

## TENSION GROWS BETWEEN THE NMSP AND THE BURMESE MILITARY



February 15, 2017

HURFOM: On February 14, 2017, the Burma Army took control of two New Mon State Party (NMSP) checkpoints along the Thanbyuzayat-Three Pagoda Pass Road and there are growing tensions between the two parties, according to an official from the NMSP.

The Burmese military invaded and took control of the NMSP's Doe-Kyike Checkpoint near Three Pagoda Pass at 10:00 am on February 14, followed by the Ta-Nom-Ba-Doo (Zee Hna Pin) Checkpoint in Kyar Inn Seik Gyi Township at 2:00

pm on the same day. In order to avoid armed conflict, the NMSP has temporarily withdrawn from their checkpoints; however, concerns are growing over the increasing tension between the two groups.

The Doe-Kyike Checkpoint is now under control of Light Infantry Battalion (LIB) #31, led by Second Colonel San Aung and reinforced with troops from other military bases. Hundreds of Burmese troops are currently mobilizing in the Three Pagoda Pass area, according to a NMSP Central Committee member.

Tension between the two parties began in the run up to the 70<sup>th</sup> Mon National Day celebrations in the village of Japanese Well, near Three Pagoda Pass, after the NMSP ignored orders from the Burmese Army to halt celebrations and a planned military parade.

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**WCRP RELEASES "CRACKS IN THE SILENCE: SEXUAL VIOLENCE AGAINST CHILDREN AND CHALLENGES TO ACCESSING JUSTICE IN MON STATE AND MON AREAS OF SOUTHEAST BURMA"**



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## MON YOUTH FORUM THROWS SUPPORT BEHIND LOCAL CHAUNGZONE CANDIDATE IN UPCOMING BY-ELECTION



March 20, 2017

HURFOM: On March 11, the Mon Youth Forum (MYF) announced they will be supporting the All Mon Democratic Party (AMDP) candidate Nai Win Tun from Chaungzone Township in the upcoming by-election scheduled for early April.

A spokesperson from the MYF expressed concern that the presence of candidates from two different Mon political parties may confuse voters, while urging locals to vote for the Mon candidate from Chaungzone Township.

*"For our MYF, we don't ally ourselves with a party, we just look for the MP who really cares for our citizens. We will campaign for a local MP from Chaungzone Township in order to help get citizens of Chaungzone Township out voting,"* said Zar Nu Oo, secretary of the MYF.

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# WCRP RELEASES “CRACKS IN THE SILENCE: SEXUAL VIOLENCE AGAINST CHILDREN AND CHALLENGES TO ACCESSING JUSTICE IN MON STATE AND MON AREAS OF SOUTHEAST BURMA”



March 23, 2017

Today HURFOM's Women and Child Rights Project (WCRP) releases their latest report, "Cracks in the Silence: Sexual violence against children and challenges to accessing justice in Mon State and Mon areas of southeast Burma.

Since 2013, the number of reported cases of violence, particularly sexual violence, toward children in Burma has increased dramatically. HURFOM itself has seen a significant increase in the number of cases of violence toward children received between 2013 and 2016. However, due to the shame and stigma associated with sexual violence, as well as the challenges faced when accessing justice in Burma's complex, pluralistic legal system, it is likely that the number is much higher than actually documented.

This report analyzes 20 cases of violence toward children received from Mon State and Mon areas of southeast Burma between December 2013 and January 2017. The types of violence ranged from rape to human trafficking; however, in the majority of cases sexual violence was identified as the primary motive. In all cases received by HURFOM, the victims were female and those experiencing violence ranged in age from as young as three to 17 years of age. While HURFOM acknowledges the small size of the dataset, this report aims to provide a platform for community perspectives on issues that they have identified as important to them, rather than to make general conclusions regarding the phenomenon.

While analyzing the cases, interesting patterns in how families navigated the pluralistic legal system in Burma

emerged, as well as a number of challenges they face when accessing justice while reporting a crime involving sexual violence. Thus, this report looks not only at individual cases, but also at the challenges villagers face when pursuing justice and the forms of agency, both individual and collective, they use to overcome these obstacles.

As law makers in Burma are currently drafting a national policy on the prevention of violence against women, as well as amending the 1993 Child Law, this report's findings and recommendations are particularly relevant and serve as a guide for law makers to promote and protect women and child rights.

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# TENSION GROWS BETWEEN THE NMSP AND THE BURMESE MILITARY



"High-ranking officials [from both sides] failed to find a solution and because of this they [Burmese Army] have taken control [of NMSP checkpoints]. Now, I'm still in the Ta-Nom-Ba-Doo (Zee Hna Pin) Checkpoint and there are also some of our soldiers. There are equipment and staff to collect and we are preparing to leave the checkpoints," said Nai Seik Chan, an official from the NMSP's Liaison Office in Thanbyuzayat.

After the celebrations, NMSP troops who had participated in the military parade on the 70<sup>th</sup> anniversary of Mon National Day in Japanese Well were stopped by the Burmese Army near a Three Pagoda Pass checkpoint on the Thai-Burma Border and their military equipment was seized. However, an officer from the NMSP's Three Pagoda Pass Liaison Office said the situation was de-escalated.

"Today, around 10:00 am, they [Burmese Army] took control of the Doe-Kyike Checkpoint and we had to withdraw from our base. We have about 20 troops at the Doe-Kyike Checkpoint. In order to avoid conflict, we've left from that checkpoint," said Nai Seik Rot, an official from the NMSP Three Pagoda Pass Liaison Office.

The following day at 9:00 pm the NMSP received orders from the Burmese military to remove their base in Ta-Dane village, in Three Pagoda Pass Township, creating the possibility of armed conflict, according to a reliable source from the NMSP.

Emergency meetings are now being held by NMSP's Central Committee members in order to decide how to respond. "The two sides should engage in a constructive dialogue to solve the conflict," said a Central Committee member of the NMSP.

The NMSP have signed a ceasefire agreement at both the state and union level; however, they have not signed the National Ceasefire Agreement yet.

## MON YOUTH FORUM THROWS SUPPORT BEHIND LOCAL CHAUNGZONE CANDIDATE IN UPCOMING BY-ELECTION

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The other candidate representing Mon people in the election is Mon National Party (MNP) candidate Nai Sein Mya Mine from Thanbyuzayat Township.

Zar Nu Oo added that, "we have released a statement and helped campaign for our candidate with some of our youth group members."

A committee composed of Mon leaders, community members, and monks had previously tried unsuccessfully to unite the different Mon political parties in order to create a unified front for voters. Their belief is that citizens will be confused over which candidate to vote for from their region.

In the 2015 election, NLD candidate Daw Khin Htay Kywe was elected as the Chaungzone representative in Mon State Parliament; however, she was later assigned by the NLD to work as a member of the Constitutional Tribunal of the Union, leaving the Chaungzone Township seat empty in the state parliament.

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News

# LOCAL CONCERN GROWS AS TENSION BETWEEN THE NMSP AND THE BURMA ARMY CONTINUES



February 16, 2017

On February 14, 2017, the Burmese military invaded and took control of two New Mon State Party (NMSP) checkpoints, increasing tensions that have existed between the two over the last several years.

At the same time, the Burmese military have begun stopping and checking travelers on the Thanbyuzayat-Three Pagoda Pass Road, implementing travel restrictions as Burmese troops are now mobilizing near Three Pagoda Pass.

Government troops from LIB 587 led by Lieutenant Colonel Myo Zaw Win inspecting the NMSP's Liaison Office in Ye Township, Mon State (photo: Banya Hongsar)

The tension continues to grow as the NMSP has had to withdraw from two main checkpoints that have been under their control for 20 years.

These unstable conditions worry local plantation owners, travelers, cross-border traders, and local civilians.

*"When the Border Guard Force (BGF) and the Anan-Kwin Burmese military battalion took control of the [NMSP] Doe-Kyike (Phaya Taung in Burmese) Checkpoint, I realized that something has happened between the NMSP and the government military. This region is our livelihood so I don't want [this*

*situation] to harm the people. Our livelihoods directly rely on the stability of the region,"* said Nai Soe, 37, a highway driver from Taung Pauk village on the evening of February 14.

According to a Central Committee member of the NMSP, the Burmese military has pressured the NMSP to withdraw from their 25-year-old base in Ta-Dane village and if they fail to comply the Ta-Dane base will be destroyed by heavy weapons.

*"I've been working on a rubber farm near Ta-Dane village for 12 years. I thought the region was peaceful as it's under the control of the NMSP. But armed conflict [is likely to] start again now, so it's difficult for us to do farm work. We hit bottom when the rubber price had fallen two years ago. Now the armed conflicts have started just after the rubber price has risen. It's impossible to make a livelihood. This area is a battleground. Frankly, no one supports the war. It directly affects us. Please let's stay peaceful,"* said Nai Kyaw Oo, 61, a rubber plantation owner from Chaung Hna Khwa village who has an eight-acre rubber plantation in Ta-Dane village.

According to locals, there are about 65 rubber plantation workers near Ta-Dein and no one dares to go to their place of work due to the possibility of armed conflict. NMSP troops are active in the area and are hiding on the hills near Ta-Dein village.

*"The Burmese military are strictly checking all cars and transportation [vehicles] at the entrance of Three Pagoda Pass. They have ordered [travelers] to open every single bag. We have no idea why they imposed this restriction, but we believe that there must be tension between armed groups,"* said Ko Win Maung, 43, who has experienced the travel restrictions in person.

The Burmese troops at the Three Pagoda Pass Checkpoint are not from the local military base of Na Gar Taung, rather they are from Anan-Kwin military base in Kyainnseikyi Township of Karen State. Local military analysts believe this tension will continue to grow as the Burmese military has also mobilized the Border Guard Forces (BGF).

*"It's clear about this matter. [The Burmese military] had pressured [the NMSP] to sign the NCA (National Ceasefire Agreement)...If there is an armed clash with the Mon [NMSP], the Burmese military will surely use the BGF on the front line and will provide support at the back. If the situation continues, the Mon and the Karen are divided, so it isn't beneficial to the peace process,"* said a retired schoolteacher from Thanbyuzayat.

The NMSP had signed a ceasefire agreement with the Burmese Military Government in 1995, but the agreement was broken when they refused to reform themselves into the BGF in September, 2010. In 2012, the NMSP signed the state-level ceasefire agreement with U Thein Sein's government.

*"The Burmese military are strictly checking all cars and transportation [vehicles] at the entrance of Three Pagoda Pass. They have ordered [travelers] to open every single bag. We have no idea why they imposed this restriction, but we believe that there must be tension between armed groups,"*

## News

# ATTEMPTED RAPE OF A 9-YEAR-OLD GIRL IN THANBYUZAYAT TOWNSHIP

January 17, 2017

**WCRP:** On November 3, 2016, an 18-year-old man attempted to rape a 9-year-old school girl in A— village, Thanbyuzayat Township, Mon State.

According to the girl's grandfather who was witness to the event, 18-year-old Mg Seik Chan from A— village attempted to rape her at around 5 am in her home. The girl's grandfather, [upon hearing the noise], rapidly woke up and saw him with the girl. He thought that a thief had come and was stealing something in their house. When he came to look, the perpetrator was running away.

*"At first, we thought that we would not report about this to the [village] administrator. We didn't even want other people know about us. [After the incident], our granddaughter was looking unhappy and was quiet, but the*

*perpetrator was looking very happy and singing songs [in the village]. We feel they [the perpetrator and his family] don't care about us. If they apologized to us early on, we would have felt fine and may have forgiven them. We never thought that he would do this to my granddaughter because his parents were working in our rubber plantation and he always visits our house,"* said the grandfather.

After the incident, the girl did not go to school for 3 days. She is studying at elementary school in A— village. Her teacher told her that, if someone at the school jokes or talks to her about the incident, to just report it.

The grandfather U B— added that, "The administrator [village head] has negotiated the case between the victim's family and the perpetrator; both sides agreed to 1,000,000 kyat compensation. The perpetrator gave

750,000 kyat to the victim and said that he would pay the remaining money later, but the rest of the money did not arrive.

According to militia leader U Pin [from an unknown Border Guard Force (BGF) battalion stationed in the village], he advised the victim's family [upon hearing of the incident] that if they agreed to compensation this time, the perpetrator may commit it [a similar crime] again later. After, the victim's aunt reported the case to the Thanbyuzayat Police Station and the police charged the perpetrator under Article #376 (concerning rape) of the Burma Penal Code.

According to the medical report after the girl was examined on November 6 at the Thanbyuzayat Hospital, the girl was not raped [penetrated] and the police have not yet requested further information from the family about the case yet.

## A 9-YEAR-OLD GIRL RAPED IN MAWLAMYINE

February 2, 2017

On January 23, 2017, a 9-year-old girl was raped by her aunt's husband in Zay Yar Myine Ward, Mawlamyine. The offender is 31 years old and a father of two. He raped the girl in the morning as the victim was left home alone when her mother went to the market to sell goods.

After being raped, the offender, himself, went to the market at 7 am and told her mother that the girl was crying because there was bleeding from her anus, according to Daw M—, the victim's mother.

*"When B— [the offender] told me [about her injury] at 7 am, I went back home and asked her what happened to her. When I asked her in the kitchen if she fell on a box, she answered, 'yes'. I thought she said yes because she was afraid of B—. So, I requested B— to buy benzene [antiseptic liquid] and sterilized her injury. After that I went back to the market. At 11 am, my husband came to*

*the market and asked me to return home as our daughter was suffering from bleeding. Upon reaching home, I found that there was bleeding from her vagina, so I brought her to the Department of Obstetrics and Gynecology at the American Hospital,"* said Daw M—, the mother of the girl.

*"She was discharged on the 25<sup>th</sup> after staying for 2 days in the hospital. But she still wanted to go to the hospital as she is suffering from pain. She requested me to accompany her and not to leave her alone and asked me to save her. I couldn't stand looking at her suffering any longer so I brought her to the hospital again on the 26<sup>th</sup>. She recovered on the 27<sup>th</sup> and was discharged,"* continued the mother.

According to the medical results from the American Hospital, the mother realized that her child was raped so she gently asked the child on January 24<sup>th</sup>. She replied that when she was sleeping, the offender brought her to the floor,

restrained her arms and raped her. When she tried to cry, the offender covered her mouth. The offender also threatened her that she will be beaten by her mother if she told her mother what happened to her.

Daw M— reported U B— to the police for raping her child on January 24, 2017 and the Zay Yar Thiri Police charged him under Article 376 of the Penal Code. The offender was arrested on January 24 and he confessed that he raped the child.

It is reported now that Mitta Zone See Organization and other social welfare organizations have been supporting the victim's family.

On the day of abuse, her father was at a festive event at Byine Nha Kaung Pagoda in Mudon Township and her mother was at the market in Zay Yar Myine Ward. The offender and his wife slept at the girl's house the night before the day of abuse and they often spend the night at the girl's house, according to the victim's parents.

News

# DEPUTY SPEAKER OF THE MON STATE PARLIAMENT UNHAPPY WITH PRO-MILITARY PROTEST



January 11, 2017

**HURFOM:** On January 8, 2017, the Mon State National and Charitable Associations Network organized a pro-military protest in Mawlamyine to publicly show support for the Burma Army who has been waging war in northern Burma. Approximately one thousand participants joined the protest.

Because the protest supported the war waged by the Burmese Army arguing that it is fair and just, the Deputy Speaker of the Mon State Parliament Dr. Aung Nine Oo said he actually felt uncomfortable.

“If we want to organize a protest to support an issue or to oppose an issue, we should deeply considerate it first. Even if you support or oppose the war in our country, [you must know that] the root cause of the civil war is not just armed conflict. The main reason for the

war is the conflict between the government and the indigenous ethnic [groups]. We must be clear [about the civil war],” said Dr. Aung Nine Oo.

The Northern Alliance – a coalition comprised of the Kachin Independence Army (KIA), the Ta’ang National Liberation Army (TNLA), the Arakan Army (AA), and the Myanmar National Democratic Alliance Army (MNDAA) – launched a joint offensive in Muse and Kutkai townships on November 20, after which the Burma Army began launching massive military offensives in the region.

Under the bombardment, the KIA lost some important military bases to the Burma Army. As the military seizure of these bases in northern Burma continued, pro-military protests were organized in Rangoon, Mandalay, Mone Ywa, Patheingyi and Mawlaikya throughout December, 2016.

“Saying that the civil war waged by the [Burma] military is fair and just [provides more legitimacy to the Burma government and military’s campaign and their] decision means to label members of the ‘Northern Alliance’ as a “terrorist group”. Our politics should not be like that. All of the ethnic armed groups have emerged because of political conflicts between the [Burma] government and the ethnic groups and we must be clear about that, [that the civil war is a political problem]. That’s why I have felt uncomfortable,” continued the Deputy Speaker of the Mon State Parliament.

The pro-military protest in Mawlamyine was held in Hline Stadium on January 8, 2017. After hearing a pro-military speech, the protesters headed to the Than Lwin Park.

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## News

# A LITERATURE TALK ABOUT COAL MINE WAS HELD IN KA DON SI VILLAGE

February 17, 2017

On February 10, 2017, a workshop on environmental, land, and human rights issues in relation to coal mining was held in Ka Don Si village, Kyaikmayaw Township, Mon State. The workshop was organized by the Human Rights Foundation of Monland (HURFOM) and local villagers.

The event started around 6 pm and over 300 people participated. During discussions, U Min Soe Naing, Daw Dawai Thant Zin, Khun Aung Aung, Nai Kasauh Mon, and Chaungzone Township Hluttaw representative U Aung Naing Oo were invited to speak.

The event was undertaken in order for locals to gain a greater understanding of coal mining near their communities, as well as to educate about the disadvantages of coal mining and to prevent the extraction of coal by Myanmar Cement Limited (MCL) company.

According to Nai Mg Mg Myint, who is the leader of the MCL prevention group in Ka Don Si village, "Our villagers are afraid to talk about the law due to a lack of knowledge about it. So we would like our people to gain knowledge about

this. If they understand more about these issues, they will be more concerned and try to prevent it [coal mining] in their community. Even if after this event nothing has changed, we will continue to protest for our community."

Even though locals from Ka Don Si village and eight other villages protested the coal mining, there were not effective. According to the locals, village administrators from some villages do not like these activities.

"We would like them to stop the production of the coal mine. In the beginning, the locals from six villages % Kaw Doon, Kaw Pa Naw, Mae Ga Ro, Kwan Ngan, Ka Don Si and Hnee Ton % were protesting, but they were not successful. However, we never gave up and continue our activity. Nowadays we can see there is some progress. There are three more villages % Inn Thazin, Kaw Wan, Pin Ka Mar Kaw -% which are now involved and working with us," said U Naing Shwe Win, who is the leader of anti-MCL protestors from Mae Ga Ro village.

He added that, "Some of our village administrators do not like our activities and our group. They want to forbid it.

Sometimes, even if we invite them to some of our events related to protesting coal mining, they do not attend. Actually, they must be leaders of that kind of activity for our community. We would like to tell our village administrators that if you don't want to join us it is fine, but don't threaten our youth who are involved in this activity."

The authorities have questioned youth participants, intimidating the young protestors who do not understand the process well.

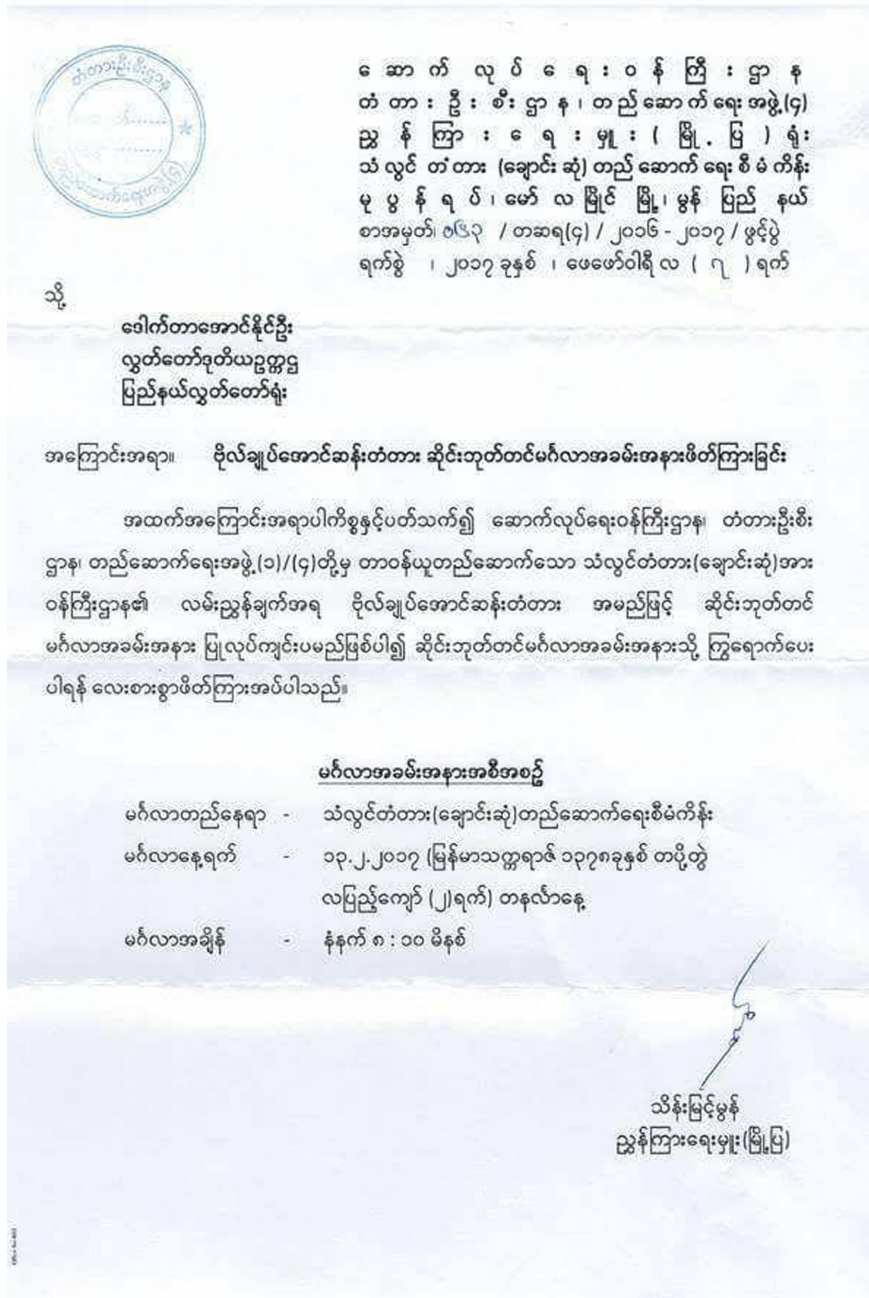
Mi Aye Mon, who is a leader of a youth group from Kwan Ngan village, said, "In the beginning, we didn't understand about the dangers of coal mining and did not really worry about it. After we joined this event we understood the disadvantages of coal mining and we are concerned for our environment. In the past, our environment was green and now it looks like it is damaged and we feel unhappy. We would like to thank the people who gave us a chance to learn about this and we are happy to join this event."

Similarly, in February 2016, there was workshop in Kaw Pa Naw village and local from six villages were involved and around 3000 people joined the event.



News

# MON STATE MINISTER RESIGNS OVER BRIDGE NAMING CONTROVERSY



February 24, 2017

**HURFOM:** Mon State Minister, U Min Min Oo, has resigned following controversy surrounding the naming of the Than-Lwin Bridge between Chaungzone and Moulmein townships.

U Min Min Oo is also the Mon State Minister for Municipal Development and Construction. On February 8, 2017, local community members, including monks, began organizing protests against the naming of the newly

constructed bridge after General Aung San.

*"If the Than-Lwin Bridge (Chaungzone) will be named after General Aung San, we'll oppose that, but we have to take time to avoid violent ways,"* said a Facebook post by Venerable Monk Wara Wunsa of Boe Nat Monastery in Chaungzone on February 8.

The issue was first made public when the Ministry of Construction sent an invitation letter to Vice Speaker of the

Mon State Parliament Dr. Aung Naing Oo to join the opening ceremony of the General Aung San Bridge. Mon people from Chaungzone and other areas of the region began planning their opposition to the name shortly afterward.

*"The matter is under discussion now. Our first plan is to send a petition [to the authorities] after collecting signatures from the locals. Our second plan is to mobilize a protest. For example, we will organize a protest at the [70<sup>th</sup>] Mon National Day event. We're still discussing [how to respond],"* said activist monk Aot Jae from Chaungzone.

*"Not just the Mon community, but also the Burmese people do not agree with the new bridge name. They should cooperate with the locals to oppose that a bridge in a Mon area will be named after General Aung San,"* continued the monk. Locals believe the name of the bridge should have more relevance to the local area.

*"I'll oppose this issue in accordance with the laws. I'll show my opposition in parliament. Community-based organizations should find a way themselves to oppose the issue,"* said activist monk Aot Jae.

The 1,759-feet-long and 64-feet-wide Than-Lwin Bridge (Chaungzone) began construction under the previous government of U Thein Sein and was planned to be opened on February 13, 2016.

This is not the first time locals in Mon State have opposed the naming of a structure after General Aung San. A statue in commemoration of the general was planned to be erected in Kan Thar Yar Park, Mudon, however locals opposed the project as it was ongoing without their consent.

U Min Min Oo was pressured to quit by his own party, the NLD, following complaints over his leadership.

## News

# OVER 1,000 PEOPLE IN MON STATE JOIN PROTEST FOR PEACE



February 8, 2017

On the morning of February 4, 2017, approximately 1,000 people participated in a demonstration for peace held in Mawlamyine, Mon State.

According to Nai Oung Mon, who is one of the organizers, *“the purposes of this activity are to stop the conflict surrounding the ceasefire [talks] and to stop the violence in the country. The demonstration was organized through the cooperation of many people from various ethnicities including, Mon, Burmese, Pa’O, and Karen activists.”*

He added that, *“when people exchange [debate] about politics in our country, we would like them to listen to the voices of the citizens very carefully. Then, they will know what our struggles are and can solve our problems as citizens.”*

U Saw Myo Myint Hlaing, a Karen ethnic who is working for a local Civil Society

Organization (CSO) in Mon State said that, *“there are a lot of domestic wars in the country. We don’t want it. To get peace all over the country, we want all the Community Based Organizations (CBOs) and CSOs to participate in the peace process. Then we will see our country develop.”*

*“When we [try to] solve the problem of conflict surrounding the ceasefire [talks], we have many ways to go about doing it, such as choosing to kill people or choosing to discuss [the end of conflict] peacefully. Everybody should have the right to survive, respect for human rights, and they must have the right to [freely] express [themselves],”* said Nai Dhow Ong Chan, also present at the demonstration.

Daw Hla Myint who works for a CSO in Chaung Zone Township stressed the inclusivity of the protest, saying,

*“there are a lot of wars in the country. We don’t discriminate based on race, or whether you are rich or poor; we only focus on bringing peace to the country and participating in activities such as this.”*

Nai Soe Thein from Ye Township, who also participated in the activity said, *“the expense of the [current] war is much more than the expense allocated to education. When the political [system] is changed we shouldn’t have war in the country. The ethnic groups are poorer and we wish to stop the war in the country and thus we organized this activity.”*



A Report by  
Women and Child Rights Project (WCRP)  
Human Rights Foundation of Monland (HURFOM)

# BRIEFER- CRACKS IN THE SILENCE:

## SEXUAL VIOLENCE AGAINST CHILDREN AND CHALLENGES TO ACCESSING JUSTICE IN MON STATE AND MON AREAS OF SOUTHEAST BURMA

“Even if a [child rape] case is brought to the courts, the punishment [perpetrators receive] is not just, so they [villagers] do not want to fight for justice. People do not trust in the rule of law, so they just give up on the truth.”

~ Interview with Mi Cherry Soe, Mon Women's Network

Since 2013, the number of reported cases of violence, particularly sexual violence, toward children in Burma has increased dramatically. So too is this the case in Mon State and Mon areas of Burma. HURFOM itself has seen a significant increase in the number of cases of violence toward children received between 2013 and 2016. However, due to the shame and stigma associated with sexual violence, as well as the challenges faced when accessing justice in Burma's complex, pluralistic legal system, it is likely that the number is much higher than actually documented.

This report by HURFOM's Women and Child Rights Project (WCRP) analyzes 20 cases of violence toward children received from Mon State and Mon areas of southeast Burma between December 2013 and January 2017. The types of violence ranged from rape to human trafficking; however, in the majority of cases sexual violence was identified as the primary motive. While HURFOM acknowledges the small size of the dataset, this report aims to provide a platform for community perspectives on issues that they have identified as important to them, rather than to make general conclusions regarding the phenomenon.

March 2017

## Briefer-Report

While analyzing the cases, interesting patterns in how families navigated the pluralistic legal system in Burma emerged, as well as a number of challenges they face when accessing justice while reporting a crime involving sexual violence. Thus, this report looks not only at individual cases, but also at the challenges villagers face when pursuing justice and the forms of agency, both individual and collective, they use to overcome these obstacles.

This report is divided into five main sections. After the Introduction (Chapter 1) and Methodology (Chapter 2), this report provides a basic overview of the legal and administrative structures that deal with crime of a sexual nature. Furthermore, it provides a brief examination of Burma's international and domestic obligations to protect children. Next, Trends in Violence Toward Children (Chapter 4) are provided including types of violence, perpetrators, and reporting chains, after which Voices of Villagers (Chapter 5) are presented, including individual and collective forms of agency, perspectives on the increase in reports of sexual violence, and challenges to accessing justice. Finally, Recommendations (Chapter 6) for the Burma government, including local government and administrative departments, the New Mon State Party (NMSP), as well as community-based organizations (CBOs) are provided.

### Trends in violence Against Children

#### Types of Violence

HURFOM received reports concerning 20 incidents of violence against children, including multiple and concurrent types of abuses, occurring between December 2013 and January 2017. *In all cases received by HURFOM, the victims were female.* Those experiencing violence ranged in age from as young as three to 17 years of age; however, there was a slight majority of cases involving children between the ages of 13 and 17. In all, HURFOM documented 16 incidents of rape; one attempted rape; seven incidents of abduction, including one case of human trafficking; six incidents of explicit threats toward life; and two killings, for a total of 20 unique cases.

#### Sexual Violence

By far, the vast majority — 85% — of violent abuse toward girls in Mon State and Mon areas documented by HURFOM involved sexual violence. Out of the 20 incidents HURFOM received, 16 of those involved rape as the primary type of abuse, while one case involved the attempted rape of a minor.

While rape was the primary type of abuse, in 70% of the incidents, victims reported experiencing two or more types of abuse concurrently. These abuses included abduction, explicit threats to their life and/or their families' lives, and serious injuries sustained during the attack.

For example, in June 2016, a 9-year-old girl was raped by a 24-year-old man in A Baw village, Ye Township, Mon State, after which he threatened that if she told her parents he would come back and kill her:

### Key Findings

② HURFOM saw a significant rise in the number of reports of violence against children received between 2013 and 2017.

② In all cases received by HURFOM, the victims were female.

By far, the vast majority — 85% — of violent abuse toward girls in Mon State and Mon areas documented by HURFOM involved sexual violence as the primary form of abuse.

② While rape was the primary type of abuse, in 70% of the incidents, victims reported experiencing two or more types of abuse concurrently, including abduction, explicit threats to their life and/or their families' lives, and serious injuries sustained during the attack.

② In only 30% of cases documented by HURFOM has the incident been reported as settled through the police, village administration, or NMSP.

② Villagers used a variety of methods to overcome obstacles to accessing justice, including reporting the incident, rejecting compensation in lieu of punishment, protesting an unsatisfactory outcome, and community support.

② Villagers face a variety of challenges when accessing justice, including traditional beliefs surrounding sexual violence, low socio-economic status, weak rule of law, and lack of trust in formal legal systems.

*"She was left unconscious for a few hours, and after she woke up she had to walk three miles back to her village. When her mother saw her injuries, including vaginal bleeding, she took the child to the hospital and there it was then revealed by the doctor in Ye that she had been raped. The young girl is currently in grade three; however, due to her medical condition, she has had to drop out of school for a while."*

#### Incident Report submitted by HURFOM Field Reporter

#### Killing

Although the killing of a child after a sexual assault was rare in the dataset, HURFOM documented two cases of the intentional death of a child.

For Example, in June 2014, an 11-year-old girl was raped and murdered in Yebyu Township, Tenasserim Division on her way home from school. According to an administrator from Thar Yar Mon village:

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*"[The] child was [found] dead in a hole and her stuff, such as a bag, umbrella, and shoes were beside her. Her shirt was lacerated and her head had been hit with a stone. The authorities took her body to the hospital in Kan Bauk [where] the doctor checked her body and found that she was raped before she was killed."*

### Incident Report submitted by HURFOM Field Reporter

#### Perpetrators

In all cases documented by HURFOM, the perpetrator was male. In addition, the offender was much more likely to be known to the victim, either as a community member or family member, while in only a small number of cases were the perpetrators strangers. Out of the 20 cases of violence against children documented by HURFOM, nine of the perpetrators were community members, six were related to the victim, two were strangers, two were unidentified, and one was a soldier in the Burma Army.

#### Community Members

In 45% of cases received by HURFOM involving violence against children in Mon State and Mon areas of Burma, the perpetrator was a member of the child's community. Community members included individuals close to the family, neighbours, and coworkers. The victim's family often expressed disbelief that someone they knew could be involved.

For example, in November 2016, an 18-year-old boy attempted to rape a 9-year-old girl in A— village, Thanbyuzayat Township, Mon State. As the attack took place in the grandfather's home in the early morning hours, upon hearing the noise the girl's grandfather woke up and scared the perpetrator away:

*"We feel they [the perpetrator and his family] don't care about us. If they apologized to us early on, we would have felt fine and may have forgiven them. We never thought that he would do this to my granddaughter because his parents were working in our rubber plantation and he always visits our house."*

### Interview with Grandfather of 9-year-old victim of attempted rape

#### Family Members

Being related either by blood or marriage was the second most common type of relationship identified between the perpetrator and victim. HURFOM documented six cases of violence against children perpetrated by a family member of the victim. In only two cases were the perpetrators immediate family members, being either the father or brother of the victim, while in four cases the perpetrator was either the uncle or brother-in-law of the victim.

#### Soldiers

Contrary to previous reporting periods, HURFOM received only one report of sexual violence committed by a soldier during the current reporting period.<sup>7</sup> On December 24, 2013, a soldier from Burma Army Infantry Battalion (IB) #31 abducted a 13-year-old girl from her home and raped her in Ye Township, Mon State:

*"[On the] night of the incident, Mi Paroal Mon was making a roof while her parents were [out]. To carry the nypa palm, Than Win and his three men went down to Mi Paroal Mon's house around 7:00 pm. The incident occurred that night. Than Win intruded into the house and hugged her tightly. Then they brought her to the Mon National School and assaulted her there. The men had rope and tied her up. Only Than Win raped her while three men helped him."*

### Incident Report submitted by HURFOM Field Reporter

#### Voices of Villagers

#### Agency

During the reporting period, villagers in Mon State and Mon areas of southeast Burma have addressed the challenges associated with accessing justice in cases of violence toward children in a variety of ways. These include reporting the crime itself, despite widespread shame and stigma associated with sexual violence; continuing to call for justice despite threats or pressure to remain silent from perpetrators and powerful figures; appealing to legal authorities for justice, particularly in the form of punishment for the perpetrator; turning down offers of compensation in lieu of punishment; and protesting decisions by authorities through petitions and turning to alternative legal systems to achieve desired outcomes.

#### Reporting

In many cases, the disclosure of an incident of sexual violence by a child to a parent or guardian was a courageous act in itself. In Burmese and Mon cultures, sexual violence is often associated with social shame and stigma. This in tandem with explicit threats to their and/or their family's safety by the perpetrator creates strong disincentives to reporting crime of a sexual nature. This is borne out by the evidence collected by HURFOM, where in approximately only 11% of cases did victims immediately disclose the incident without prompting by a family member or guardian. Furthermore, even after disclosing an incident to a parent or guardian, families sometimes felt reluctant to report the incident to authorities, citing the shame they felt regarding the situation. However, the increasing number of cases being reported in Burma, may be an indication that cultural traditions to remain silent regarding such issues is slowly changing.

In all cases documented by HURFOM the survivors of sexual violence did eventually, either intentionally or accidentally,

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disclose their ordeal to someone. In some cases, they even continued to demand justice despite repeated attempts to intimidate them, in one case by military officials:

*"If she were to refuse this settlement, the military personnel threatened that Mi Paroal Mon and her family would be expelled from living in the village. Mi Paroal Mon refused this settlement, and personally requested that her parents not accept anything the military would offer to settle the case easily. The military threatened the victim and her family to leave the village if they still had tension with the battalion. However, the girl kept saying that Than Win did assault her. The military has also [pressured] village administrators to settle the case."*

### Incident Report submitted by HURFOM Field Reporter

#### *Rejecting compensation in lieu of punishment*

Another common strategy employed by families when pursuing justice was to reject monetary compensation in favour of jail time for the perpetrator. Some villagers refused monetary settlements and in one case returned compensation to the perpetrator in order to pursue other legal options. Survivors of sexual assault and their families are often pressured to accept compensation by village administrators and the families of perpetrators in order to resolve the situation quickly and quietly.

#### *Protesting a decision or lack of investigation*

Another form of agency documented by HURFOM was a family's willingness to speak out regarding dissatisfaction with how the case was being handled by authorities. In some cases, families reached out to CBOs, appealed decisions, and even sought justice through other legal systems if left unsatisfied with the outcome.

#### *Community Support*

Not only has HURFOM documented the various ways in which individuals in Mon State and Mon areas of southeast Burma have sought justice for abuses, these attempts also include collective efforts to seek justice on behalf of a victim and a community, as well as to prevent further abuses from occurring. These attempts include petitioning a military base for justice by a village on behalf of a victim raped by a soldier, and local organizations providing victim support services, as well as community education and awareness.

Community support can also take the form of local CBOs providing support to young women and girls who experience sexual violence. In 30% of cases documented by HURFOM, CBOs are explicitly mentioned as aiding families. In some cases, support for families and survivors included attending to health issues, such as medical checks and treatment for injuries; transportation to medical clinics and hospitals; legal and financial support; and counselling.

Community support extends beyond victim services, focusing as well on preventative education and rights awareness.

Many local CBOs and national rights activists offer community education in the form of sex education, legal workshops, and rights trainings. These trainings target all sectors of the community, including children and parents, as well as authority figures, such as village administrators

### Perspectives on the increase in reported cases of the sexual abuse of children

A number of trends emerged during the analysis regarding the increasing prevalence of reports of violence against children in Mon State and Mon areas of southeast Burma. While an in-depth study is required to fully understand the phenomenon, HURFOM documented both villager and CBO perspectives on the issue. A number of trends emerged during these discussions, including a greater willingness to report such issues; access to technology; lack of rule of law; and weak penalties for offenders.

#### *Increasing education and access to technology*

Some believed the increase in reports of sexual violence against children was an indication that individuals and families were more willing to speak out about the issue, rejecting traditional beliefs that sexual violence is shameful and should be kept silent. This increase in willingness was attributed to efforts by CBOs to educate villagers on sexual abuse and legal rights.

Others felt that an increased willingness to talk about these issues was related to the proliferation of technology, especially internet access, smartphones, and social media:

*"There were no smartphones and social media in the past, but we have everything now and people have better general knowledge. So they speak out about the abuses and report their problems. There must be education workshops in remote areas [without internet access]."*

### Interview with Mi Sar Dar, MNEC

However, technology was not always regarded as a positive force as many felt that increased access to the internet has allowed pornography to have a deleterious effect on communities:

*"As we are living in the age of technology, everyone can watch porn movies on their smartphones. It's very accessible. After watching porn movies, perpetrators want to try [what they see] and innocent children become their targets."*

### Interview with Mi Ong Rin, MWO

#### *Lack of Rule of Law/Weak Enforcement*

Others felt that the increase in reports of sexual violence against minors stemmed from a lack of rule of law and weak enforcement of laws. Much of this perspective derives from the short sentences perpetrators of sexual violence against children receive after being convicted, which often fall far short of the ten-year maximum stipulated in the penal code:

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*"Due to the lack of justice and strong rule of law, as well as weak punishment for perpetrators, it creates an environment where rape occurs more, especially the raping of young children. I would suggest for stronger laws and punishments...The laws in Myanmar look like rubber bands. They can be loose or strict. In the case of a four-year-old child that was raped, the perpetrator had been sentenced to only four years in prison."*

### Interview with Mi Cherry Soe, MWN

#### Challenges to Accessing Justice

During HURFOM's discussions of key challenges to accessing justice with villagers and CBOs in Mon State and Mon areas of southeast Burma, two broad themes emerged: lack of reporting of incidents of sexual violence against children and lack of adequate redress when one does pursue justice through formal or informal mechanisms. Lack of reporting could take two primary forms: that of not reporting the incident at all, or reporting only to village-level authorities, without pursuing formal legal outcomes.

The reasons identified for these two obstacles were often interconnected and mutually reinforcing, creating cumulative obstacles to achieving justice. The four main categories believed to lead to the above outcomes were identified as: traditional beliefs surrounding sex and sexual violence; low socio-economic status; lack of trust in both government authorities and the legal process; and unsatisfactory legal outcomes.

#### Traditional Beliefs

Traditional beliefs regarding gender equality, women's rights, and sexual violence are one of the biggest obstacles for victims when accessing justice for violent abuse. All of these issues combine to create a social system of shame and stigma associated with crime of this nature. This deep-seated social stigma is a major factor in the under-reporting of crimes of sexual violence.<sup>1</sup> Furthermore, outdated laws explicitly allow for some types of sexual violence, further adding to a culture of silence and tacit acceptance. For example, marital rape is legal under the Penal Code in Burma, as long as one's wife is 13 years or older. In a culture where violence against women and young girls is socially-legitimized, incidents of sexual violence often go underreported.

However, even if individuals do disclose to a family member or guardian, the fear of community shame and stigma may induce them to either keep it to themselves or settle at the village level. As village administrators, the majority of whom are men, have no official authority to legally try a rape case, they often pursue customary law consisting of arbitration between the perpetrator and the victim's family, resulting in compensation:

*"Everyone including villagers, victims, village headmen have accepted that being raped is very shameful. So most of the rape cases are secretly solved without reporting [to the police or the authority]."*

### Interview with Mi Kon Chan Non, MWO

#### Low Socio-economic Status

Low socio-economic status is another obstacle to accessing justice. Even if a low-income family does opt to report an incident of sexual violence against their child, compensation may seem like the best course of action in light of the legal fees and transportation costs associated with taking formal legal action in a court of law. Furthermore, length of trials can last years, necessitating even greater costs and days off work for families to attend the trial:

*"No villager wants to appear in court. The legal process will take years and it is costly. The rural people realize that going to trial is costly. Most of the perpetrators are rich and the victims are poor. They think they will definitely lose a trial against the rich. They deeply believe that money wins the trial. That's why they accept compensation decided by the village headmen."*

### Interview with Mi Ong Rin, MWO

#### Lack of Trust in Legal Process and Authorities

Lack of trust in formal legal systems was another primary obstacle to accessing justice. This took two major forms: lack of trust in the government, police, and administration departments and lack of trust in the judicial processes. This distrust of formal legal administrations can be attributed to an unfamiliarity with government departments in urban centres, as well as unease regarding interactions with police in Burmese controlled areas. Long and costly trials, police and jury ineptitude, corruption, and language barriers have all contributed to an inherent distrust of formal legal systems and processes among many villagers.

#### Unsatisfactory legal outcomes and lack of rule of law

By far some of the most common and reoccurring themes regarding challenges individuals face when accessing justice in Burma, especially regarding sexual violence, were inadequacies within the formal legal and judicial systems. Many felt this was due to outdated laws and the absence of specific laws and policies targeting violence towards women and children.

A primary reason for feeling the laws were currently inadequate was the perceived light punishments perpetrators of sexual violence against children received. Without adequate external inhibitors, such as appropriate social sanctions and harsh punishments, people felt that this

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would only serve to encourage perpetrators to commit similar crimes again.

*“The punishments are quite light so after subtracting the time spent in jail while the police investigated and the length of the trial, the perpetrator does not have to stay in prison too much longer.”*

### Interview with Mi Kon Chan Non, MWO

#### Recommendations

##### HURFOM recommends the Burma government to:

- ☐ Adopt a coherent and modern national child protection policy.
- ☐ Ensure that those accessing the formal legal system in Burma have access to police and court services in their language, as well as access to laws published in their own language.
- ☐ Ensure the participation of more women in judicial systems and processes, including juries.
- ☐ Educate all parties involved in legal and judicial processes, male and female, on sexual violence and gender equality.
- ☐ Eliminate corruption in police and judicial systems, and ensure all reported cases of sexual violence are investigated thoroughly, without victim blaming or collusion with alleged perpetrators.
- ☐ Provide assistance for survivors of sexual violence, including safe houses and temporary shelters.
- ☐ Provide sex and gender equality education in schools and work to eliminate harmful, traditional beliefs surrounding sexual violence.
- ☐ Implement poverty reduction programs for villagers and provide legal assistance for low-income families.

##### HURFOM recommends the Burma parliament to:

- ☐ Abolish provisions in the penal code which allow for sexual violence.
- ☐ Amend the penal code to include specific provisions which target perpetrators of violence toward children, ensuring they receive adequate and proportional punishment.
- ☐ Release and consult with civil society on the draft National Policy on the Prevention of Violence Against Women, and pass legislation that promotes and protects the rights of women.
- ☐ Release and consult with civil society on the draft amendment of the 1993 Child Law, and ensure the

law includes a section on the prevention of violence and sexual violence toward children.

##### HURFOM recommends the GAD to:

- ☐ Ensure that GAD authorities at all levels of government report all crimes of a sexual nature to the police.
- ☐ Eliminate the use of customary law and village-level arbitration and compensation as a method of settling cases of sexual violence.

##### HURFOM recommends the NMSP to:

- ☐ Ensure all cases of sexual violence are reported to the central judiciary committee of the NMSP by village, township, and district-level authorities.
- ☐ Eliminate the use of negotiation and compensation as a method of settling cases at all levels of NMSP administration.
- ☐ Ensure the participation of more women in judicial systems and processes, including juries.
- ☐ Educate all parties involved in legal and judicial processes, male and female, on sexual violence and gender equality.

##### HURFOM recommends local CBOs to:

- ☐ Continue to campaign and raise awareness on the issue of sexual violence.
- ☐ Continue to educate communities, especially in remote locations, on sexual violence, child rights, and legal rights and procedures when reporting incidents of violence toward children. Training should include all members of society, including village administrators.
- ☐ Continue to provide education which challenges traditional beliefs surrounding the stigma and shame associated with sexual violence.
- ☐ Continue to provide support to survivors of sexual violence and encourage communities to do the same.

##### HURFOM recommends the international community to:

- ☐ Continue to fund and promote education in Burma on sexual violence, child rights, and women's empowerment.
- ☐ Continue to pressure the Burma government to meet its obligations under CEDAW and the CRC.

News

# 30,000 PEOPLE PROTEST UNION PARLIAMENT'S APPROVAL OF CONTROVERSIAL BRIDGE NAME



March 21, 2017

On March 19, thousands of residents from across southeast Burma gathered in Mawlamyine to continue protesting against the controversial decision to name a bridge after General Aung San in Mon State.

Protestors included Mon civilians and monks, as well as other ethnic groups who came out to show their support, including Karen and Pa-O participants.

*"Today we numbered around 30,000 people who demonstrated against the name of the bridge. The reason we protested today is that we feel that people from parliament abuse the rights of ethnic minorities. We can't accept this; therefore, we joined together in today's activities," said Nai Aye Bai, a local from Kaw Bein village who participated in the demonstration.*

On March 14, the lower house of Burma's Union Parliament voted in

favour of naming the bridge after General Aung San, despite widespread local opposition and protest.

Protestors had three major demands for the union government and parliament, including changing the name of the bridge to one approved by the local Mon community; turning decision making power over to the Mon State Parliament regarding issues concerning Mon State; and to remain cautious of making decisions that may create distrust between the government and ethnic groups during a period of national reconciliation.

Protestor marched through the strand and lower main roads of Mawlamyine from 8 am to 11 am. Planned speeches in Thanlwin Garden were cancelled after authorities denied permission due to the protest coinciding with Mon State Day.

This is the second major protest over the naming of the bridge. On March 2, over 5,000 people demonstrated against the proposed name in Mon State's capital city.



## Information on HURFOM and Invitation for Feedbacks from Readers

Dear Readers,

Human Rights Foundation of Monland (HURFOM) was founded in 1995, by a group of young Mon people, The main objectives of HURFOM are:

- ☐ Monitoring the human rights situation in Mon territory and other areas in southern Burma
- ☐ Protecting and promoting internationally recognized human rights in Burma,

In order to implement these objectives, HURFOM produces the monthly "Mon Forum" newsletters. If publication is delayed it is because we are waiting to confirm information, and it comes with our heartfelt apologies.

We encourage you to write to us if you have feedback or if you know someone who you think would like to receive the newsletter.

Please email or mail a name and address to:

HURFOM, P.O. Box 35, Sangkhalburi Post Office,  
Kanchanaburi, 71240 Thailand

E-mail: [info@rehmonnya.org](mailto:info@rehmonnya.org)

Website: <http://www.rehmonnya.org>

With regards,

Director

Human Rights Foundation of Monland

# 15-YEAR-OLD GIRL RAPED BY HER FATHER IN KYAIKMAYAW TOWNSHIP

January 17, 2017

**WCRP:** On November 15, 2016, a 15-year-old girl was raped by her 42-year-old father in Ka Line Ka Naing village tract, Kyaikmayaw Township, Mon State.

The perpetrator has two daughters and a son. On the night of the incident, his eldest daughter went to Rangoon/Yangon and his wife and son went to Kyaikmayaw Town and stayed there for one night. The perpetrator and his younger daughter were left at home alone.

In the early morning of November 15, the perpetrator told his daughter that he was feeling sick and asked his

daughter for a massage and then raped her. He also threatened his daughter to not tell her mother and if she did tell, he would kill her.

The girl was afraid of her father and did not dare tell her mother at first. Sixteen days after she was raped, she told her mother about it and her mother reported the case to the police station in Kyaikmayaw Town. Deputy Police Officer U Ti Oo is handling the case.

The police officer said, *"The police charged the perpetrator under Article #376 of Burma's Penal Code and are still investigating the case. When we asked the girl, she said she was raped and when we asked her father he said he was just playing with his hand."*

The perpetrator and his family are from Ein Mae Township, Ayeyarwaddy Region; they moved to Ka Line Ka Naing village tract, Kyaikmayaw Township, 6 years ago and were working in the rubber plantations. The young girl is currently in Grade 8, however, due to her [subsequent] medical condition, she has had to drop out of school for awhile.

Similarly, in 2014 a 13-year-old girl was raped by her 28-year-old brother in Thaton Town, Mon State. The Mawlamyine Court sentenced the perpetrator to prison for only 1 year and 2 months as punishment.

• • •

# MON NATIONAL SCHOOLS FACE FUNDING CRISIS OVER TEACHER SALARIES



March 15, 2017

**HURFOM:** Mon National Schools are currently facing a funding crisis for teacher salaries, according to Nai Ongjanah from the Mon National Education Committee (MNEC). The former teacher made the remarks while being honoured at the Thanbyuzayat Township 35<sup>th</sup> Academic Recognition Ceremony organized by the MNEC fundraising committee.

Presently, Mon National Education is dependent on donors World Education and Norwegian People's Aid. MNEC teachers are supposed to receive 70,000 kyat per month; however, both donors only provide a monthly salary of 40,000 kyat per teacher, leaving villagers to make up the 30,000 kyat difference. However, many villages cannot afford to supplement the donor income. MNEC officials are now concerned about potential cuts to donor funds.

*"The donor situation is one of a lack of focus on providing for our Mon education and we are facing great difficulties because of it. If the donors cut the funds and the villagers*

*can't provide funds for the teachers anymore, our schools will be in trouble. I would like to say: please provide for our schools. If every household provides at least 500 kyat every month, our schools can run smoothly,"* said Nai Ongjanah.

Mon communities have pitched in to help fundraise, with monks soliciting funds through Buddhist sermons to Mon communities in other countries, as well as asking Mon businesses in Burma and other countries to support Mon National Education.

Nai Ongjanah added that, *"there are 800 teachers in the Mon National School system and we need to spend 56 million kyat per month on salaries. If we can't find 56 million per month, the school can't run anymore in the future and we are faced with great difficulties for our Mon generation."*

While there are Burma government funded basic education schools in Mon State, Mon National Education schools provide thorough instruction in Mon language and Mon history, as opposed to government funded and mixed schools.

**HURFOM**

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