



**FORTIFY  
RIGHTS**

MARCH 2015

# MIDNIGHT INTRUSIONS

ENDING Guest Registration  
and Household INSPECTIONS  
in MYANMAR

FORTIFY RIGHTS works to prevent and remedy human rights violations. We investigate and document abuses, provide customized technical support to human rights defenders, and press for solutions.

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**MYANMAR**

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Yangon resident hangs her guest registration documents on the wall of her home, October 2014.

© Spike Johnson, 2014.



Sr No.

Sr No.	Name	Address	Phone No.	Start Date	End Date
1	U Aung Mye Thazan	U Aung Mye Thazan	U Aung Mye Thazan		
2	U Aung Mye Thazan	U Aung Mye Thazan	U Aung Mye Thazan		
3	U Aung Mye Thazan	U Aung Mye Thazan	U Aung Mye Thazan		
4	U Aung Mye Thazan	U Aung Mye Thazan	U Aung Mye Thazan		
5	U Aung Mye Thazan	U Aung Mye Thazan	U Aung Mye Thazan		
6	U Aung Mye Thazan	U Aung Mye Thazan	U Aung Mye Thazan		
7	U Aung Mye Thazan	U Aung Mye Thazan	U Aung Mye Thazan		
8	U Aung Mye Thazan	U Aung Mye Thazan	U Aung Mye Thazan		
9	U Aung Mye Thazan	U Aung Mye Thazan	U Aung Mye Thazan		
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Handwritten notes and signatures at the bottom of the document, including a large signature and some illegible text.

# SUMMARY

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Since President Thein Sein came to power in 2011, political and economic reforms in Myanmar have led to greater freedoms and unprecedented optimism for the country's future. However, in communities throughout Myanmar, authorities continue to apply repressive laws and employ practices common under previous military regimes.

The *Ward or Village Tract Administration Law* requires all residents of Myanmar—urban and rural, Burman Buddhists and minorities, rich and poor—to report the identity of overnight houseguests to government officials serving as ward or village tract administrators. In effect, residents need permission from the state to host overnight guests—and authorities are known to deny guest registration for a variety of reasons.

Myanmar authorities ensure compliance with the guest registration requirement by conducting periodic household inspections. The *Ward or Village Tract Administration Law* empowers officials to inspect “the places needed to examine for prevalence of law and order and upholding the discipline [*sic*],” effectively giving them unfettered authority to enter private residences. Under the authority granted by this provision, ward or village tract administrators typically carry out household inspections late at night with police or intelligence officers and others, ostensibly to determine if unregistered guests are present. Given the timing of these intrusions, many residents refer to the practice as “midnight inspections.”

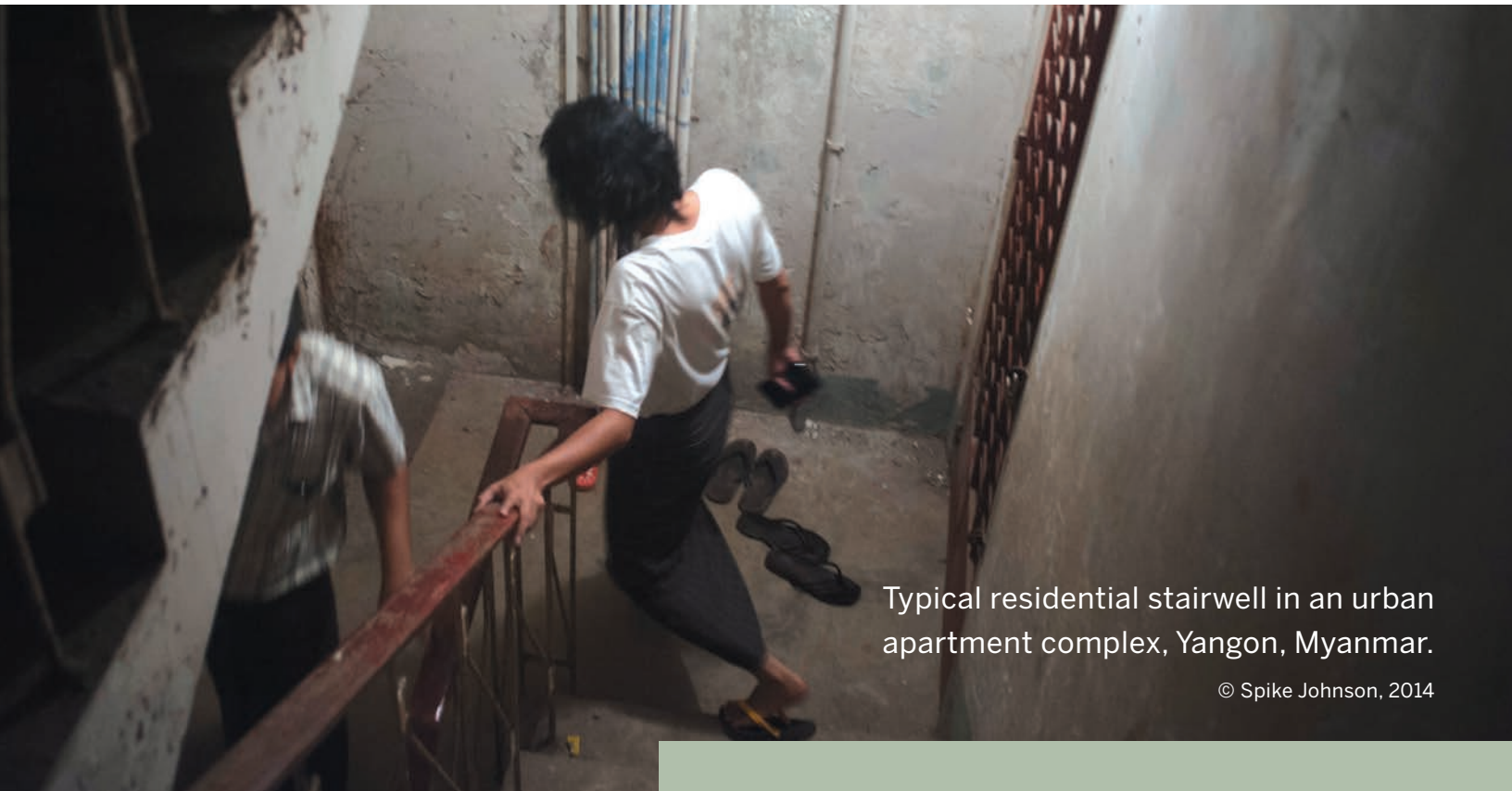
Additionally, individuals who lack adequate documentation or citizenship status in Myanmar face challenges hosting or staying as overnight guests. For example, individuals who are unable to obtain household registration documents are typically required to regularly report themselves to the state as guests in their own homes, often on a weekly basis.

The provisions of the *Ward or Village Tract Administration Law* related to the guest registration requirement and its enforcement impinge on various human rights, including the right to privacy and rights to freedom of movement, residency, and association. The guest registration requirement represents a systematic and nationwide breach of privacy, giving the government access to troves of personal data from communities across the country. Evidence collected by Fortify Rights also suggests that the law is particularly enforced against low-income communities, individuals working with civil society organizations, and political activists.



Urban apartment complex at night,  
downtown Yangon, Myanmar.

© Spike Johnson, 2014



Typical residential stairwell in an urban  
apartment complex, Yangon, Myanmar.

© Spike Johnson, 2014



This report is based on an analysis of relevant provisions of the 2012 law and their application. It draws from interviews and focus group discussions conducted by Fortify Rights from October 2013 and March 2015 with 90 Myanmar residents living in Yangon and Bago Regions and Chin, Kachin, Rakhine, and Shan states.

Fortify Rights documented pointed and consistent enforcement of the guest registration requirement against low-income communities. It appears as though Myanmar authorities conduct more household inspections within poorer communities than within communities of higher socio-economic status. Although the 2012 law prohibits the collection of fees for registering guests, authorities in some areas demanded payments of 100 to 1,500 Kyat (US\$0.10 to \$1.50), particularly from individuals living in low-income communities.

Authorities have also used the guest registration requirement and household inspections to target representatives of civil society groups and political activists. Civil society leaders described the guest registration requirement as a tactic that local authorities use to arbitrarily obstruct events and cross-community collaboration. Myanmar authorities have used nighttime inspections to monitor, harass, and in some cases detain political activists. Former political prisoners described to Fortify Rights how they were arrested during nighttime inspections conducted under the pretense of enforcing the guest registration requirement.

On a positive note, compliance with the guest registration requirement and enforcement through household inspections has declined significantly in recent years. Nevertheless, the 2012 law remains in force and can be invoked at any time.

The current Home Affairs Minister, Lieutenant General Ko Ko—who was hand picked for the ministerial position by the military Commander-in-Chief—introduced and defended the *Ward or Village Tract Administrative Law* in Myanmar's Parliament in August 2011. The Ministry of Home Affairs ultimately controls the process of appointment of ward and village tract administrators and oversees their implementation of the guest registration requirement. Given the military's history of abuse in Myanmar, its effective authority over the guest registration process and household inspections is concerning.

“My understanding is that there are no midnight inspections in democracies,” an ethnic Mon-Burman shopkeeper from Dala Township in Yangon said. “While this practice is still being applied, we feel like the authorities are practicing the policies of the old government.”

Myanmar residents of various ages, ethnicities, and locations told Fortify Rights that they continue to register guests, often out of fear of repercussions for failing to do so, but many others no longer register their guests. Increasingly, residents are exercising civil disobedience by refusing to comply with the guest registration requirement.

Yangon resident arrested in 2014 for failing to produce documents demanded by authorities during a “midnight inspection.”

© Spike Johnson, 2014



So long as the guest registration requirement remains on the books in Myanmar, it will be a ready tool of repression. Activists and political actors worry that the authorities could use the guest registration requirement and household inspections to crackdown on future pro-democracy movements or further violate human rights.

The government of Myanmar should immediately abolish the guest registration requirement and end the practice of invasive household inspections. Specifically, the *Pyidaungsu Hluttaw* (Myanmar Parliament) should repeal section 13(g)-(h), 13(n), 17, and 33 of the *Ward or Village Tract Administration Law*, which relate to the guest registration requirement.

Lifting the guest registration requirement and ending the practice of household inspections would help eliminate arbitrary invasions of privacy in Myanmar and reduce barriers to political organizing and civil society activity, strengthening the ongoing process of political reform.

“If [the Myanmar government] claims to be leading a democratic country,” said a successful businessman in Yangon, “they must change these policies.”

# METHODOLOGY

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This report is based on 46 interviews and five focus group discussions with a total of 90 residents from Myanmar. Interviews were conducted by Fortify Rights and the Harvard Law School International Human Rights Clinic between October 2013 and March 2015 in Yangon and Bago regions, Chin, Kachin, and Rakhine states, and included residents from Karen and Shan states. Interviewees included 13 women, and approximately 23 women participated in focus group discussions. While many interviewees self-identified as Burman Buddhists, 21 interviewees and at least 17 focus group discussion participants identified as members of several ethnic and religious minority groups, including Chin, Kachin, Karen, Mon, Rakhine, Rohingya, Tamil, and Surti, as well as members of the Christian and Muslim faiths. Persons who were interviewed identified as students, merchants, laborers, academics, politicians, activists, civil society leaders, and a government ward administrator.

Interviews were conducted in English or in Burmese with English interpretation. None of the interviewees received compensation and all were informed of the purpose of the interview, its voluntary nature, and the ways that the information they shared might be used. All provided informed consent.

In the interest of the security of people who spoke to Fortify Rights, in most cases, the names of interviewees and other identifying information has been withheld or changed.

# BACKGROUND

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For decades, successive military regimes in Myanmar used sweeping surveillance activities and other invasive intelligence-gathering efforts to suppress the population.<sup>1</sup> Today, Myanmar authorities continue to rely on several problematic laws to monitor, harass, intimidate, and discriminate against particular individuals.

Two 1907 laws—*The Village Act* and *The Towns Act*—required residents of Myanmar to register overnight guests with local authorities and outlined penalties, which included fines and imprisonment, for failure to do so.<sup>2</sup> These laws, like many others in Myanmar, were adopted under British colonial rule and remained in place following the country's independence in 1948. Successive military regimes in Myanmar employed these laws as a pretext for entering homes late at night in order to gather intelligence, monitor the movements of individuals of interest, and make arrests.<sup>3</sup>

As military rule grew increasingly entrenched in Myanmar, household inspections became notorious throughout the country. In particular, during pro-democracy uprisings in 1988, 1998, and 2007, the Myanmar military routinely inspected homes of politically active individuals late at night, often arresting and convicting activists, student leaders, and others under a variety of laws.

Following nationwide elections in 2010—Myanmar's first in two decades, which were widely regarded as un-free and unfair—a nominally civilian government took power in Myanmar, ushering in a military-controlled parliamentary system, which remains in place today.

In August 2011, the Minister of Home Affairs Lt. Gen. Ko Ko submitted to Parliament the draft bill of the *Ward or Village Tract Administration Law*, which would replace the previous 1907 laws that provided for guest registration.<sup>4</sup> On February 24, 2012, Parliament passed the bill.<sup>5</sup> The new law re-codified the general requirement that the country's population must register household guests, and it granted ward and village tract administrators broad enforcement powers.

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1 Christina Fink, *Living Silence in Burma*, 2<sup>nd</sup> edition, (London: Zed Books, 2009), p. 134.

2 The Towns Act, 1907, sec. 10(1); The Village Act, 1907, sec. 15(1).

3 See, for example, Fortify Rights interviews with A.B., A.D., A.E., B.H., C.A., C.F., and D.C., Bago Region and Yangon Region, Myanmar, January 2014.

4 Win Ko Ko Latt, "Preparations Begin for Ward, Village Administrator Vote," *Myanmar Times*, December 10, 2012, <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/3528-preparations-begin-for-ward-village-administrator-vote.html> (accessed March 3, 2015).

5 International Labor Organization (ILO), Committee of Experts on the Application of Conventions and Recommendations, Myanmar, "Follow-Up to the Recommendations Made by the Commission of Inquiry," 2013, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3086184:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3086184:NO) (accessed March 9, 2014).

## WARD or VILLAGE TRACT ADMINISTRATION LAW<sup>6</sup>

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**13.** The ward or village tract administrator shall carry out the following functions and duties in accord with the relevant laws, rules and procedures;

**g)** Receiving and granting the information of guest list for overnight guests from other ward or village tract, inspecting the guest list and taking action if failed to inform the guest list;

**h)** Reporting to the relevant [authority] if finds the suspected stranger who does not live in the ward or village and reporting the unusual processes at the same time;

**n)** Examining the places needed to examine for prevalence of law and order and upholding the discipline from time to time.

**17.** The person residing in the ward or village tract shall inform the relevant ward or village tract administrator in accord with the stipulations if any of the following cases arises;

**a)** Coming and putting up as the overnight guest who resides in other ward or village tract and is not listed in his family unit;

**b)** Departure of the guest who comes and puts up.

**33.** The Ward or Village Tract Administrator shall not collect any currency in respect of guest list information.

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<sup>6</sup> The widely circulated English language version of the law, published by the Ministry of Home Affairs, is dated February 24, 2012. In that version, the section pertaining to the collection of currency in respect to the guest list is numbered as section 34. The official Burmese version of the law lists that provision as section 33. This report references section 33 as in the Burmese version of the law.

# I. The Guest Registration Requirement and Its Enforcement Through Household Inspections

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Section 17 of the *Ward or Village Tract Administration Law* of 2012 requires any resident to report to their respective ward or village tract administrator if someone from another ward or village intends to stay overnight.<sup>7</sup> According to the law, the resident must also notify the administrator when the guest departs.<sup>8</sup> Additionally, section 13(g)-(h) empowers the ward administrator to register guests coming into his or her ward or village tract, inspect guest lists, and take action against residents who fail to comply.<sup>9</sup>

## Guest Registration

In general, there is not a uniform process for registering household guests in Myanmar. The documents, fees, and actions required to register overnight guests differ from region-to-region and neighborhood-to-neighborhood, and ward and village tract administrators are given broad discretion to develop their own rules and protocols. Fortify Rights' investigation revealed that the guest registration policy continues to be applied, albeit inconsistently, in communities throughout the country.

Typically, adult members of the hosting household are responsible for registering overnight guests. Hosts are required to visit the office of the ward or village tract administrator in person in order to register guests. However, in some areas and neighborhoods, local officials require guests to also appear in person at the administrator's office alongside their hosts.<sup>10</sup>

Although the Ministry of Home Affairs, through the General Administration Department, pays the ward and village tract administrators a monthly stipend, administrators usually have other paying jobs.<sup>11</sup> As a result, their offices are often only open in the evenings, leaving a narrow window of time for residents to register guests.<sup>12</sup>

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7 Ward or Village Tract Administration Law, sec. 17(a).

8 Ward or Village Tract Administration Law, sec. 17(b).

9 Ward or Village Tract Administration Law, sec. 13(g)-(h).

10 Fortify Rights interviews with B.I., B.J., C.I., and D.J., Yangon Region, Myanmar, January 2014.

11 Kyi Pyar Chit Saw and Matthew Arnold, *Administering the State in Myanmar: An Overview of the General Administration Department*, The Myanmar Development Resource Institute and The Asia Foundation, October 2014, <https://asiafoundation.org/resources/pdfs/GADEnglish.pdf> (accessed March 8, 2015), p. 1.

12 See, for example, Fortify Rights focus group discussion with E.H., Kachin State, Myanmar, August 9, 2014 (“The registration can only be done during the night, and not during the daytime. If the administrator’s office is far, visiting the office is quite cumbersome. Last time I had to register a guest, the office was surrounded by mud.”)

## WARD and VILLAGE TRACT ADMINISTRATORS

Ward and village tract administrators are among Myanmar's lowest-tier of civil servants. Local residents elect the administrators in theory, but their appointment is subject to approval by a supervisory board under the Ministry of Home Affairs. The ministry's authority over the appointment process has come under criticism from Myanmar civil society, which alleges the Ministry of Home Affairs only appoints like-minded administrators.<sup>13</sup>

13 See Sanay Lin, "Coalition Targets 'Undemocratic' Laws on Local Governance," *Irrawaddy*, December 9, 2014, <http://www.irrawaddy.org/burma/coalition-targets-undemocratic-laws-local-governance.html> (accessed February 25, 2015).

In many neighborhoods, local authorities remind residents to register guests by nightly or periodic announcements made over loudspeakers.<sup>14</sup> An ethnic Chin man, 42, living in Yangon spoke to Fortify Rights about these announcements:

Once a month or every two months, [the ward administrators] make an announcement with the loudspeaker, saying, "Behold, if you have visitors from other places or towns or areas, please come and report who they are. If you don't report them to us, and we come and check, then the penalty will be very severe." The people go [to register guests] around 7 or 8 p.m. They are still making these announcements in our area.<sup>15</sup>

A 33-year-old ethnic Burman man living in Bago Region described his experience returning to visit his parent's house in his home village:

When the ward administrator makes the [public] announcement [to register guests] every night around 9 p.m., [the residents] have to rush to the ward administrator's office. They are afraid, and they rush to register.<sup>16</sup>

14 Fortify Rights interviews with A.B., A.F., B.D., B.E., C.C., C.D., and C.I., Bago Region and Yangon Region, Myanmar, January 2014.

15 Fortify Rights interview with B.E., Yangon Region, Myanmar, January 14, 2014.

16 Fortify Rights interview with C.C., location withheld, January 17, 2014.

At the ward or village tract administrator's office, administrators require parties registering guests to present several documents. The documents most commonly required include the household registration form, the guest list of the household, and the national registration card of the guest. The household registration form—also known as “Form 10” or the “midnight list”—is an official government document that lists the biographical data of all household residents.<sup>17</sup> The guest list is a notebook or ledger kept by the host that records similar biographical data about overnight guests and is signed and stamped by the ward administrator. Often the guest list is kept in a standard notebook or on single sheets of paper, which the host must supply for this specific purpose.<sup>18</sup> The national registration card, also known as the citizenship scrutiny card, is issued to citizens of Myanmar through the Immigration and National Registration Department.<sup>19</sup>

Ward or village tract administrators sometimes question and record the purpose or duration of the guest's visit. It is not clear how the data collected by the ward or village tract administrator's office is managed or maintained or who has access to the information. Presumably, the data is made available upon request to other government agencies, such as the Special Branch—the intelligence division under the Myanmar Police Force—and other intelligence and state security agencies.

Although section 33 of the Ward or Village Tract Administration Law explicitly states that “[t]he Ward or Village Tract Administrator shall not collect any currency in respect of guest list information,” fees are often collected to complete the registration process.<sup>20</sup> Individuals interviewed cited payments ranging from 100 to 1,500 Kyat (approximately US\$0.10 to \$1.50) in recent years.<sup>21</sup> In some cases, people referred to these payments as “donations” provided voluntarily and stated that failure to provide payment would not result in any repercussions.<sup>22</sup>

Other persons interviewed by Fortify Rights suggested that the Myanmar authorities are more likely to charge fees to certain communities, such as poor, rural, or uneducated communities. A former political prisoner, 35, summarized this situation:

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17 Myanmar people often refer to the household registration form in Myanmar language as *tha-gaung-sa-yin*, which translates literally “midnight list.” It includes names, dates of birth, place of birth, parents' names, and addresses.

18 Fortify Rights interview with A.B., Yangon Region, Myanmar, January 12, 2014.

19 Printed on heavy pink paper, the National Registration Card includes the holder's photo, signature, left thumb print, and other biographical data.

20 Ward or Village Tract Administration Law, sec. 33. See, for example, Fortify Rights interviews with B.D., D.G., and E.B., Yangon Region, Myanmar, January 2014.

21 Fortify Rights interviews with A.B. (500 Kyat), A.C. (3,000 – 5,000 Kyat), A.D. (100 Kyat per guest), A.H. (200-300 Kyat), B.E. (100 Kyat), C.D. (200 Kyat), C.E. (200 Kyat), C.J. (200 Kyat), D.B. (100 Kyat per guest), E.B. (500 Kyat), and E.D. (2,000-3,000 Kyat), and focus group discussion with 47 (consensus on 500 Kyat), Yangon Region and Bago Region, Myanmar, January 2014.

22 Fortify Rights interviews with A.H., B.C., B.D., B.E., B.H., C.H., and D.C., and focus group discussion with E.H., Bago Region and Yangon Region, Myanmar, January 2014.



If the area has many educated people, then the ward administrator is less likely to charge fees, and overall, the ward administrators are less influential. In places where there are less educated people, the ward administrator is “king.” This is not a policy, but it is just the way it is. There are media and educated people in Yangon, so they don’t need to pay; but outside of Yangon, the people know that they have to pay.<sup>23</sup>

At the conclusion of the registration process, ward or village tract administrators typically make entries on hosts’ guest lists and add their signatures and an official stamp. The entries usually permit guest stays for a limited time period. Interviewees cited one week as the most frequent duration granted for guests, although some cited time periods of up to one month.<sup>24</sup>

Individuals who spoke with Fortify Rights stated that exceptions to the general procedure are sometimes made for special occasions, such as funerals, or for households with a personal relationship with the ward or village tract administrators.<sup>25</sup> An ethnic Mon-Burman male shopkeeper, 45, from Dala Township, Yangon Region told Fortify Rights:

I have a special relationship with the ward administrator and with all of the ward administrator office staff. This is why I don’t care about the guest inspection. . . . For the past 20 years, I have never had to register as a guest at my sister’s house. Yes, sometimes guests come to my sister’s house for an overnight stay. . . . What I do is go to the ward administrator’s house and just tell him that a guest is staying at our house. Sometimes I go to the ward administrator’s office; and sometimes I go to the ward administrator’s house; and sometimes, on my way, I just meet him on the road and tell him that I have a guest tonight. This is my unique situation. . . . There are frequent midnight inspections in my neighborhood, but the officials skip my house.<sup>26</sup>

Some interviewees told Fortify Rights that the guest registration process has become less strict in recent years. For example, a female ethnic Chin resident in Yangon said the authorities in her ward no longer require guests to accompany hosts when they register, and guests are now allowed to stay for one month compared to earlier limits of one week.<sup>27</sup> Others reported to Fortify Rights that administrators no longer require fees for registering guests.<sup>28</sup>

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23 Fortify Rights interview with A.B, Yangon Region, Myanmar, January 12, 2014.

24 Fortify Rights interviews with A.B., A.C., A.D. (one month), A.H. (one month), A.I., B.A., B.C. (15 days to one month), B.D., B.E., C.D., C.E., C.F., C.J., D.A., D.B., D.D., D.H., E.B., E.C., and E.E., and focus group discussion with C.C., C.G. (one month), and E.H. 47 (one month), Bago Region, Yangon Region, and Kachin State, Myanmar, January 2014 - August 2014.

25 Fortify Rights interviews with A.H., B.H., and B.I., Yangon Region, Myanmar, January 2014.

26 Fortify Rights interview with B.H., Yangon Region, Myanmar, January 15, 2014.

27 Fortify Rights interview with B.D., Yangon Region, Myanmar, January 14, 2014.

28 Fortify Rights interview with A.C., A.H., A.I., B.D., B.E., and D.B., Yangon Region, Myanmar, January 2014.

Although the *Ward or Village Tract Administration Law* does not specify a penalty for non-compliance with the guest registration requirement, in practice, residents have been subject to fines ranging from 500 to 20,000 Kyat (US\$0.50 to \$20) and periods in detention.<sup>29</sup>

## Household Inspections

Enforcement of the guest registration requirement is largely implemented through household inspections. Section 13(n) of the *Ward or Village Tract Administration Law* grants vague and sweeping discretionary authority to ward and village tract administrators to “[examine] the places needed to examine for prevalence of law and order and upholding the discipline from time to time [sic].”<sup>30</sup> This clause gives administrators almost boundless authority over the physical premises of their wards and village tracts.<sup>31</sup>

Residents of various parts of Myanmar told Fortify Rights of a wide range of experiences with regard to the frequency of household inspections and the ways in which these inspections are carried out. Nevertheless, household inspections appear to share certain common elements.

Household inspections typically occur around midnight or shortly thereafter, leading some individuals to simply refer to them as “midnight inspections.”<sup>32</sup> The reported frequency of inspections varied widely, with some people stating inspections took place at least once a month

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29 Fortify Rights interviews with A.B., A.C., A.H., B.C., B.D., B.E., B.I., B.J., C.D., C.E., C.F., C.I., D.B., D.C., D.D., E.A., E.C, E.F, and E.H., and focus group discussion with C.C., Bago Region, Yangon Region, and Kachin State, Myanmar, January - August 2014. Note that the now defunct *The Towns Act* and *The Village Act* did prescribe a fine and imprisonment of up to 15 days for non-compliance. See *The Towns Act*, sec. 10(3); *The Village Act*, sec. 16(1).

30 *Ward or Village Tract Administration Law*, sec. 13(n). The Minister of Home Affairs defended these provisions during parliamentary debate. See “Second Regular Session of First Pyithu Hluttaw Continues for 19th Day; Amyotha Hluttaw-Approved Bill and Another Approved Bill Passed,” *Global New Light of Myanmar*, September 16, 2012; Shwe Yinn Mar Oo, “Hluttaw Approves Ward and Village Admin Bill,” *Myanmar Times*, October 31, 2011, <http://www.mmmtimes.com/index.php/national-news/1870-hluttaw-approves-ward-and-village-admin-bill.html> (accessed March 3, 2015).

31 The *Ward or Village Tract Administration Law* also requires residents to apply for permission to use a loudspeaker or to host ceremonies and other public events. *Ward or Village Tract Administration Law*, arts. 18, 21. Some argue that these aspects of the law are used to unlawfully control political organizing and civil society activity. See Sandar Lwin, “Ward, Village Law Could Disrupt Elections: Activists,” *Myanmar Times*, December 25, 2014, <http://www.mmmtimes.com/index.php/national-news/12670-warnings-that-ward-village-law-could-disrupt-elections.html> (accessed March 3, 2015).

32 Fortify Rights interviews with A.E. (11:30 p.m.–1 a.m.), A.F. (2 a.m.), A.J. (12 a.m.), B.C. (11 p.m., 12 a.m. or 1a.m.), B.D. (10 p.m.), B.E. (1 a.m.), B.F. (after 12 a.m., 2 a.m.), C.B. (2 a.m.), C.D. (12 a.m.) C.E. (12 a.m.), C.H. (12 a.m.), C.I. (12 a.m.), C.J. (12 a.m.), D.H. (12 a.m.–1a.m.), and E.G. (11 p.m.), Bago Region and Yangon Region, Myanmar, January 2014. Terms also translated as “midnight checks” and “midnight raids.”

and others citing periods of up to two years without an inspection.<sup>33</sup> In some wards and village tracts, inspections are reportedly on the decline or have stopped altogether in recent years.<sup>34</sup>

Public holidays or events tend to prompt widespread household inspections when government authorities are typically more sensitive to the prospect of potential protests or civil unrest. For example, inspections often occur on the night before Union Day, Martyrs' Day, or other prominent Myanmar holidays or anniversaries.<sup>35</sup> Similarly, inspections are more likely to occur in the wake of bombings—which are infrequent—or when the police are seeking to meet certain law enforcement goals or quotas.<sup>36</sup>

Teams of up to ten or more individuals, including the ward or village tract administrator and police officers, typically carry out most household inspections.<sup>37</sup> Inspection teams also include firefighters, soldiers—often armed—and officers of the Special Branch—a notorious intelligence division of the Myanmar Police Force.<sup>38</sup>

Notably, members of Myanmar's Red Cross have participated in the household inspections. However, in February 2015, Dr. Tha Hla Shwe, the Chairman of the Myanmar Red Cross Society, asserted:

The public will no longer see Red Cross members visiting houses at night to check if there are overnight guests staying without permission. We have asked that Red Cross members are not assigned to surprise vehicle inspections and security roles.<sup>39</sup>

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33 See, for example, interviews with A.B., A.F., A.H., B.J., C.D., C.I., and E.C., Bago Region and Yangon Region, Myanmar, January 2014.

34 Fortify Rights interviews with A.B., A.D., A.I., B.A., B.D., C.D., D.B., D.E., D.G., and D.I., Bago Region and Yangon Region, Myanmar, January 2014.

35 Fortify Rights interviews with A.B., A.H., A.I., A.J., C.B., C.E., C.F., E.F., and E.G., Bago Region and Yangon Region, Myanmar, January 2014.

36 Fortify Rights interview with A.B., A.F., A.H., A.J., B.C., B.G., C.E., and C.F., and focus group discussion with C.C., Bago Region and Yangon Region, Myanmar, January 2014.

37 See, for example, Fortify Rights interviews with A.B. (“a group of 20 or 30 people”), D.D. (“at least 10 people on the inspection team”), and E.G. (“around 15”), Yangon, Myanmar, January 2014.

38 Fortify Rights interviews with A.B., A.E., A.H., A.J., C.D., B.C., C.E., C.I., D.D., D.H., and E.A., and focus group discussions with E.H. and E.I., Bago Region, Yangon Region and Kachin State, Myanmar, January - August 2014.

39 Zu Zu, “Let Us Stick to Humanitarian Work: Red Cross,” *Irrawaddy*, February 27, 2015, <http://www.irrawaddy.org/burma/let-us-stick-humanitarian-work-red-cross.html> (accessed March 3, 2015).

In some cases, the authorities methodically inspect every household in an area.<sup>40</sup> In other cases, certain residences are targeted for inspection.<sup>41</sup>

The authorities typically announce their presence at the front doors of homes and demand to see household registration forms and guest lists. In some cases, authorities examine the requested documents and move on, sometimes after conducting a headcount of those present.<sup>42</sup> In other cases, the authorities enter the house and conduct thorough searches.<sup>43</sup>

Fortify Rights found that the Myanmar authorities have not enforced the guest registration requirement as much in recent years, and that in some communities household inspections are infrequent or no longer occur.<sup>44</sup> This is a positive development. Nevertheless, the guest registration requirement and household inspections continue to affect large sectors of Myanmar society and constitute a threat to all residents.

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40 See, for example, Fortify Rights interview with C.E., Bago Region, Myanmar, January 17, 2014 (retired police officer who participated in inspections and stated, “We would check every house on the street.”).

41 See, for example, Fortify Rights interviews with A.B., B.D., and C.F., Bago Region and Yangon Region, Myanmar, January 2014.

42 See, for example, Fortify Rights interviews with B.G., C.E., C.F., D.D., and D.H., Bago Region and Yangon Region, Myanmar, January 2014.

43 See, for example, Fortify Rights interviews with A.B., A.J., B.A., B.E., B.F., C.D., C.E., and E.G., and focus group discussion with C.C., Bago Region and Yangon Region, Myanmar, January 2014.

44 Fortify Rights interviews with A.B., A.D., A.I., B.A., B.D., C.D., D.B., D.E., D.G., and D.I., Bago Region and Yangon Region, Myanmar, January 2014.

## II. Abuses Related to The Guest Registration Requirement and Its Enforcement

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***“We want to stay overnight without any worry.”***

—PYONE CHO, 88 Generation student leader, Yangon, March 22, 2014

Although in some communities the Myanmar authorities are no longer enforcing the guest registration requirement to the same extent as in previous years, the law, its application, and the methods relied on to ensure compliance are fundamentally at odds with international human rights law. The guest registration requirement and its enforcement by the Myanmar authorities impinge on the human rights to privacy and freedom of movement, residency, and association and have led to intimidation, harassment, and abuse of power. There are also indications that the guest registration requirement is not equally applied or enforced across Myanmar or even within individual communities.

### **Invasions of Privacy**

The Myanmar government collects large amounts of personal data through the guest registration process. While it is unclear how this information is managed or used by the government, it raises concerns regarding potential infringements on the right to privacy.

Some individuals believe the guest registration process is a form of government surveillance. An ethnic Rohingya Muslim businessman in Yangon told Fortify Rights:

The government is using many ways to watch people. One way is through administration. Every tenth house on every block has a government representative who records information. It's on every street. They're watching us. . . . The requirement for permission to stay at someone's home is a way to control us. Whenever you have someone come to stay at your residence, they know. They're always watching us.<sup>45</sup>

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<sup>45</sup> Fortify Rights interview with E.J., Yangon Region, Myanmar, February 3, 2015.

An ethnic Rohingya man, who is an active member of a political party based in Yangon, described to Fortify Rights how household inspections impinge on his privacy and pose a threat to his political activities:

Sometimes when I am staying in Yangon and [the authorities] come, I would have to hide some of my things. I would have to hide my phone and my laptop because they would look at them and ask me for my passwords and look at my emails. . . .<sup>46</sup>

Many people told Fortify Rights about the invasiveness of the searches conducted during household inspections.<sup>47</sup> A male former political prisoner, 35, told Fortify Rights:

Whenever I heard the news or announcement that there will be inspections at night, I was afraid . . . They lift the mosquito nets without knowing who is there; it could be a woman. They don't care about privacy. . . . The law gives them the power to enter our homes without any search warrant or anything else.<sup>48</sup>

A female Burman resident of Dala Township in Yangon, 26, cited fear about potential nighttime inspections:

The immediate impact [of the guest registration requirement] is fear and intimidation that someone would come and check my house. This is the fear that we have to deal with. One time, I had a guest come to my house at 10:30 p.m., but the ward administrator's house was closed. I decided to accept the guest, but I could not sleep for fear of the midnight checks.<sup>49</sup>

An ethnic Burman female lawyer, 33, told Fortify Rights, "At night, when the authorities came to our house, they entered the bedroom of the women at the law school and lifted the mosquito nets of the women."<sup>50</sup>

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46 Fortify Rights interview with A.C., Yangon Region, Myanmar, January 12, 2014.

47 See, for example, Fortify Rights interview with A.B., A.C., C.D., and C.E., and focus group discussion with C.C., Bago Region and Yangon Region, Myanmar, January 2014.

48 Fortify Rights interview with A.B., Yangon Region, Myanmar, January 12, 2014.

49 Fortify Rights interview with C.I., Yangon Region, Myanmar, January 15, 2014.

50 Fortify Rights focus group discussion with C.C., location withheld, January 17, 2014.

## Restrictions on Movement, Residency, and Association

The guest registration requirement and threat of nighttime inspections discourages some individuals from traveling or staying in homes other than their primary residences, impinging on the rights to freedom of movement, residency, and association.<sup>51</sup>

For example, an ethnic Burman man from Dala Township in Yangon, 45, told Fortify Rights:

Even though I was born here [in Myanmar], I cannot travel freely to visit family or for business. If I travel, I have to comply with all of these regulations.<sup>52</sup>

An ethnic Rohingya Muslim businessman in Yangon described the implications of the guest registration requirement. He said:

My sister and I live in the same village. If I went to her home to stay, I'd need permission. If we live in the same building, on the same street, without permission, we can't go and stay with each other.<sup>53</sup>

The guest registration requirement adversely affects the freedom of movement and association of Myanmar's civil society and political activists. For example, an ethnic Burman male member of a civil society organization described how the guest registration requirement affected his organization's activities:

If we provide a training session, we have to register the guests. Really, this affects our ability to do work independently. . . . As a civil society organization, if we have to make field visits, we definitely have to consider these things. We need to apply for the group registration of guests.<sup>54</sup>

He told Fortify Rights how the ward authority refused to register guests to attend a workshop his organization planned to hold in Ayeyarwaddy Region in 2013. Eventually, his organization obtained permission through a township-level authority, but delays required that the workshop be postponed. He said:

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51 See, for example, Fortify Rights interviews with A.B., A.C., A.E., A.F., A.G., B.A., B.B., B.C., B.D., B.E., B.I., B.J., C.A., C.D., C.F., C.I., C.J., D.D., D.H., D.J., E.A., and E.C., and focus group discussion with C.C., Bago Region and Yangon Region, Myanmar, January 2014.

52 Fortify Rights interview with C.B., Yangon Region, Myanmar, January 15, 2014.

53 Fortify Rights interview with E.J., Yangon Region, Myanmar, February 3, 2015.

54 Fortify Rights interview with C.J., Yangon Region, Myanmar, January 16, 2014.

The power to approve or not approve the guest registration is where they have power over us. It is not possible to conduct trainings without their permission. We have to go to the township level, but that takes time. There are other ways that they prevent our activities, but it is easiest for them to do it by rejecting the guest registration. This is one of the tools that they have against us.<sup>55</sup>

A 35-year-old former political prisoner also described to Fortify Rights how the threat of household inspections in the lead up to the constitutional referendum in 2008 affected his community's ability to organize and conduct political meetings:

We didn't report the guests to the ward administrator because the security situation was very bad. . . . We had secret meetings at night, but we couldn't stay there all night because there could be inspections. We needed to choose a time between 9 p.m. and 12 a.m. at night because of the surprise inspections. Meetings sometimes involved 10 or 12 people. We needed to go one by one to the apartment to avoid detection, and therefore, it took a long time to assemble. So this law and practice impeded a lot of our political activity. . . . Whenever we heard footsteps—especially as it got nearer to midnight—we became afraid.<sup>56</sup>

Dr. Nyo Nyo Thin, an independent female Member of Parliament from the Yangon Region, told Fortify Rights how the law prevents political activists from meeting in the evening:

We complain about this law, because we usually meet and talk in certain houses until midnight. If the authorities know that we are gathering in a house, they may come and say that we need to register . . . For politicians . . . it is a small law, but a big punishment.<sup>57</sup>

She also described to Fortify Rights how the guest registration requirement affects her ability to move freely and determine the place of her residence:

I have three houses in Yangon, but only one registration card. I am supposed to register if I go to my house in another township. I don't want to register when I am staying in my own house, so I prefer to stay in my first house. Sometimes I want to escape from my official house. Sometimes I want to write in my more peaceful house. Sometimes I want to talk with my friends or write an article. Sometimes we have a debate or discuss confidential issues, and I don't want people around me—

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55 Ibid.

56 Fortify Rights interview with A.B., Yangon Region, Myanmar, January 17, 2014.

57 Fortify Rights interview with E.E., Yangon Region, Myanmar, January 16, 2014.



even my husband or parents. I need privacy and go to my other apartment, but this law prevents me from doing that.<sup>58</sup>

The guest registration requirement also adversely affects people who are unable to secure household registration documents or who are not listed on them. Fortify Rights spoke with 16 individuals who must regularly register themselves as guests in the ward or village tract where they reside.<sup>59</sup> Many of these individuals told Fortify Rights that they could not obtain household registration documents because they do not own the homes where they live.<sup>60</sup>

Low-income households in particular are less likely to have adequate household registration documentation, meaning that family members must continually register as guests in their own residences.<sup>61</sup>

An ethnic Burman father of seven children from Bago Region told Fortify Rights:

I live [on] land owned by the municipal government. There is a group of 20 bamboo huts. . . . We don't own it and cannot build as we like. . . . We've been living here for seven years without the midnight list [household registration]. I have to register as a guest once a week. Every week for seven years, I've had to register with the ward administrator because we were not issued a family list. I need to bring my national registration card and that of anyone else who has one . . . and pay 200 Kyat (US\$0.20) every week.<sup>62</sup>

An activist and member of a civil society organization from Yangon told Fortify Rights:

Before, when I was living in an apartment with my wife, I had to apply for the [guest] registration. We had to apply weekly for the guest registration. We had to pay 200 Kyat (US\$0.20). It's not a lot, but we still had to pay it every week. If we didn't apply, we would be afraid.<sup>63</sup>

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58 Fortify Rights interview with Dr. Nyo Nyo Thin, Yangon Region, Myanmar, January 16, 2014.

59 Fortify Rights interviews with A.B., A.C., A.D., A.H., B.G., C.E., C.F., C.I., C.J., D.A., D.B., D.D., D.H., D.I., E.A., and Nyo Nyo Thin, Bago Region and Yangon Region, Myanmar, January 2014.

60 Fortify Rights interview with A.C., A.H., A.I., C.E., C.F., C.I., D.B., D.C., and E.E., Bago Region and Yangon Region, Myanmar, January 2014.

61 See, for example, Fortify Rights interview with A.H., B.I., and E.A., and focus group discussion with B.G. Yangon Region, Myanmar, January 2014.

62 Fortify Rights interview with C.D., Bago Region, Myanmar, January 17, 2014.

63 Fortify Rights interview with C.J., Yangon Region, Myanmar, January 16, 2014.

A male Yangon resident, 33, told Fortify Rights that his wife is required to register every week as a guest because she is not on the household registration list.<sup>64</sup>

A lawyer from Bago Region told Fortify Rights: “In my ward, there are certain people who moved from another township and inhabited my ward for some time, but they do not have an official family list in my ward. So they must register themselves as guests.”<sup>65</sup>

Individuals that lack national registration cards or citizenship status in Myanmar are generally unable to comply with the guest registration requirements, thereby creating significant obstacles to their ability to move or reside freely in the country.<sup>66</sup> This particularly affects ethnic and religious minorities in Myanmar, including Rohingya Muslims who are among many groups denied equal access to citizenship in Myanmar.<sup>67</sup>

Speaking about the impact of the guest registration requirement on ethnic minorities—and reflecting the widely held perception that Rohingya are “Bengali” and illegal immigrants from Bangladesh—Dr. Nyo Nyo Thin, an ethnic Burman MP from the Yangon Region, told Fortify Rights:

Today, there are many Bengalis coming to Yangon who are illegally entering. They cannot speak any Burmese so the authorities find them when they check [households] at night. For them, it is a way to attack at night and check the illegal immigrants.<sup>68</sup>

An ethnic Burman resident of Dala Township, 57, who regularly hosts guests from other parts of the country told Fortify Rights:

Sometimes there are guests who spend the night at my house but don't have any ID cards or travel approval—no documents from their native area. So I use my political leverage, and I bring the guests with me to the police station and say that the ward office will not accept my guest, but I still want to register my guests. Then the police approve them to stay for one night only. Then the process is finished. The

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64 Fortify Rights interview with D.H., Yangon Region, Myanmar, January 16, 2014.

65 Fortify Rights focus group discussion with C.C., Bago Region, Myanmar, January 17, 2014.

66 Fortify Rights interviews with B.D., B.I., C.F., and E.C., Bago Region and Yangon Region, Myanmar, January 2014.

67 Myanmar's 1982 Citizenship Law denies citizenship for most of approximately 1.3 million Rohingya Muslims in Myanmar, rendering them stateless. See Fortify Rights, *Policies of Persecution: Ending Abusive State Policies Against Rohingya Muslims in Myanmar*, February 25, 2014, <http://www.fortifyrights.org/publication-20140225.html> (accessed March 9, 2015); Human Rights Watch, “*All You Can Do Is Pray*”: *Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State*, April 22, 2013, <http://www.hrw.org/reports/2013/04/22/all-you-can-do-pray> (accessed March 9, 2015).

68 Fortify Rights interview with E.E., Yangon Region, Myanmar, January 16, 2014.

ward administrator will just decline to approve the guests if I try to register these guests without papers.<sup>69</sup>

An ethnic Chin man living in a Burman-majority area of Yangon told Fortify Rights that the registration requirement prevents him from hosting Christian visitors at his home in Yangon.<sup>70</sup>

## Abuse of Power

Although nighttime household inspections are ostensibly conducted to ensure compliance with the guest registration requirement, evidence collected by Fortify Rights suggests that Myanmar authorities use the household inspections to intimidate and harass particular individuals or segments of the population, including individuals engaged in civil society or political activities. Authorities also use inspections to unlawfully confiscate private property or extort money from residents.

A Rohingya man with citizenship status, 51, living in Yangon told Fortify Rights how the authorities use household inspections to steal personal belongings from his home. He said:

Sometimes they come into the house and they steal things: money, laptops, small things that are valuable. We are not afraid of being caught as a guest, but we are afraid of them taking something.<sup>71</sup>

Two other Yangon residents also expressed fear that the authorities would steal possessions from their homes during the household inspections.<sup>72</sup> A female Burman resident of Yangon, 36, suggested the enforcement of the law—and thus the collection of fees and fines—is heightened when the ward administrator is in need of money.<sup>73</sup>

Political activists and others told Fortify Rights that they feared the authorities would plant evidence in their homes or arbitrarily arrest residents for political purposes.<sup>74</sup> This fear is well placed considering Myanmar authorities' long history of relying on the guest registration requirement and household inspections to suppress civil society and political activities.<sup>75</sup>

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69 Fortify Rights interview with B.I., Yangon Region, Myanmar, January 15, 2014.

70 Fortify Rights interview with B.E., Chin State, Myanmar, October 2013.

71 Fortify Rights interview with A.C., Yangon Region, Myanmar, January 12, 2014.

72 Fortify Rights interview with A.C. and B.D., Yangon Region, Myanmar, January 2014.

73 Fortify Rights interview with A.F, Yangon Region, Myanmar, January 12, 2014.

74 Fortify Rights interview with A.B., A.C., A.D., and D.C., Yangon Region, Myanmar, January 2014. See also Fortify Rights interview with C.E., Bago Region, Myanmar, January 17, 2014 (a police officer involved previously in household inspections said he allowed residents to search their own bodies so there could be no claims of planting evidence).

75 See, for example, Fortify Rights interviews with E.E., E.F., and E.G., Yangon Region, Myanmar, January 2014.

A former political prisoner described how he believed the authorities used a household inspection as a pretext to arrest his colleague, a student leader, in 2000. He said: “Two or three days before his arrest, military intelligence inspected the houses on our street. . . . One night, they arrived and just arrested him.”<sup>76</sup>

Although there are indications the enforcement of the guest registration requirement has relaxed in recent years, fear of potential repercussions—or abuse of power—through the application of this law continues.<sup>77</sup>

## Unequal Application and Enforcement

The guest registration requirement is not equally applied or enforced across Myanmar or even within individual communities. Fortify Rights found that certain segments of society in Myanmar—including low-income communities and individuals working with civil society organizations or engaged in political activities—are more likely subject to the guest registration requirement as well as the abuses related to its application and enforcement.

### LOW-INCOME HOUSEHOLDS AND COMMUNITIES

***“They care that I am poor. They are more suspicious that poor families are involved in illegal activities.”***

—ETHNIC BURMAN WOMAN, Dala Township, Yangon Region, January 15, 2014

Fortify Rights documented how the guest registration requirement of the *Ward or Village Tract Administration Law* is particularly applied and enforced against low-income households and rural communities.<sup>78</sup> For example, several people told Fortify Rights that the Myanmar authorities conduct more household inspections within poorer communities than within communities with higher socio-economic status.<sup>79</sup>

Fortify Rights met with more than 30 mostly ethnic Burman residents of Dala Township—a low-income community across the Yangon River from downtown Yangon—who said that the authorities

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<sup>76</sup> Fortify Rights interview with A.B., Yangon Region, Myanmar, January 16, 2014.

<sup>77</sup> See, for example, Fortify Rights interview with B.A., Yangon Region, Myanmar, January 13, 2014.

<sup>78</sup> Fortify Rights interviews with A.B., A.C., A.D., C.C., C.I., D.D., D.F., D.G., E.D., and E.E., Bago Region and Yangon Region, Myanmar, January 2014.

<sup>79</sup> See, for example, Fortify Rights interviews with B.H., B.I., B.J., C.A., C.B., C.C., C.I., D.D., D.F., D.G., and E.A. and focus group discussion with B.G., Bago Region and Yangon Region, Myanmar, January 2014.

in their areas strictly enforce the guest registration requirement and that nighttime inspections continue to take place.<sup>80</sup>

“Squatters”—people who typically lack household registration documents—are particularly subject to household inspections.<sup>81</sup> An ethnic Burman woman from Dala Township, 45, described a nighttime inspection in her neighborhood in 2013:

Not everyone in my neighborhood was checked that night—only the families living in shanty houses. Most of these houses were the main targets of the authorities . . . The authorities do not go to the rich houses as much.<sup>82</sup>

An ethnic Burman woman from Dala Township, 45, also described the situation for squatters in Myanmar:

[N]ext to my neighborhood there is an area for [squatters]—all of these families don’t enjoy human rights, and they have to report every three or four days. The authorities are always checking on the paper to see if these people have come. If they see that people have not come for a few days, then they will go to the [squatters’] houses and check. This happened just two days ago.<sup>83</sup>

Some people who spoke with Fortify Rights felt that the Myanmar authorities target poor communities and squatters due to a perceived lack of political power within these communities.<sup>84</sup>

An academic from Yangon told Fortify Rights:

This policy has a big impact on poor people. . . . The ward administrator is more powerful in rural areas, and makes more problems for the poor. In urban areas, the ward administrator doesn’t make problems for us because he knows we’ll make noise to the media. . . . It’s obviously related to power. Urban people are more powerful. The police or ward administrator assumes that 80 percent of the time we [urban dwellers] are related to some high-level military office, so they don’t touch us, but the poor don’t have those connections.<sup>85</sup>

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80 Fortify Rights interviews with B.H., B.I., B.J., C.A., C.B., C.I., D.J., and E.A. and focus group discussion with B.G., Yangon Region, Myanmar, January 2014.

81 Fortify Rights interviews with A.H., C.A., C.B., and E.A., and focus group discussion with B.G., Yangon Region Myanmar, January 2014.

82 Fortify Rights interview with E.A., Yangon Region, Myanmar, January 15, 2014.

83 Fortify Rights interview with C.B., Yangon Region, Myanmar, January 15, 2014.

84 Fortify Rights interviews with A.B., A.C., B.H., C.A., and E.D., Yangon Region, Myanmar, January 2014.

85 Fortify Rights interview with E.D., Yangon Region, Myanmar, January 17, 2014.

An ethnic Mon-Burman male shopkeeper from Dala Township, 45, told Fortify Rights:

[M]y personal view is that [the authorities] target the poor because they can do anything they want in those areas. But they don't really go to the well-to-do people. . . [I]t would be good if there were no inspections at all in the neighborhood.<sup>86</sup>

The power imbalance between administrators and residents in low-income communities appears to foster an environment where authorities feel more empowered to demand fees or bribes, despite the illegality of demanding a fee under the *Ward or Village Tract Administration Law*.<sup>87</sup>

## REPRESENTATIVES OF CIVIL SOCIETY ORGANIZATIONS AND POLITICAL ACTIVISTS

The Myanmar authorities have long relied on the guest registration requirement and household inspections to specifically target individuals involved in civil society organizations or political activities. The authorities use the guest registration requirement as a pretense to monitor and harass civil society representatives and political activists, including former political prisoners. Individuals involved in civil society organizations or political activities as well as those suspected of harboring activists are subjected to more frequent and unannounced household inspections than other residents.<sup>88</sup> These inspections have often led to the arrest of activists and sentencing on trumped-up charges following trials that fail to meet international standards.<sup>89</sup>

According to several individuals who spoke to Fortify Rights, the authorities conducted extensive household inspections—under the *Ward or Village Tract Administration Law*—as part of the crackdown on the 2007 pro-democracy protesters.<sup>90</sup> An ethnic Burman journalist told Fortify Rights:

When there is a revolution or any sort of serious anti-government protest, [household inspections justified by the guest registration requirement] will be used. One of the components of the crackdown is to locate and arrest the top organizers in a movement. One thousand or more may be involved in the movement, but their strategy is to locate and identify the leaders. Once they have located and identified the leaders through modern technologies, such as wiretapping, they will pursue

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86 Fortify Rights interview with B.H, Yangon Region, Myanmar, January 15, 2014.

87 See, for example, Fortify Rights interviews with A.B., A.D., E.D., and E.E., Yangon Region, Myanmar, January 2014.

88 See, for example, Fortify Rights interviews with A.B., A.D., A.J., B.A., C.F., C.H., D.C., E.E., E.F., and E.G. and focus group discussion with C.C., Bago Region and Yangon Region, Myanmar, January 2014.

89 Fortify Rights interviews with A.B., A.D., A.J., C.F., D.C., E.F., and E.G., and focus group discussion with C.C., Bago Region and Yangon Region, Myanmar, January 2014.

90 Fortify Rights interviews with A.B., A.D., A.J., B.A., B.D., and C.H., Yangon Region, Myanmar, January 2014.

the targets. This clearly happened in 2007. Once they located the target, then they made midnight raids. It was very difficult for the targets to escape.<sup>91</sup>

An ethnic Burman female activist, 36, who was involved in the 2007 nationwide pro-democracy demonstrations, also told Fortify Rights:

[I]n 2007, it was a turbulent time here, so at that time, there were many [household] inspections. Because I was a former political prisoner, my family members were afraid of me being arrested, so they sent me to another place. My house was inspected late at night in 2007, but I was not there. I stayed at another place in Mandalay.<sup>92</sup>

Former political prisoners are particularly targeted for household inspections. For example, Pyone Cho, a former political prisoner and student activist who served three separate terms in prison before being finally released in 2012, said the Myanmar authorities subjected his household to regular inspections in the years between stints in prison. He told Fortify Rights:

I had so many experiences with house registration, especially when there were [pro-democracy] demonstrations in the country. . . . Their intention was to make me feel threatened because they knew I was a political activist. Because of their behavior, we were treated like criminals. Sometimes they would come to my house after meetings to check secretly. . . . I didn't want to burden my family. That's why I sometimes had disputes with the authorities and only let two or three people into the house.<sup>93</sup>

Another former political prisoner told Fortify Rights about his continued vigilance regarding guest registration and the stress it causes his family:

Because I have a past in political activism, I need to be careful and make sure that we report guests. . . . The ward administrator was pressured by the military that he needed to take care and watch our family very carefully. Even if the other households do not report [guests], we need to be careful to report to the ward administrator because we can be fined or jailed at any time if we don't, especially if our guests are also political activists.<sup>94</sup>

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91 Fortify Rights interview with C.H., Yangon Region, Myanmar, January 15, 2014.

92 Fortify Rights interview with A.E., Yangon Region, Myanmar, January 12, 2014.

93 Fortify Rights interview with Pyone Cho, Yangon Region, Myanmar, March 22, 2014.

94 Fortify Rights interview with A.B., Yangon Region, Myanmar, January 12, 2014.

Many activists who spoke with Fortify Rights stated that the authorities often relied on the guest registration requirement as a pretext for conducting household inspections to target and arrest political activists.<sup>95</sup> A former political prisoner who served two prison sentences in the 1990's described how the authorities arrested him during nighttime inspections, but charged him under various other laws:

When I was going to be arrested [the first time], the authorities came to my house and knocked and said they were inspecting guests, and then I was arrested. It was the same [the second time]; they said they were checking guests, and I was arrested and brought to the police station. I was not arrested for [failing to comply with] the guest registration [requirement] . . . [W]hen they came to arrest me, the ward administrator and police from the [police station] came and announced they were inspecting guests. But when the door was opened, only my name was called out. They didn't enter the house; I went outside. The charges were not related to guests at all.<sup>96</sup>

A 36-year-old female member of the National League for Democracy (NLD), the main pro-democracy opposition party in Myanmar, told Fortify Rights:

The government wants the law because it is used to stop people who do political activities. There are people who do not register regularly, but there are not regular inspections. The authorities will go to places more often if they want to find fault with political people, or religious or ethnic people. This is why the government wants to have this law. The government used this law in the past two years against politicians. In the past two years [2013-2014], because of this law, the police and ward administrator could search and inspect the house at any time they wish. If they want to arrest a political activist at night, the police and ward administrator will use this law. The activist will be arrested not because of the guest registration law, but the law is a way to arrest people at night.<sup>97</sup>

A male resident of Dala Township, who is a former political prisoner and a member of a prominent civil society group, explained how his guests receive stricter scrutiny and are not permitted to stay as long as his neighbors' guests:

Often, I have to do guest registration, particularly because I am politically active . . . I am on a monitoring list of the local authorities. Sometimes when I receive guests,

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95 Fortify Rights interviews with A.B., A.D., A.J., C.F., D.C., E.F., and E.G., and focus group discussion with C.C., Bago Region and Yangon Region, Myanmar, January 2014.

96 Fortify Rights interview with C.F., Bago Region, Myanmar, January 17, 2014.

97 Fortify Rights interview with B.A., Yangon Region, Myanmar, January 13, 2014.



particularly from Myawaddy [Karen State] and Shan State, then I must make a report about these guests. The authorities ask my guests and me many questions: “Where do you come from?” “Why?” Then the authorities approve the registration, but the guests are only allowed to stay for two days. Other guests are allowed to stay longer, like four or five days, but my guests are only supposed to stay two days.<sup>98</sup>

Thet Zaw, the IT Manager and senior member of the 88 Generation Peace and Open Society, a prominent civil society organization, told Fortify Rights of a nighttime inspection on their Yangon office. The authorities conducted the inspection in July 2012 at 11 p.m. on the eve of a commemoration of the anniversary of the 1962 demolition of the Rangoon University Student Union. Approximately 15 government officials—all in plainclothes, although some were police officers—entered the 88 Generation office grounds and demanded to see the registration documents for the compound. Thet Zaw objected to the inspection, stating:

If the reason you are coming into our building is to check the guests and then go out, I do not have to report to you because we do not accept the law. If you want to arrest someone, arrest everyone here with force. If you want to be polite, just leave.<sup>99</sup>

At that point, a military intelligence officer among the group told the 88 Generation staff members staying at the office that they were searching for three students, including a prominent student leader. At the same time, students in other locations were being arrested but were later released.<sup>100</sup>

Thet Zaw told Fortify Rights:

According to my experience from being arrested six times, whenever [the authorities] want to arrest someone [for political reasons], they use terminology like household registration to cover their true purpose. . . . Because of our reputation and more than 15 years of experience, and because we were in our own building, we dared to respond very strongly [against the official’s actions]. But anyone else that speaks out against authority will be beaten on the spot or arrested if they fail to report the guest registration.<sup>101</sup>

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98 Fortify Rights interview with C.B., Yangon Region, Myanmar, January 15, 2014.

99 Fortify Rights interview with Thet Zaw, Yangon Region, Myanmar, March 22, 2014.

100 See, “Student Union Activists Released,” *Radio Free Asia*, July 7, 2012, <http://www.rfa.org/english/news/myanmar/release-07072012171319.html> (accessed March 9, 2015).

101 Ibid.

Several people told Fortify Rights that the Myanmar authorities do not rely on the guest registration requirement to target civil society representatives or political activities as much as they had in the past.<sup>102</sup> However, the fact that the requirement is still on the books and could be applied at will constitutes a threat to civil society and political activities.

Many of those who spoke with Fortify Rights expressed concern that the guest registration requirement could be applied and enforced as it was in the past if protests or civil unrest erupt.<sup>103</sup> An ethnic Burman political activist, 50, from Mandalay told Fortify Rights:

I believe that this policy will still be used in the future as a tool for crackdowns, if necessary . . . to restrict the movement of the activists and actually to contain them.<sup>104</sup>

A male Burman resident of Dala Township, 45, told Fortify Rights:

Because of my political background, I am always targeted by the authorities during the [important] anniversaries . . . As you see, this policy is still in practice even though the degree is different. If there is a reversal of the political situation, like if the [Myanmar military] comes into power again, this policy will be used and there would be problems.<sup>105</sup>

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102 See, for example, Fortify Rights interviews E.F. and E.G., Yangon Region, Myanmar, January 2014.

103 Fortify Rights interviews with C.B., C.J., D.C., E.D., and E.F., Yangon Region, Myanmar, January 2014.

104 Fortify Rights interview with D.C., Yangon Region, Myanmar, January 16, 2014. See also Fortify Rights interview with C.J., Yangon Region, January 16, 2014 (“During the social movement times, [the law] applies more strictly. . . . This is one of the tools they will use to increase their power. . . . It definitely violates our rights.”).

105 Fortify Rights interview with C.B., Yangon Region, Myanmar, January 14, 2014.

### III. Civil Disobedience and Current Compliance with the Guest Registration Requirement

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While almost everyone interviewed by Fortify Rights reported that they registered all overnight guests before 2011, compliance with the guest registration provisions is more complex today. Although many who spoke with Fortify Rights continue to register their guests, often out of fear of repercussions for failing to do so, others have stopped complying. They reason that it is no longer relevant, unlikely to be enforced, or unbecoming a democratic society.<sup>106</sup>

An ethnic Burman man, 27, who lives in Karen State said:

We decided ourselves that we no longer need to register. The ward administrator still announces in the street that you need to register when a guest comes to your house, but we decided the situation does not call for that. . . . Inspections became very rare, so we know there will be no inspection these days. No one in the ward registers anymore, as far as I know.<sup>107</sup>

An ethnic Burman man, 53, from Mandalay told Fortify Rights:

I did comply with this policy before the changes came about in 2010. I used to report guests to the ward administration office before Thein Sein came into power. I do not comply now because, in those days, there were strict actions taken against those who did not follow this procedure. In those days, I also did not have proper knowledge of democracy and human rights. Now, I argue with the local officials that this procedure is not necessary, and I cite democratic rights to say that I cannot follow this procedure. I just had an argument with the local official, saying that I could not follow this procedure anymore. I explained my rights as a citizen of a democracy.<sup>108</sup>

In some cases, residents take their cues from community leaders or public figures who dismiss the importance of guest registration. An ethnic Burman male resident of Yangon, 32, told Fortify Rights, “I have not registered for two months now and there were no inspections at night because I think the law is worthless and also the member of parliament of this area said that this law is worthless.”<sup>109</sup>

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106 Fortify Rights interviews with A.B., A.D., A.J., B.A., B.C., B.H., C.A., C.D., C.F., C.J., D.B., D.E., D.G., D.I., E.D., and E.E., and focus group discussions with B.G., C.C., Bago Region and Yangon Region, Myanmar, January 2014.

107 Fortify Rights interview with C.D., Bago Region, Myanmar, January 17, 2014.

108 Fortify Rights interview with D.E., Yangon Region, Myanmar, January 16, 2014.

109 Fortify Rights interview with D.B., Yangon Region, Myanmar, January 16, 2014.

Despite demonstrating courage by disobeying an unjust law, a female NLD member from Yangon, 36, told Fortify Rights about her fear of being arrested and her perception of the application of the law under the Thein Sein government:

Although I boycotted the law by not registering, I anticipate that the authorities will come and find fault with me because I am [a member of] NLD. I planned ahead by telling my friends in the media that I will call them if the authorities come. “As soon as the authorities come to my house, I will call you,” I said. “Maybe I will be brought to the police station, but I will accept this, so you must make known to the world that in Myanmar there are some practices that are illegal practices.”<sup>110</sup>

A former political prisoner told Fortify Rights about the need for the law to be abolished:

The effect of the law may not be tangible, but it is real and is a psychological problem for us. Whether there is an inspection or not, as long as the law exists, the ward administrator and the police—it’s their duty to inspect because of the law, which means they can inspect any house without warrant. So from the point of view of rights, we have a right to privacy, and the police or ward administrator cannot come into our house without permission, but because of the law, they can just knock on the door, and they do not need to explain anything.<sup>111</sup>

A female lawyer told Fortify Rights, “We no longer register and inspections are rare these days, but it still makes us feel a loss of freedom.”<sup>112</sup>

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110 Fortify Rights interview with B.A., Yangon Region, Myanmar, January 13, 2014.

111 Fortify Rights interview with A.B, Yangon Region, Myanmar, January 16, 2014.

112 Fortify Rights focus group discussion with C.C., location withheld, January 17, 2014.

## IV. International Legal Framework and Analysis

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The guest registration requirement of the 2012 *Ward or Village Tract Administration Act* and its enforcement by local government officials in Myanmar violates fundamental rights and freedoms under international law. In particular, the guest registration requirement and nighttime household inspections violate the rights to privacy, freedom of movement and residency, and freedom of association.

These rights are defined in foundational human rights documents, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).<sup>113</sup> Although not a binding human rights treaty, the UDHR represents a statement of fundamental values shared by world governments, and its provisions are generally recognized as binding under customary international law.<sup>114</sup> Myanmar is not a party to the ICCPR and is therefore not directly bound by the treaty. However, there is agreement that at least some of the provisions of the ICCPR are now customary international law and therefore binding on all nations, including Myanmar.<sup>115</sup>

These rights are also protected under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC)—two treaties to which Myanmar is a party—in addition to other international human rights instruments.<sup>116</sup>

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113 Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948); International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976.

114 See, for example, Montreal Statement of the Assembly for Human Rights, 1968, attached to UN Doc. A/CONF.32/28, pt. I, at 2 (UDHR “constitutes an authoritative interpretation of the Charter of the highest order, and has over the years become a part of customary international law.”); Final Act of the International Conference on Human Rights, para. 2, U.N. Doc. A/CONF.32/41, UN Sales No.E.68.XIV.2 (1968) (UDHR states “a common understanding of the peoples of the world concerning the inalienable and inviolable right of all members of the human family and constitutes an obligation for the members of the international community.”); Henry J Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, 2<sup>nd</sup> ed, (Oxford: Oxford University Press, 2000).

115 See, for example, Louis Henkin, *International Law: Politics and Values*. Vol. 18, “Developments in International Law” (Dordrecht: Martinus Nijhoff Publishers, 1995); UN Human Rights Committee, “Issues Relating to Reservations Made upon Ratification of Accession to the Covenant or the Optional Protocols Thereto, or in Relation to Declarations under Article 41 of the Covenant,” General Comment No. 24, U.N. Doc. CCPR/C/21/Rev.1/Add.6 (1994) (stating that some provisions of the ICCPR represent customary international law).

116 Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Myanmar July 15, 1991; Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), adopted December 18, 1979, G.A. Res 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Myanmar July 22, 1997.

## The Right to Privacy

The UDHR provides that “[n]o one shall be subjected to arbitrary interference with his privacy [or] home” and that “[e]veryone has the right to the protection of the law against such interference.”<sup>117</sup> The ICCPR establishes the right to privacy with almost identical language, adding a protection against “unlawful” interference with privacy or the home.<sup>118</sup> The CRC also protects children’s right to privacy.<sup>119</sup>

The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression defines privacy as:

[T]he presumption that individuals should have an area of autonomous development, interaction and liberty, a “private sphere” with or without interaction with others, free from State intervention and from excessive unsolicited intervention by other uninvited individuals.<sup>120</sup>

The right to privacy is a qualified right, meaning that restrictions that meet certain criteria are permissible. The UN Special Rapporteur takes the view that the restrictions on the right to privacy must meet the same strict criteria as restrictions on the right to movement.<sup>121</sup> This requires that any restriction on the right to privacy:

- a) Must be provided by law;
- b) Must be strictly interpreted with deference to the protection of the right itself;
- c) Must respond to a pressing public need;
- d) Must not provide unfettered discretion in its implementation;
- e) Must serve a legitimate aim and be necessary for achieving that aim; and
- f) Must conform to the principle of proportionality.<sup>122</sup>

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117 UDHR, art. 12.

118 ICCPR, art. 17.

119 CRC, art. 16.

120 Human Rights Council, 23<sup>rd</sup> Session, *Report of the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, A/HRC/23/40, April 17, 2013, para 22.

121 *Ibid.*, para 28

122 The principle of proportionality includes the requirement that the restriction is appropriate to achieve its protective function, the least intrusive instrument amongst those which might achieve the desired result, and proportionate to the interest to be protected. *Ibid.*, para 29. See also Human Rights Committee, *General Comment 27, Freedom of Movement (Art. 12)*, U.N. Doc CCPR/C/21/Rev.1/Add.9, 1999, p. 11-14.

The provisions of the *Ward or Village Tract Administration Law* that articulate the guest registration requirement and household inspections fail to meet the criteria to establish a permissible restriction. Despite reference to “law and order” and “discipline,” the guest registration requirement and household inspections do not serve a pressing public need. The law provides a vague and limitless mandate to local officials to collect private, personal information and “[e]xamin[e] the places needed to examine for prevalence of law and order,” essentially granting “unfettered discretion” to the authorities. The measures do not serve any clear legitimate aim. Overall, these provisions lack the specificity, precision of purpose, and proportionality as required by international law.

The UN Human Rights Committee provides specific guidance with regard to the collection of personal data. The Committee provides that the “gathering and holding of personal information... must be regulated by law,” and that the collection of “information relating to an individual’s private life” is limited to information “which is essential in the interests of society.”<sup>123</sup> The Committee also recommends the prohibition of surveillance by the State.<sup>124</sup>

While the *Ward or Village Tract Administration Law* provides for the “receiving and granting information of guest list for overnight guests,” it lacks specificity about the gathering and holding of this personal information or what information is subject to collection. Moreover, information on overnight guests probes into the private life of an individual and is not “essential in the interests of society.”

The Human Rights Committee also specifically addresses limitations on house inspections to ensure proper protection to the right to privacy. The Committee states, “Searches of a person’s home should be restricted to a search for necessary evidence and should not be allowed to amount to harassment.”<sup>125</sup>

The provisions of the *Ward or Village Tract Administration Law* that relate to household inspections provide blanket authority for government officials to enter any residence in the country at any time. The inspections are typically not tied to a “search for necessary evidence.” Moreover, evidence collected by Fortify Rights indicates that the law is often applied in an arbitrary and discriminatory fashion, which can amount to harassment.

For these reasons, the guest registration requirement and enforcement through nighttime inspections amounts to a violation of the right to privacy in violation of international human rights law.

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123 Human Rights Committee, *General Comment No. 16*, U.N. Doc. HRI/GEN/1/Rev.1 at 21, 1994, para 7, 10.

124 *Ibid.*, para 8.

125 *Ibid.*

## The Right to the Freedom of Movement and Residency

The UDHR and the ICCPR establish a right to freedom of movement and a right to choose a residence within the borders of a state.<sup>126</sup> CEDAW also provides limited protections for the freedom of movement and residency.<sup>127</sup>

The UN Human Rights Committee has elaborated on the right to the freedom of movement and residency, explaining:

[P]ersons are entitled to move from one place to another and to establish themselves in a place of their choice. The enjoyment of this right must not be made dependent on any particular purpose or reason for the person wanting to move or to stay in a place.<sup>128</sup>

Like the right to privacy, the right to movement and residence are qualified rights subject to certain permissible restrictions. Restrictions on the right to movement and residence must meet the same test as outlined in the above section on the right to privacy. The Human Rights Committee has also specifically expressed concerns about “provisions requiring individuals to apply for permission to change their residence or to seek the approval of the local authorities of the place of destination.”<sup>129</sup>

Evidence collected by Fortify Rights demonstrates that the implementation of the guest registration requirement and household inspections as provided for under the *Ward or Village Tract Administration* deters travel within Myanmar and impairs individuals’ choices about residence. These provisions also fail to meet the necessary criteria to qualify as a permissible restriction on the right to freedom of movement and residency. As a result, the guest registration requirement and related enforcement measures violate the right to freedom of movement and residency.

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126 UDHR, art. 13(1) (“Everyone has the right to freedom of movement and residence within the borders of each State.”); ICCPR, art. 12(1) (“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”).

127 CEDAW, art. 15(4).

128 Human Rights Committee, *General Comment 27*, para. 5.

129 *Ibid.*, para. 17.



## The Right to the Freedom of Association

The UDHR and ICCPR protect the right to the freedom of association.<sup>130</sup> CEDAW and CRC also contain specific provisions protecting the freedom of association.<sup>131</sup>

The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association states that the right to freedom of association implies a positive obligation on states to establish an enabling environment for association and a negative obligation not to obstruct the exercise of the right.<sup>132</sup> In relation to the negative obligation, the Special Rapporteur recognizes the relationship between the right to freedom of association and the right to privacy, clarifying that authorities are not entitled to “enter an association’s premises without advance notice.”<sup>133</sup>

The right to freedom of association, like the other rights previously discussed, is subject to certain permissible restrictions that must meet the same criteria as articulated in the section on the right to privacy. With regard to the right to freedom of association, ICCPR specifically allows for “lawful restrictions on members of the armed forces and of the police in their exercise of this right.”<sup>134</sup>

The selective enforcement of the guest registration requirement of the *Ward or Village Tract Administration Law* against members of civil society organizations, individuals engaged in political activities, and others constitutes a violation of the right to the freedom of association. Evidence collected by Fortify Rights demonstrates that the guest registration requirement and household inspections have a chilling effect on community organizing and political activities. These provisions also fail to meet the necessary criteria to qualify as a permissible restriction on the right to the freedom of association.

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130 UDHR, art. 20(1); ICCPR, art. 22(1).

131 CEDAW, art. 7(c); CRC, art. 15.

132 Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maini Kiai, Best Practices in Promoting Freedoms of Assembly and Association, A/HRC/20/27, May 21, 2012, paras. 63-65.

133 Ibid., para. 65

134 ICCPR, art. 22(2).

# RECOMMENDATIONS

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## To the Government of Myanmar

- Immediately end the enforcement of the guest registration requirement of the *Ward or Village Tract Administration Law* through executive action, including by:
  - Publicly announcing that residents are not required to register overnight guests with ward or village tract administrators;
  - Ordering ward and village tract administrators to refrain from registering overnight guests; and
  - Ordering ward and village tract administrators, police and military officers, and other public officials to refrain from conducting household inspections to enforce the guest registration requirement.
- Repeal sections 13(g)-(h), 13(n), 17, and 33 of the *Ward or Village Tract Administration Law* of 2012 that provide for the registration of overnight guests and grant unfettered discretion to public officials to enforce the registration requirement, including through household inspections.
- Publicly advise ward and village tract administrators to dispose of all records of past household guests, and any other information collected during the guest registration process. Ensure ward and village tract administrators respond appropriately by disposing of these records.
- Adopt and implement laws that specifically protect the right to privacy and ensure any collection of private and personal data by government officials is conducted in line with international human rights standards.
- Amend the 1982 Citizenship Law to reduce statelessness and ensure equal access to citizenship rights. Ensure that all citizens and residents have access to government-issued documents, including birth certificates, national registration cards, identity cards, and residency documents. Strengthen existing plans to provide birth registration to all unregistered children up to 18 years of age.
- Require that any searches of persons or residences be carried out only when authorized by warrants issued by relevant authorities on a case-by-case basis, or to prevent or investigate ongoing or imminent crimes.

- Provide or facilitate training for ward and village tract administrators, police officers, and other relevant government officials on international standards and best practices relating to the collection of personal information, lawful searches, search warrants, and the rights to privacy, freedom of movement, and freedom of association.
- Initiate a nationwide public awareness campaign to inform individuals and communities of the termination of the guest registration requirement and unlawful and warrantless searches.
- Affirm publicly the right of Myanmar citizens to exercise their right to freedom of association as set forth in international conventions, including through engagement with civil society and political organizations, and inform local officials, including law enforcement officials, of their obligation to protect these rights and prevent actions that would interfere with the right to freedom of association.
- Ensure that individuals, particularly individuals of minority populations, can safely file confidential complaints with the Myanmar National Human Rights Commission and obtain effective redress for human rights abuses.
- Issue a standing invitation to UN special mechanisms, in particular the Special Rapporteur on Freedom of Peaceful Assembly and Association and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.
- Finalize, without delay, an agreement with the UN Office of the High Commissioner for Human Rights to establish a Country Office in Myanmar with a full mandate for human rights protection, promotion, and technical support.
- Accede to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and their Optional Protocols as well as other key human rights treaties.

## To Foreign Governments, United Nations Agencies, Nongovernmental Organizations, and the Donor Community

- Actively engage the government of Myanmar, with clear, time-oriented benchmarks, to repeal sections 13(g)-(h), 13(n), 17, and 33 of the *Ward or Village Tract Administration Law* and the end the guest registration requirement and household inspections. Urge the government of Myanmar to communicate to central, state, and local governments, and the general public that authorities are to cease all official and unofficial practices related to these requirements and practices.
- Urge the government to abolish laws and practices that restrict human rights and freedoms in Myanmar, including the rights to privacy, freedom of movement and residency, and association, without delay.
- Provide financial, technical, and advocacy support to human rights defenders in Myanmar in order to strengthen local responses to human rights violations, end impunity, and ensure accountability for abuses.
- Support the mandate and recommendations of the UN Special Rapporteur on the Situation of Human Rights in Myanmar.
- Support initiatives within the UN Human Rights Council to establish a Special Rapporteur on the Right to Privacy with the mandate to provide leadership and guidance on the scope and content on the right to privacy as well as strengthen states' compliance with regard to their obligations to respect and protect the right to privacy in their laws and practices.

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# MIDNIGHT INTRUSIONS

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## Ending Guest Registration and Household Inspections in Myanmar

Recent political and economic reforms in Myanmar have led to greater freedoms and unprecedented optimism for the country's future. However, in communities throughout Myanmar, authorities continue to apply repressive laws and employ practices common under previous military regimes. The *Ward or Village Tract Administration Law* of 2012 requires all residents of Myanmar to report the identity of overnight houseguests to government officials serving as ward and village tract administrators. Myanmar authorities enforce the law by conducting periodic household inspections, ostensibly to check for unregistered visitors.

***Midnight Intrusions: Ending Guest Registration and Household Inspections in Myanmar*** is based on interviews with more than 90 residents in Myanmar. It finds that provisions of the *Ward or Village Tract Administration Law* related to the guest registration requirement and its enforcement impinge on various human rights, including the right to privacy and rights to freedom of movement, residency, and association. The guest registration requirement represents a systematic and nationwide breach of privacy, giving the government access to troves of personal data from communities across the country. Evidence collected by Fortify Rights also suggests that the law is particularly enforced against low-income communities, individuals working with civil society organizations, and political activists.

The government of Myanmar should act immediately to abolish the guest registration requirement and end the practice of invasive household inspections.

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