

Scholars at Risk to the Council of the EU Working Party on Human rights (COHOM):

Myanmar at the UN Human Rights Council (HRC 47)

In advance of the UN Human Rights Council (HRC 47), Scholars at Risk urges COHOM to address the widespread human rights violations by Myanmar's military and police following the February 1 military coup and their disastrous impact on Myanmar's higher education community. Scholars at Risk urges COHOM to call on the Human Rights Council to take all available measures to secure an end to actions by Myanmar's military and police that restrict or punish peaceful protest; secure the release of imprisoned students, scholars, and other political prisoners; secure the reinstatement of scholars wrongfully dismissed or suspended from their academic posts; restore civilian-led government and rule of law; and protect and promote fundamental human rights, including academic freedom, in Myanmar. This focus would align with commitments made under the *EU Action Plan on Human Rights and Democracy 2020-2024* to support action to protect academic freedom, and the autonomy of education institutions, and to "[d]eepen engagement with and enhance support for pluralistic civil society, including [...] academics, [...] in order to defend their right to exercise their roles free from any form of intimidation, discrimination or violence."ⁱ

Summary of attacks on the higher education community in Myanmar

- Since the February 1 coup, Myanmar's military and police have violently cracked down on civilians peacefully protesting the coup, including university students and faculty who have participated in protests, strikes, and other forms of peaceful dissent. In their attempts to quash and deter protesters peacefully exercising their rights to freedom of expression and freedom of assembly, the military and police have frequently fired live rounds, rubber bullets, and tear gas. The use of lethal force has resulted in more than eight hundred people killed.ⁱⁱ Among those killed by security forces are growing numbers of students, such as Yadanabon University second-year student Ma Kyal Sinⁱⁱⁱ and first-year medical student Khant Nyar Hein,^{iv} both shot during protests.
- Police have arbitrarily detained or arrested more than five thousand people,^v including University of Yangon professor Arkar Moe Thu, an organizer within the pro-democracy Civil Disobedience Movement, who is being held under Section 505(a) of the Penal Code.^{vi}
- The military has also stormed and taken over university campuses.^{vii} On March 7, for example, dozens of soldiers fired rubber bullets and tear gas in their efforts to take over the Mandalay Technological University campus.^{viii} Weeks earlier, soldiers raided the campus of the Myanmar Aerospace Engineering University, after which they reportedly threatened faculty and staff, telling them to "behave intelligently" before leaving.^{ix} Beyond gaining strategic footholds, raids and occupations of universities indicate a clear effort to exercise control over Myanmar's higher education community and violently quash dissent by students, scholars, and other members of the campus community who have participated in protests.
- Suspensions and dismissals have been used by the military to punish anti-coup protesters and further exert control over higher education institutions. On May 11, Reuters reported that more than eleven thousand higher education faculty and staff were suspended for allegedly protesting the coup.^x

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The February 1 coup and the subsequent violent actions by military and police forces represent some of the most alarming assaults on human rights, democratic society, and the rule of law that we are seeing today. Thousands of civilians have lost their lives and liberties, with more deaths, injuries, and arrests expected. Beyond the distressing loss of life and deprivation of human rights, in direct contravention of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, SAR is deeply concerned about the future of Myanmar's higher education community. In the years leading up to the coup, Myanmar had exhibited signs of positive developments within its academic sector.^{xi} Alongside that development, experts reported significant improvements in respect for academic freedom in Myanmar.^{xii} An express commitment to human rights was also evidenced, when, in 2016, human rights law was made a required course for all LLB students in Myanmar.^{xiii} Given the interdependent and reinforcing relationships between quality higher education, respect for academic freedom among other human rights, and democratic society, SAR worries that the coup and the ongoing, brutal crackdown will erase the important progress Myanmar has made in recent years, endangering the country's higher education community.

SAR therefore urges Member States Representatives on the Council of the EU Working Party on Human Rights (COHOM) and the Human Rights Council to support implementation of the following recommendations:

Recommendations to state authorities and higher education leaders in Myanmar

- Refrain from the use of force when responding to student and faculty expression on and off campus, and ensure that actions by security forces are proportional and do not interfere with peaceful expressive activities;
- Refrain from detentions, prosecutions, and university disciplinary measures that retaliate against, restrict, or otherwise frustrate peaceful academic conduct, expression, or associations;
- Refrain from carrying out -- or imposing pressures on higher education institutions to carry out -- disciplinary measures, and other actions that restrict academic freedom and its constituent freedoms of expression, opinion, thought, association, and travel;
- Refrain from raiding and occupying educational facilities, and remove military and police forces currently occupying the same facilities;
- Secure the immediate release of scholars and students wrongfully imprisoned in connection to their peaceful exercise of the rights to academic freedom, freedom of opinion and expression, freedom of assembly, and freedom of association, and, pending this, to disclose the location of all detainees and uphold national and international legal obligations related to due process and the humane treatment of prisoners;
- Protect institutional autonomy and take steps to shield higher education institutions from undue interference by military and other government and political actors; and
- Restore democratic, civilian-led government and rule of law in Myanmar, and protect and promote human rights, including academic freedom, and other conditions needed for quality higher education and the free exchange of ideas.

Recommendations to the international community, in particular the European Union and its Member States, and the Ministers of the European Higher Education Area

- Demand prompt release of scholars, students and others detained for nonviolent expression or conduct, and conduct prompt, thorough, and transparent investigations of attacks on higher education communities in Myanmar, as well as all reasonable efforts to hold perpetrators accountable;

- Continue targeted political and economic sanctions against individuals, state and non-state actors responsible for grave human rights abuses against students, scholars, and other citizens of Myanmar;
- Provide funding to support at-risk scholars and students or the higher education institutions and NGOs seeking to help. Together with SAR Europe's [Inspireurope](#) project partners, SAR calls on the European Commission to establish a dedicated EU fellowship programme for researchers at risk;^{xiv}
- Exert international pressure on the authorities and provide adequate and timely support to those protecting and promoting higher education values, including academic freedom and its constituent freedoms of expression, opinion, thought, association, and travel in Myanmar; and
- Offer protection for those individuals facing persecution through expediting visa applications or through the provision of free Schengen visas and/or temporary humanitarian visas where needed.

Additional Resources

1. [Scholars at Risk's letter to the UN Human Rights Council regarding attacks on the higher ed sector in Myanmar, March 25, 2021.](#)
2. [SAR's Academic Freedom Monitoring Project: Myanmar](#)
3. [Academic Freedom Index, 11 March 2021](#)

About Scholars at Risk

Scholars at Risk (SAR) is an international network of institutions and individuals whose mission is to protect scholars and promote academic freedom. SAR's European office, [SAR Europe](#), is based at Maynooth University, Ireland. SAR's mission is to protect higher education communities and their members from violent and coercive attacks, and by doing so to expand the space in society for reason and evidence-based approaches to resolving conflicts and solving problems. SAR meets this mission through direct protection of individuals, advocacy aimed at preventing attacks and increasing accountability, and research and learning initiatives that promote academic freedom and related values. SAR Europe coordinates [Inspireurope](#), an EU-funded, 10-partner initiative to support researchers at risk. SAR Europe also works to expand, coordinate and support advocacy in Europe to promote academic freedom, including convening the [European Coordinating Committee for Academic Freedom Advocacy](#).

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- i EU Action Plan on Human Rights and Democracy 2020-2024, para. 1.3.j and para. 3.4.a, available at: https://eur-lex.europa.eu/resource.html?uri=cellar:e9112a36-6e95-11ea-b735-01aa75ed71a1.0002.02/DOC_4&format=PDF.
- ii Assistance Association of Political Prisoners (AAPP), “Daily Briefing in Relation to the Military Coup,” June 3, 2021, <https://aappb.org/?p=15517>.
- iii Naw Say Phaw Waa, “Students, protesters undaunted despite deaths in crackdown,” *University World News*, March 5, 2021, <https://www.universityworldnews.com/post.php?story=20210305141315863>.
- iv “Myanmar’s dead rises, as firemen flee the country,” *Reuters* via *Yahoo! News*, March 16, 2021, <https://news.yahoo.com/myanmar-dead-rises-firemen-flee-171355841.html>.
- v AAPP, <https://aappb.org/?p=15517>.
- vi SAR Academic Freedom Monitoring Project (AFMP), March 15, 2021, <https://www.scholarsatrisk.org/report/2021-03-02-university-of-yangon/>. Note: Under Section 505(a), “Whoever makes, publishes or circulates any statement, rumour or report, — (a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty as such [...] shall be punished with imprisonment which may extend to two years, or with fine, or with both.”
- vii “Myanmar Military Regime’s Forces Establish Bases at Civilian Schools, Universities, and Hospitals,” *The Irrawaddy*, March 8, 2021, <https://www.irrawaddy.com/news/burma/myanmar-military-regimes-forces-establish-bases-civilian-schools-universities-hospitals.html>; Naw Say Phaw Waa, “Military invades campuses, student leaders tortured,” *University World News*, March 18, 2021, <https://www.universityworldnews.com/post.php?story=20210318173848391>.
- viii AFMP, March 18, 2021, <https://www.scholarsatrisk.org/report/2021-03-07-mandalay-technological-university/>.
- ix AFMP, February 24, 2021, <https://www.scholarsatrisk.org/report/2021-02-14-myanmar-aerospace-engineering-university/>.
- x *Reuters*, May 10, 2021, <https://www.reuters.com/world/asia-pacific/thousands-suspended-myanmar-universities-junta-targets-education-2021-05-10/>.
- xi Joyce Lau, “Myanmar coup ‘could stall decade of higher education development,’” *Times Higher Education*, February 3, 2021, <https://www.timeshighereducation.com/news/myanmar-coup-could-stall-decade-of-higher-education-development>.
- xii According to the Academic Freedom Index (AFI), respect for academic freedom in Myanmar grew from a score of 0.04 (the lowest tier), in 2009, to 0.49 (the middle tier), in 2020. More information about the AFI can be found here: https://www.gppi.net/media/KinzelbachEtAl_2021_Free_Universities_AFi-2020.pdf.
- xiii United States Agency for International Development, “Burma Brief: Legal Education,” May 26, 2016, p. 8, https://pdf.usaid.gov/pdf_docs/PBAAK144.pdf. See also “University Human Rights Education in Myanmar Project,” (UHREMP) a project supported by Columbia University’s Institute for the Study of Human Rights, Open Society Foundations (OSF), and OSF Myanmar. Since 2014, UHREMP has worked with law faculty at university in Myanmar to enhance teaching capacity and promote human rights in legal education. To learn more, visit: <http://www.humanrightscolumbia.org/education/myanmar/university-human-rights-education-myanmar>.
- xiv Inspireurope’s mapping report and subsequent proposal for an EU fellowship scheme can be accessed here: <https://www.maynoothuniversity.ie/sar-europe/inspireurope/policy>.