

Myanmar

In Myanmar, Scholars at Risk (SAR) reported an intense and prolonged crackdown on the higher education community in connection with a military coup. Military and police forces frequently used violent force, detentions, and prosecutions to restrict and retaliate against students and scholars protesting the coup. Higher education campuses were raided and occupied by military forces in an effort to quash dissent and establish military control over those institutions. Thousands of academics and other higher education personnel were suspended from their positions for protesting the coup.

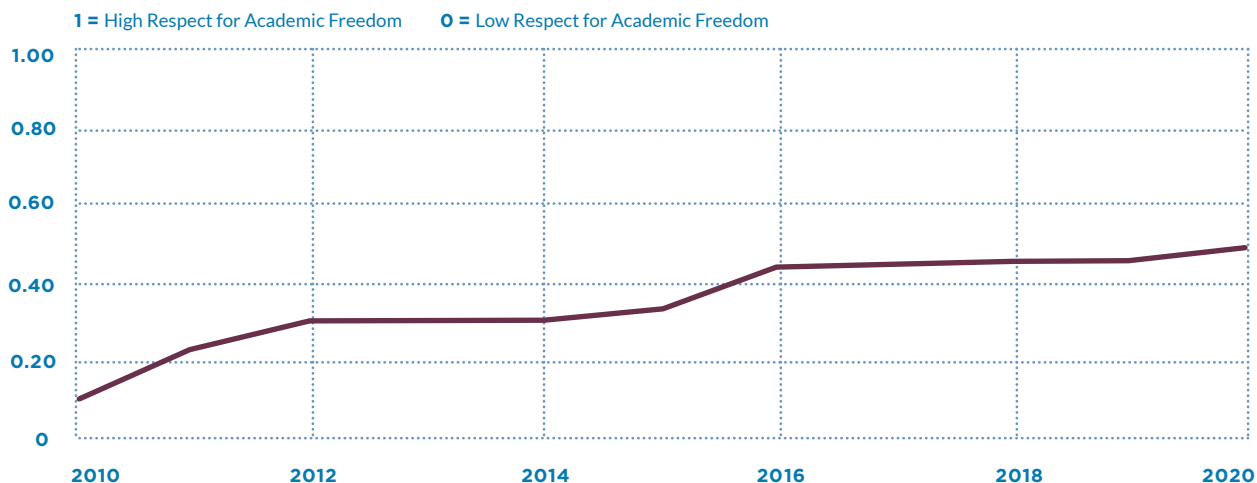
Myanmar is bound by national and international legal instruments that provide protections for academic freedom. At the international level, Myanmar has ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Myanmar has not signed the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19), an essential component of academic freedom. Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”¹ Myanmar’s constitution, which was largely drafted by the military, provides that “every citizen, in accordance with the educational policy laid down by the Union: (a) has the right to education [...] [and] (c) have [sic] the right to conduct scientific research, explore science, work with creativity and write to develop the arts and conduct research...” (Article 366 (a) and (c)),² while provisions for freedoms of expression, association, and assembly

have considerable limitations.³ Considering the military coup and ongoing armed conflict in the country, it warrants noting here that Myanmar has not endorsed the Safe Schools Declaration, an “inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict.”⁴

Respect for academic freedom in Myanmar began to improve following the restoration of civilian rule around 2011.* That progress has been jeopardized by a February 1, 2021 coup, in which the military, which controlled the country from 1961 to 2011, rejected the results of a November 2020 election awarding the vast majority of seats in parliament to the National League for Democracy (NLD), led by Myanmar’s State Counsellor Aung San Suu Kyi. Rather than turn over power, they arrested Suu Kyi and top members of her party, as well as **Sean Turnell**, an Australian economist and academic who advised Suu Kyi.⁵ The military announced that it would run the country for the next year. Protests, many organized and led by students and academics, erupted around the country, condemning the military coup and demanding a return to a democratic state. Military and police forces were brutal in their efforts to quash the protests and cement their control, detaining thousands, killing hundreds, and injuring many more. Security forces took particular aim at students, scholars, and their higher education institutions, occupying campuses and

* 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.

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In Myanmar, respect for academic freedom began to improve following the restoration of civilian rule around 2011. That progress is at risk of reversal since a military coup on February 1, 2021 that was followed by armed raids and occupations of universities, killings of student protesters, and mass suspensions of protesting academic personnel. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

coercing personnel to report to work under the threat of suspension and dismissal.

Violent force was used by military and police in their efforts to restrict protest activities, leaving more than 1,100 dead,⁶ including Yadanabon University student **Ma Kyal Sin**⁷ and medical student **Khant Nyar Hein**,⁸ both shot during protests. More than 8,500 people, including university students and faculty, have been detained and arrested for their participation in the protests and a civil disobedience movement (CDM) that called for general strikes.⁹ Three days after the coup began, police carried out arrests at the **University of Medicine**, in Mandalay, where students and other activists protested outside the campus gates, holding signs and chanting slogans against the coup.¹⁰ Police fired rubber bullets at and beat students protesting in front of the **Mawlamyine University** campus.¹¹ Police ordered them to disperse, fired “warning shots” in the air, and then charged at the protesters. At least 14 were arrested and one student was reported injured by a rubber bullet. On March 2, 2021, plainclothes state security forces abducted **Arkar Moe Thu**, a professor in the Oriental Studies Department of the

University of Yangon who organized educators as part of the CDM.¹² **Arkar Moe Thu** was detained at gunpoint near campus, just as university personnel gathered for a protest. Like a growing number of activists, he was reportedly charged under section 505 (a) of the penal code (now section 505 (b)): “Whoever makes, publishes or circulates any statement, rumour or report – 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.” Within months of the coup, the military amended the penal code in ways that legal experts assessed would enhance the power to arbitrarily detain and prosecute activists, including students and scholars, for nonviolent dissent.* On April 21, police and soldiers arrested **Myo Htet Naing Linn**, interim chair of the student union at Myitkyina University, during an early morning raid on his family’s home.¹³ On May 21, soldiers and police arrested **Nilar Myint**, an assistant lecturer at Hinthada Technological University, as part of its crackdown on anti-coup protests.¹⁴ **Nilar Myint** was among faculty at many universities across the country who were suspended for participating in protests and acts of civil

* According to analysis by the Centre for Law and Democracy, under the revised penal code, Section 505(a) now makes it a crime “to make statements which undermine the motivation, discipline, health or conduct of military personnel or government employees or which bring their conduct into hatred or disloyalty.” Additionally, a new provision introduced to the penal code (section 505A) makes it a criminal offence to “cause fear among the public,” “spread false news, knowing or believing that it is untrue,” and committing or agitating for the commission or a criminal offence against a government employee, whether directly or indirectly.” See Centre for Law and Democracy, “Myanmar: Analysis of the Military’s Changes to the Penal Code,” May 10, 2021, <https://www.law-democracy.org/live/myanmar-analysis-of-the-militarys-changes-to-the-penal-code/>.

disobedience. One source reported that more than 70 faculty members at Hinthada had been suspended.¹⁵

While the vast majority of incidents involving the use of force and arrests occurred following the coup, it bears mentioning here the arrests of students carried out months earlier. (Student groups have for many years played an especially important role in political movements in Myanmar, including the 1988 Uprising.) In September 2020, police arrested 14 university students, many of whom are members of the **All Burma Federation of Student Unions (ABSFU)**, for protesting armed conflict in Myanmar's Rakhine state.¹⁶ At least six of the students were reportedly arrested for allegedly distributing leaflets and other print materials containing anti-war and pro-democracy slogans. At the time the arrests were reported, ABSFU claimed that as many as thirty other students went into hiding to avoid arrest. Months later, on January 5, police arrested another ABSFU member, Phone Myint Kyaw, in Aung Mye Thath San township.¹⁷

Since early on in the coup, military forces raided and took control of a number of higher education campuses, in apparent efforts to stop anti-coup activism and to assert control over those facilities, including to use them for military purposes. On February 14, as many as 20 soldiers raided the **Myanmar Aerospace Engineering University**.¹⁸ A student who witnessed the raid reported that soldiers threatened faculty and staff who confronted them, saying that they should "behave intelligently" and not do anything to harm the military's reputation. On March 7, at **Mandalay Technological University**, soldiers demanded faculty and staff turn over the campus for the military to use as a base.¹⁹ When personnel refused to comply, more soldiers arrived and fired tear gas and rubber bullets to force their entry. That same day, police and soldiers raided **Monywa University**, where university personnel and locals had been protesting the coup.²⁰ The Armed Conflict Location and Event Data Project has collected reports of military forces raiding and/or occupying the campuses of at least seven more universities in early March, including **Yandanabon University**, **Mawlamyine University**, **Kyaukse University**, **Tawma University**, **Hakha University**, **Yenangyaung University**, and **Pakokku University**.²¹

Mass suspensions were also 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 11,000 higher education faculty and staff were suspended, according to information provided by the Myanmar Teachers'

Federation. By May 23, that number reached nearly 20,000.²² The suspensions targeted personnel who participated in a nationwide strike, part of the CDM. In the weeks ahead of the *Reuters* report, the military ordered faculty, staff, and students to return to campuses around the country for in-person learning, after more than a year of class suspensions and some remote learning due to the COVID-19 pandemic.²³ The military commanded university administrators to provide lists of faculty who were reported absent from their duties on May 3.²⁴ Faculty and staff were further ordered to end their participation in the CDM and to sign a pledge committing to refraining from future participation in the CDM.²⁵

Overseas scholars and students from Myanmar were also targeted by the military-controlled government. In Australia, for example, staff from Myanmar's embassy in Canberra reportedly issued letters to Myanmar government employees studying on Australian-funded scholarships, demanding that they pledge loyalty and promise not to participate in the CDM (as was asked of faculty back in Myanmar) or "incite anyone to participate."²⁶ Failure to reply to this request or giving false information would result in "punishment under existing laws and rules," according to the *Australian Broadcasting Corporation*, which obtained a copy of the letter.²⁷ SAR understands from scholars supporting colleagues in Myanmar that the government has taken disciplinary actions against overseas civil servants enrolled in PhD programs who have expressed support for the CDM, in some cases ordering them to return to Myanmar or ordering the revocation of their government scholarships.

The use of force, arrests, mass suspensions and dismissals, campus raids and occupations, and other coercive legal actions by the military and police against students and scholars represent a resounding attack on the human rights, academic freedom, and institutional autonomy of Myanmar's higher education community. University students, faculty, and staff, like all people in Myanmar, have the right to peacefully express themselves, including through assemblies and associations, and must be able to exercise such rights without fear of violent or career-ending retribution.

SAR calls on military and police forces in Myanmar to immediately refrain from the use of force, detentions, and arrests against protesters; refrain from raiding and occupying educational facilities and other civilian structures; and remove military and police forces currently occupying the same facilities and structures. SAR urges the military to swiftly 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. SAR further calls on international government and higher education leaders to support Myanmar's higher education community by pressing Myanmar's military to take the above actions, including through appropriate sanctions, and to take all available action to assist at-risk scholars and students, including through temporary hosting arrangements and government support for the same.

ENDNOTES

1. See UNESCO, "Recommendation concerning the Status of Higher-Education Teaching Personnel," November 11, 1997, para. 17, http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html.
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4. Global Coalition to Protect Education from Attack, "Safe Schools Declaration Endorsements," available at <https://ssd.protectingeducation.org/endorsement/>.
5. Grant Peck, "Myanmar trial of Australian advisor to Suu Kyi still not set," *Associated Press*, June 23, 2021, <https://apnews.com/article/aung-san-suu-kyi-myanmar-australia-trials-business-081dc1ceb6268c13735e4ce31a990fcd>.
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7. 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>.
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11. SAR AFMP, February 12, 2021, <https://www.scholarsatrisk.org/report/2021-02-12-mawlamyine-university/>.
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13. SAR AFMP, April 21, 2021, <https://www.scholarsatrisk.org/report/2021-04-21-mytikyina-university/>.
14. SAR AFMP, May 21, 2021, <https://www.scholarsatrisk.org/report/2021-05-21-hinthada-technological-university/>.
15. "Assistant Lecturer, Department of Civil Engineering, Hinthada University of Technology arrested," *Democratic Voice of Burma*, May 21, 2021, <http://burmese.dvb.no/archives/465012>.
16. SAR AFMP, September 29, 2020, <https://www.scholarsatrisk.org/report/2020-09-29-various-institutions/>.
17. SAR AFMP, January 5, 2021, <https://www.scholarsatrisk.org/report/2021-01-05-yadanabon-university/>.
18. SAR AFMP, February 14, 2021, <https://www.scholarsatrisk.org/report/2021-02-14-myanmar-aerospace-engineering-university/>.
19. SAR AFMP, March 7, 2021, <https://www.scholarsatrisk.org/report/2021-03-07-mandalay-technological-university/>.
20. SAR AFMP, March 7, 2021, <https://www.scholarsatrisk.org/report/2021-03-07-monywa-university/>.
21. To learn more about and access data from the Armed Conflict Location and Event Data project, visit <https://acleddata.com/>.
22. "More than 125,000 Myanmar teachers suspended for opposing coup," *Reuters*, May 22, 2021, <https://www.reuters.com/world/asia-pacific/more-than-125000-myanmar-teachers-suspended-opposing-coup-2021-05-23/>.
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