were the cornerstones of their ethnic identity. The Vice-Secretary of the KECD stressed that language and history were among the most important aspects of Karen culture: *"Language is one of the Karen ethnic symbols. As the proverb says, 'When we lose our language, we lose our ethnicity.' Without our ethnic history or symbols, our life is not worth living."* This was echoed by a Karen teacher from Al--- village, Kaw T'Ree Township, Dooplaya District: *"[I]f you call yourself Karen, but you cannot even read or write or speak your own language, or know your own history, you are already dead as a Karen person. So I see that it is very important to include Karen history and literacy in the curriculum in ethnic schools [schools attended by ethnic children]."*

An ethnically Karen Myanmar government teacher from Noh T'Kaw Township, Dooplaya District pointed out that the younger generations did not have a good command of Karen in his area, especially among students above Grade 5. He therefore stressed the importance of allocating enough time to teach the Karen language in Myanmar government schools: *"It is important because Karen children do not know their own language anymore. They are not capable of basic skills such as spelling, reading and writing [...]. We cannot blame them for this because they have not learnt it properly."*

This opinion was shared by Naw Q--- from Kaw T'Ree Township, Dooplaya District: *"It is important to learn our mother tongue. If we are able to read and write it, we won't lose it. We have our own history, so if we can learn it, we will be able to preserve our history as well. It is important to be able to learn our own history because as minorities, we are facing discrimination. If we cannot learn it, we will lose our identity."* In order to make

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<sup>64</sup> Republic of the Union of Myanmar, Pyidaungsu Hluttaw Law No. 8/2015 - The Ethnic Rights Protection Law, 2015.

sure that the expansion of the Myanmar government school system does not pose a threat to the identity of the many ethnic groups living in Southeast Myanmar, it is paramount to include ethnic languages and history in the national curriculum. It is equally important to ensure that children from all ethnic groups can benefit from this educational offer in order not to promote the rights of certain groups at the expense of others. However, despite recent attempts to achieve that, several shortcomings remain.

#### a. Ethnic history in government schools: A contentious issue

Successive Myanmar governments have used the school curriculum for nation-building purposes, thus promoting a Bamar-centred vision of the country's history. As Khun Am--, a Pa'O villager from Noh T'Kaw Township, Dooplaya District explained: *"[W]e have never learned or even heard about Pa'O or Karen history in school. We only learned the good things about Aung San, we did not learn about other things. It is just like the influence of [Bamar] chauvinism. The ethnic minorities cannot learn about their history."* This was confirmed by the Vice-Secretary of the KECD, who recalled his personal experience as a child: *"For example, they [the government] defined the KNU as a rebel and as a Nga Pway [ringworm] group in their history subject. I used to learn it in school."*

Although the Myanmar government has been progressively releasing a new curriculum since 2017, its approach to history remains centred around Burmese historical figures and role-models such as General Aung San.<sup>65</sup> Ethnic education providers, including the KECD, have also created school curricula in order to promote their own historical narratives. As these visions of the past are understandably antagonistic to one another given the long history of ethnic conflicts in the country, developing a mutually agreed upon history curriculum is therefore a major challenge.

Nevertheless, the Vice-Secretary of the KECD stressed the need to allow Karen people to learn about their history in government schools, invoking equality between ethnic groups: *"It is good that we can teach some Karen language classes in school nowadays. However, we want Karen history and tradition to be allowed to be taught in school, so children will be able to read about their forefathers' history. We want the government to give us permission. The current ceasefire is for peacebuilding, so they have to do it for the sake of equality."*

The 2014 National Education Law, as amended in 2015, states that "the curriculum should give the ability to raise each ethnic group's [...] historical heritage."<sup>66</sup> It also paved the way for States and Regions to develop local curricula which include ethnic languages and history among other things. Given that not all ethnic groups are

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<sup>65</sup> Salem-Gervais and Raynaud, *Teaching ethnic minority languages in government schools and developing the local curriculum: Elements of decentralization in language-in-education policy*, Konrad-Adenauer Stiftung & Urbanize: Policy Institute for Urban and Regional Planning, 2020, p. 162.

<sup>66</sup> Republic of the Union of Myanmar, *Pyidaungsu Hluttaw Law No. 41/2014 - The National Education Law*, 2014; Republic of the Union of Myanmar, *Pyidaungsu Hluttaw Law No. 38/2015 – The Law Amending the National Education Law*, 2015.

represented at the State and Region levels, such an approach might result in the exclusion of local minority groups from this process – not to mention the situation of unrecognized groups such as ethnic Muslims. Five pilot States have so far been producing local curricula, including government-defined Kayin [Karen] State. However, efforts to include Karen historical figures in the Kayin State local curricula have stalled due to their polarising nature, both vis-à-vis the government and among Karen groups – notably between supporters of the KNU and Democratic Karen Benevolent Army (DKBA)<sup>67</sup> supporters.<sup>68</sup>

As a result, ethnic Karen students in government-defined Kayin State are not being taught ethnic history subjects that would balance out the government narrative, as a 17-year-old Karen student from Noh T’Kaw (Kyainseikgyi) Township, Dooplaya District told KHRG: *“Only young children under Grade 3 are taught [Karen subjects]. They are still too young to learn about history, so they are taught only basic Karen language. [Students in] higher grades who can learn about history are not taught it. They never learned about Karen history. [...] For me, I do not know much about Karen history because I have never learnt it in school.”* She also expressed her desire for more KECD schools in order to learn about Karen history: *“There should be more KECD schools so that students can learn about Karen language and history up to the higher grades.”*

Several other interviewees reported that ethnic history was not taught at their local schools. According to Saw N--- from An--- village, Dwe Lo Township, Mu Traw District: *“The school teaches the curriculum drafted by the Myanmar government. [...] There is no information about Karen history in their curriculum.”* This was echoed by Khun Ao---, a Myanmar government Pa’O teacher from Kaw T’Ree Township, Dooplaya District: *“No, we are not able to teach these kinds of things yet. [...] No curricula have been arranged for these things to be taught in school.”* He therefore called on the government to allow the teaching of these subjects: *“We want to teach our Pa’O ethnic history. I want permission to teach our history. [...] Our generation will not know our Pa’O ethnic history if they are not able to learn it. We must teach them our ethnic history so that they will know about our history and traditions.”*

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<sup>67</sup> The Democratic Karen Buddhist Army (DKBA) was originally formed in 1994 as a breakaway group from the KNLA. Since its separation from the KNLA in 1994, it was known to frequently cooperate with and support the Tatmadaw in its conflict with the KNLA. The original group underwent major change in 2010 as the majority of the original DKBA was transformed into a Border Guard Force, which is under the control of the Burma/Myanmar government. The remainder of the original DKBA formed a smaller splinter group in 2010 and then changed its name in 2012 from the Democratic Karen *Buddhist Army* to the Democratic Karen *Benevolent Army*. Following this major change in 2010, the original DKBA is considered to no longer exist as a distinct entity as it has now been submerged within the BGF.

<sup>68</sup> Salem-Gervais and Raynaud, *Teaching ethnic minority languages in government schools and developing the local curriculum: Elements of decentralization in language-in-education policy*, Konrad-Adenauer Stiftung & Urbanize: Policy Institute for Urban and Regional Planning, 2020, p. 164.

## b. Ethnic languages in government schools: a work in progress

Efforts to introduce ethnic languages in the education system were first undertaken by the Thein Sein administration. The 2014 National Education Law, as amended in 2015, allowed schools to teach ethnic languages as subjects and to use them as ‘classroom languages’ to explain the national curriculum whenever necessary. In 2017/2018, the NLD government started recruiting ethnic teaching assistants to carry out these two missions. There were 11,718 of them nationwide as of 2019/2020.<sup>69</sup> Although they are supposed to master their ethnic language, one teacher from Kaw T’Ree Township, Dooplaya District pointed out that a Karen teaching assistant at her school could neither write nor read Karen.

Although the teaching of ethnic languages has increased since 2013/2014, classes used to be taught outside of school hours up to 2018/2019. Things changed in 2019/2020 with the allocation of class periods to teach the local curricula developed by States and Regions—up to five periods a week (120 per year) at the primary school level, and four periods a week (108 periods per year) at the secondary school level.<sup>70</sup> These newly allocated periods are now often used for the teaching of ethnic languages,<sup>71</sup> although local curricula can also include ethnic history, tradition and culture.

Some interviewees complained that the government had allocated too little time for ethnic subjects, like this Pa’O teacher from Kaw T’Ree Township, Dooplaya District: *“I would like to teach ethnic literacy once in the morning and once in the afternoon. Now, I only get to teach one section in the afternoon.”* A Pa’O villager from Noh T’Kaw Township, Dooplaya District even underlined that Pa’O subjects could only be taught once a week at the local school. Sai Aj---, a Shan interviewee from Mu Traw District also pointed out that one period per day was not enough: *“The students cannot fully study their ethnic literacy and language in school. They only have one class, about 45 minutes per day.”*

However, most interviewees confirmed that ethnic languages were now taught in their local primary schools during school hours, as Saw P--- from Waw Ray Township, Dooplaya District explained: *“During the first year [after the NCA], we did not get permission to teach [ethnic languages] during school hours. We had to teach one class in the morning before school started at 9 am. Later, they gave us a slot during school hours. We started to get more opportunities progressively.”* However, a KECD official pointed out that the new policy was not being implemented consistently: *“It also depends on their school principals, because some of them allow the teaching of the Karen language during school hours, but some allow it only before or after school hours.”*

Indeed, several interviewees told KHRG that ethnic subjects were not taught at all in their local schools. Saw Ab---, a Karen villager from Bilin Township, Doo Tha Htoo District, even expressed his anger at this situation: *“They said they are giving rights to ethnic groups, such as safeguarding the legacy of their literature and traditions. But*

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<sup>69</sup> Idem, p. 17.

<sup>70</sup> Idem, p. 151-152.

<sup>71</sup> Idem, p. 84.

*actually, in some schools, they do not allow us to teach the Karen language. [...] I do not think that what they are showing people matches what they are actually doing.*" In addition, the interviews conducted by KHRG showed that ethnic subjects are only taught up to Grade 3, but this can be explained by the fact that the new curricula for higher grades had not yet been released at the time.<sup>72</sup>

Due to the lack of ethnic language courses while they were in primary school, some secondary school students do not master their ethnic language anymore, as deplored by Saw Ap---, a Karen villager from Hsaw Htee Township, Kler Lwee Htoo District *"They [primary school students] get to learn Karen in the afternoon at school. They are fluent in Karen. But that's only for young students. Those who are already in Grade 10 did not have the chance to learn Karen, so they are not fluent in Karen."* It is therefore paramount to expand the teaching of ethnic language to higher grades as soon as possible, in order to ensure that the next generations of students will benefit from such classes throughout their entire basic education.

In addition, a Pa'O interviewee from Noh T'Kaw Township, Dooplaya District pointed out that the use of ethnic languages to explain the Myanmar curriculum was not yet generalised: *"The local teachers could explain the lessons in Karen or Pa'O for the little children who do not understand Burmese, but they do not. They only explain and speak in Burmese."* As around 70% of the teachers in ethnic areas do not speak the local language,<sup>73</sup> this could undermine the ability of non-Burmese speaking students to keep up with classes and put them at increased risk of school drop-out. Other issues raised by interviewees included the lack of teachers and textbooks to teach ethnic subjects.

Access to ethnic language classes is also a problem for some students living in non-linguistically homogenous areas. In the words of a Pa'O teacher from Kaw T'Ree Township, Dooplaya District: *"Pa'O [students] can learn their literacy, but Karen students have to go to another village to learn their literacy. It's because this village is a Pa'O village, even though both Pa'O and Karen live together."* She also told KHRG that local Shan students were unable to learn their language in school, as no teachers could speak it. This issue was also raised by Saw Aq---, a Karen villager from Hsaw Htee Township, Kler Lwee Htoo District: *"For now, there are only four to five Karen students, so they do not hire a language teacher."* It stems from these testimonies that much more human resources need to be allocated so all ethnic schoolchildren can benefit from ethnic language classes in government schools.

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<sup>72</sup> Myanmar government schools started teaching the new Grade 4 curriculum in 2020/2021, see "[New Education System Getting Started for Grade-4 Students](#)", *Burma News International*, June 2020.

<sup>73</sup> Salem-Gervais and Raynaud, *Teaching ethnic minority languages in government schools and developing the local curriculum: Elements of decentralization in language-in-education policy*, Konrad-Adenauer Stiftung & Urbanize: Policy Institute for Urban and Regional Planning, 2020, p. 101.

## Conclusion

The cultural rights of ethnic minorities have increased with the establishment of the 2015 Ethnic Rights Protection Law and the 2014 National Education Law. But the ongoing battle in local communities to secure access to non-Bamar-centred history and minority language and culture education in schools, as well as the right to celebrate their ethnic history, culture and traditions within their States and Regions, is a clear signal that there remain barriers to the application of these laws. We see as well that the Burmanisation policies of the Myanmar government extend across public space, and include not simply the renaming of locations but also the imposition of Burmese honorific titles and Burmese names that strip away key elements of the identity of ethnic minorities.

The protection of civil rights seems to be in even greater need given the scope of exclusions that continue to exist, and the persistent inability of those who are eligible for citizenship to officially validate that right by obtaining civil documents. Political and cultural rights are of course intimately intertwined, and thus need to be secured in tandem. Local leaders, ethnic organisations, and villagers themselves are adopting strategies to help protect the civil rights of ethnic minorities, but ultimately they are operating within a system that fails to truly recognize and implement principles of equality. In fact, despite references to equality, both the 2008 Constitution and the 2015 Ethnic Rights Protection Law leave open considerable room for inequality between the ethnic groups that the government has recognized as the 'national people' of Myanmar. By repeatedly stating that specific rights only exist to the extent that they do not go against national security, this legislation does as much or more to guarantee the protection of Bamar ethnic privilege and to justify policies of Burmanisation. It also perpetuates the complete exclusion of certain ethnic groups from any rights whatsoever.

Of course, a further issue is accounting for the vast ethnic and religious diversity of Myanmar. The government's policies are framed in ways that give credence to the idea of 'might makes right', and that further marginalize ethnic groups that are small in number. The assumed connection between population size, political legitimacy, and entitlements needs to be challenged, not simply because of the power it provides to the Bamar majority, but because of the dynamics it creates between ethnic groups, and the problems that it presents for future peacebuilding. As Clarke et al. insist: "Ethnic nationality actors, whether they be civil society organisations, political parties, or EAOs, need to engage in reflection on the reality of diversity within their own group and the ways that ethnic identity remains fluid over time."<sup>74</sup>

The KNU has claimed a commitment to protecting the rights of all communities living under KNU control. A senior member of the KNU Central Executive Committee states: "There are Karen communities living in the Delta, and they are Karen even if they don't speak the Karen language. There are also many differences between different parts of the Karen community and we need to work to protect all of them. But we also want other groups in Burma to live without discrimination. So for us, when we say we want to

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<sup>74</sup> Sarah L. CLARKE, Seng Aung Sein Myint, Zabra Yu Siwa, *Re-Examining Ethnic Identity in Myanmar*, Centre for Peace and Conflict Studies, 2019, p. 115.

establish federalism, it isn't just because we think federalism will be good for the Karen—federalism will provide a path where we can make sure that everyone is treated equally.”<sup>75</sup> For that to happen, KNU leaders, as well as other ethnic leaders, need to make sure that all voices are being heard from all the way down at the village level up to the executive level. Pa’O, Shan, Mon, and Muslim villagers, along with everyone else who might not fit neatly into a single ethnic category, need to be included in decision-making at all levels so that federalism can indeed be a victory for all ethnic minorities in Myanmar.

All political stakeholders need to work in conjunction and adopt this kind of commitment. But first and foremost, the Myanmar government needs to revise its approach to ethnic rights and equality. This report highlights the importance of securing rights for all ethnic minorities because, if not, any advancement in rights for one group may potentially spark further internal (inter-ethnic) tension that could put those advancements at risk for all.

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<sup>75</sup> *Idem*, p. 101.

## Recommendations

The following recommendations are addressed to the Myanmar Government. They are derived from the research, analysis, and key findings elaborated by KHRG in the present report.

### *Citizenship*

- Officially recognise all ethnic groups living in Myanmar as national races (taingyintha) to better reflect the ethnic diversity of the country;
- Adopt a new citizenship law to replace the 1982 Citizenship Law. Make sure that the new law:
  - i. conforms to international human rights standards and best practices regarding non-discrimination;
  - ii. abolishes distinctions between different types of citizens;
  - iii. grants citizenship to all persons born in Myanmar, regardless of their ethnic or religious background;
  - iv. removes existing restrictions on naturalisations;
- Expand the narrow definition of ‘fundamental rights’ in the 2008 Constitution to legally protect the rights of all persons by replacing ‘citizens’ with ‘any persons’ in section 34 of the Constitution;
- Ease the administrative requirements for the obtainment of a national ID card, taking into consideration the specific constraints encountered by members of ethnic and religious minorities living in rural and conflict-affected areas;
- Facilitate the obtainment of legal documentation by providing support and more inclusive ethnic language provisions for administrative services in rural ethnic communities;
- Take the necessary measures to allow members of all ethnic minorities in all States and Regions to use their ethnic names and honorific titles in legal documents and official settings, and to accurately represent the ethnic group they identify within their legal documents;
- Remove any reference to the holder’s religious beliefs in legal documents;
- Design and implement dedicated policies to tackle the systematic discrimination and marginalisation faced by Muslim communities all across the country.

### *Expression of ethnic and religious identity in the public sphere*

- Create a safe and enabling environment for ethnic minorities to hold their ceremonies and special days, including by amending the 2011 Right to Peaceful Assembly and Peaceful Procession Law to bring it in line with international standards;
- Allow the use of the term ‘martyr’ for the celebration of Karen Martyrs’ Day; and drop all charges against activists subjected to criminal proceedings for organising Karen Martyrs’ Day ceremonies;
- Uphold the constitutional right to freely profess and practice one’s religion, and

- expand this right to all persons residing in Myanmar, not just citizens;
- Amend the Union Flag Law to explicitly allow for ethnic flags to be displayed alongside, and at the same level as, the Union flag in educational establishments or any other public building located in predominantly ethnic communities;
- Take the necessary measures to recognise ethnic location names and protect their use in official settings; and adopt a multilingual policy for the display of names in all locations that have both an ethnic name and a Burmese name;
- End the practice of erecting statues of or naming infrastructure projects after Bamar historical figures in predominantly ethnic areas; and leave decisions about the erecting of statues and the naming of infrastructure projects to the local population;
- Refrain from using violence against peaceful ethnic demonstrators protesting against the installation of monuments associated with Bamar culture or history in their area;
- Allow ethnic communities to pay tribute to their historical figures in the public space, including by erecting statues or setting up memorials without interference from security forces or government officials.

### ***Language and education***

- In consultation with relevant ethnic stakeholders, revise the national history curriculum to shift from its Bamar-centred narratives to a representation of the national history that takes into account the experiences and diversity of the country's ethnic communities;
- Extend the development of local curricula to all States and Regions; and include representatives from all local ethnic groups in their development so the local educational offer matches the State's or Region's ethnic diversity;
- Increase the time allocated for the teaching of ethnic subjects in government schools; and ensure, through appropriate monitoring, that all government schools located in ethnic communities consistently apply existing legal and policy provisions regarding the teaching of ethnic languages;
- Expand the hiring of full-fledged ethnic teachers to promote the use of local languages as classroom languages in government schools located in ethnic communities;
- Develop strategies to make sure that all schoolchildren across the country can benefit from the teaching of ethnic subjects relevant to their ethnic groups, notably in non-homogenous linguistic and ethnic communities;
- Cooperate with and recognise the credentials issued by ethnic education providers.

The following recommendations are addressed to the Karen National Union.

### ***Non-discrimination and inclusiveness***

- Design and implement dedicated policies to tackle the systematic discrimination and marginalisation faced by Muslim communities in Southeast Myanmar;
- Promote the equal participation of villagers belonging to non-Karen ethnic minority groups in decision-making processes, and the full expression of all ethnic identities.

## **Photos: Front and back cover**

### **Front cover photo:**

This photo was taken on February 11<sup>th</sup> 2020 in Day Pu Noh village, Pay Kay village tract, Lu Thaw Township, Mu Traw District. On that day, more than 1,000 Karen people from nearby villages took part in a Karen National Day ceremony at the Day Pu Noh high school No. 1.

### **Back cover photo:**

This photo was taken on May 12<sup>th</sup> 2016 in Thit Chaik Hseik village, Yay Tar Shay Lay village tract, Yedashe Township, Taw Oo District. The photo shows a signboard with Buddhist flags set up along the road in front of villagers' houses and a local shop.

The sign states that the area should be free from followers of Islam. It then lists three rules discriminating against Muslims:

1. Muslims are prohibited from staying overnight in the village;
2. Villagers should not buy, sell or rent land to Muslims;
3. Buddhists are not allowed to marry Muslims.

Whilst some villagers reported that they disagreed with the signboard, they did not remove it out of fear that something would happen to them. The signboard was reportedly constructed by a local monk.

*[All photos: KHRG unless cited otherwise]*