CHILD SEXUAL ABUSE ON
THE RISE

The Human Rights Foundation of Monland (HURFOM), is seeing a dramatic increase in sexual assaults of underage girls coinciding with the second wave of COVID-19 in Mon State.

In November, 2020, three separate cases of child sexual abuse took place in Kawmawat Township. In December, two separate child sexual abuse cases were reported in Mudon and Kyaik Hto Townships. In Kyun Yaw village of Kyaikmayaw Township, another case of child sexual abuse took place.

All the perpetrators were familiar with the victims. Read more on page 3 >>

On Page 4>>> MNEC facing a shortage of qualified teachers due to limited salary rates

On Page 6>>> Non-Burmese people lose ethnic representation rights when registered as “Bamar”

On Page 9>>> Mon State Youth Affairs Committee launches voter education campaign

On Page 10>>> HURFOM Marks the 72nd International Human Rights Day

On Page 11>>> Domestic violence increasing: Public engagement remains poor

Published by the Woman and Child Rights Project, Human Rights Foundation of Monland.

Volume 15, No.2, December 2020

PUBLISHED BY THE WOMAN AND CHILD RIGHTS PROJECT, HUMAN RIGHTS FOUNDATION OF MONLAND.

Published by the woman and child rights project, human rights foundation of monland.
In the month of November, 2020, three incidents involving the rape of minors took place in Kamarwat Town, Mudon Township, Mon State. The victims were between the ages of 14 to 17. The rapists have been identified as either neighbors, friends or boyfriends.

On November 10, a 35-year-old male and former monk raped a 15-year-old girl who visited a monastery to charge her phone. The rapist was charged under the Burmese Criminal Act, Section #376 and has been detained at the Kyaikmayaw Prison.

On November 18, an 18-year-old male raped a 15-year-old girl after promising he would marry her, but instead he ran away. He was charged under the Burmese Criminal Act, Section #363 – punishment for kidnapping and Section #376 – punishment for rape. He has not been found yet.

On November 23, a 20-year-old male raped a 17-year-old girl, and threatened her life if she told anyone. In this case the elder brother was the rapist. “They reached home at 8 pm and the victim said nothing to her family, but she did tell her neighbor. The neighbor revealed the incident to her sister-in-law, and then her grandmother knew the truth. So she reported what happened to us on November 24,” said an official from Kamarwat Police Station.

The day after the rape occurred, the victims grandmother reported the case to the Kamarwat Police Station. The rapist has been charged under the Burmese Criminal Act, Section #376 – punishment for rape. He has been detained at the police station, and will be transferred to Kyaikmayaw Prison no later than November 30.

“They reached home at 8 pm and the victim said nothing to her family, but she did tell her neighbor. The neighbor revealed the incident to her sister-in-law, and then her grandmother knew the truth. So she reported what happened to us on November 24.”

December 1, 2020
Mudon Police reported that on December 9, 2020, a 12-year-old girl from Thar Yar Gone village, Mudon Township, Mon State had been repeatedly raped by a 47-year-old stepfather of her friend.

After the child’s became ill, her grandmother asked what had happened, and then learned of the rape. The crime was reported to the Mudon Police Station.

A Mawlamyine-based organization called, “Warm Heart = Nwe Htwe Thaw Yin Kwin” has offered assistance to the family.

“We’ve been trying to get in contact with an organization that can provide legal aid to the victims. When legal proceedings start, our organization will give full support. We are also requesting help from the Department of Social Welfare,” said Ko Aung Nine Oo of “Warm Heart = Nwe Htwe Thaw Yin Kwin”.

The police arrested the perpetrator and have charged him with under the Burmese Criminal Act #375 – punishment for rape.

On December 18, a 17-year-old girl from Ma Log Chaung village, Kyaik Hto Township was raped by a 23-year-old boy living in the same village. While playing with her friends, the perpetrator dragged her to a bush and raped her. Her friends saw the incident and informed the victim’s mother.

The perpetrator has been charged under the Burmese Criminal Act section #375 – punishment for rape.

HURFOM is investigating an allegation of the rape of an 8-year-old girl from Kyun Yaw village, Kyaikmayaw Township by a 27-year-old neighbor.
MNEC FACING A SHORTAGE OF QUALIFIED TEACHERS DUE TO LIMITED SALARY RATES

July 14, 2020

The Mon National Education Committee (MNEC) has a limited budget that provides a small salary to its school teachers. As a result, education activists have noted the MNEC is facing great difficulties appointing qualified teachers for Mon national schools.

International donors to the MNEC have limited support for teachers’ salaries. Each teacher receives only 60,000 Kyat a month. In some regions where local donors make additional contributions, a school teacher may receive a salary of about 100,000 Kyat/month.

With such limited funding many school teachers are not willing to take on this employment.

The MNEC has had to find other bargaining points to recruit teachers. This includes negotiating about student criterion, such as only accepting those who have recently passed their matriculation exams or university students taking distance education programs.

“High-quality teachers want higher salaries, but we can pay only a small amount so we can’t appoint them. Not having enough teachers also impacts the education of the students. The root cause is that we can’t pay high salaries,” said an activist from Pa Nga village, Thanbyuzayat Township.

A shortage of qualified teachers will likely reduce the percentage of high school students who will pass their exams in the coming years. In the 2018-19 academic year, there were 114 matriculation students from Mon national schools and only 11 passed their exams. The pass percentage rate was just 9.65.

“This (academic) year there has been no improvement (to increase salary budgets). We all have tried our best but there is no support. The biggest problem is that we don’t have high-quality school teachers. Salary rate limitations have made things difficult,” said Nai Min Aung Zay, the Director of MNEC.

The MNEC has three basic education high schools, and all are cooperating with the Department of Basic Education under the Ministry of Education.

High-quality teachers want higher salaries, but we can pay only a small amount so we can’t appoint them. Not having enough teachers also impacts the education of the students. The root cause is that we can’t pay high salaries.
July 15, 2020

Although prevention and control measures in response to COVID-19 have not been lifted, the Ministry of Education has announced that school registration for basic education in high schools must be done between July 13th to the 17th, 2020.

Parents are expressing concerns about their children returning to school and possibly being infected by the disease.

“Schools are being reopened and there is the requirement for registration, but we’re afraid of the disease. If we refuse to register then our children’s education children will be impacted. So we went to register, but with fear,” said a parent at No #2 Basic Education High School, Mudon.

All high schools across Burma will be opened on July 21, 2020 and if there is no spread of the disease after two weeks, then middle and primary schools will open.

The Ministry of Education released a statement on June 23 that those who come to school must wear masks and face shields. Students and teachers must maintain a distance of 6 feet and food must be served at separated tables. Snack shops that do not follow COVID-19 rules and regulations are not allowed to be opened and posters related to COVID-19 education must be visible at all school premises.

“There is no local transmission in Mon State but we’re worried that one of the students might get infected from another area. If the disease spreads during the school season, it’s too dangerous for our children. We know that school teachers are well-prepared but we can’t stop worrying as we’re parents,” said another parent from Mudon Township.

In order to control the spread of COVID-19, the National-Level Central Committee on Prevention, Control and Treatment of Coronavirus Disease 2019 (COVID-19) has extended all restrictions and prevention and control measures for COVID-19 up to July 31, 2020.

Mon State has more than 1,500 primary, middle and high schools that accommodates 400,000 students.

November 18, 2020

On November 14, 2020, a 17-year-old boy was charged by the Mawlamyine police for posting an explicit video on social media. The boy had taken intimate videos of himself and his ex-girlfriend.

Apparently when his girlfriend wanted to end their relationship, he refused and threatened if she ended their relationship, he would post intimate videos he had taken of them.

The girlfriend’s family reported him to the police, according to U Kyaw San Win, a community member who provided assistance to the family.

“When they were in love, they used to live together. Sometimes the girl refused him but sometimes she agreed to sleep with him. And he secretly took the video. Later, he threatened her to sleep with him by intimidating her that he would post the video on social media if she refused to sleep with him. Then he posted the video and the girl [attempted to have the video deleted out of shame]. But he was getting worse and finally the girl’s family decided to report him to the police,” said U Kyaw San Win.

The girl’s mother reported the incident to the Zay Yar Thiri Police Station on November 14. Charges under the Criminal Act #363 Punishment for kidnapping and #376 Punishment for rape were filed against the boy who is being detained at the police station.
Non-Burmese people lose ethnic representation rights when registered as “Bamar”

August 14, 2020

Non-Burmese people living outside their ethnic region or in a self-administered area were widely registered as “Burman” (or Bamar) by the Immigration and National Registration Department, meaning they have lost their ethnic representation rights.

The implications of this practice is far-reaching.

“When collecting Mon population data (in Tenasserim Division) in 2013, we got more than 60,000 people and sent it to the particular government department before the 2015 election. But we didn’t get a seat for the Mon Ethnic Affairs Minister. They (the government) said only 30,000+ Mon people were on their list. So the seat for Mon Ethnic Affairs Minister couldn’t be granted. We’ve sent a report again in 2020, but a seat for Mon ethnic affairs minister in Tenasserim Division hasn’t been granted,” said Mi Ngwe Lay who works on data collection of the Mon population in Tenasserim Division.

According to Chapter 4, Article #161-B and C of the 2008 Myanmar Constitution, representatives for the Region/State Hluttaw are elected from each national race. The formulae that are used to fulfill this constitutional directive is when a race constitutes 0.1 percent and above of the population of the Union.

According to the 2014 Myanmar census, the national population is more than 50 million persons, so a national race with a population of 50,000 people has the right to be granted an ethnic affairs representative seat for their region/State Hluttaw.

However, when the National Registration Card system (NRC) was introduced during the previous government, non-Burmese residents were intentionally registered under the “Burmese/Buddhist” category. Now, these individuals face difficulties in demanding their ethnic rights.

“There are thousands of the Mon population in Yangon but the Immigration Department has listed them as “Bamar”. We have to pass too many steps in order to re-register them as Mon people,” said Nai San Tin, Joint Secretary #2 of the Mon Unity Party (MUP).

Mon people in Yangon have also tried to get an Ethnic Affairs representative seat in the Yangon Region Hluttaw but have been unsuccessful.
November 20, 2020

International Children’s Day is celebrated every year to promote international togetherness and awareness of the need to improve the welfare of children. The day, which is marked on November 20 in Myanmar, is also a reminder of the urgent work that remains to be done to ensure accountability for acts of sexual violence against minors.

But in Myanmar, reports of widespread violence against children are rising. Young girls are especially at risk of sexual violence, and due to social stigmas and a lack of understanding of the law, face many obstacles to justice.

In July 2019, the government of Myanmar enacted the Child Rights Law to protect the rights of children under 18 years of age. The new legislation was welcomed by groups including UNICEF, which noted Myanmar’s “commendable efforts to align national policies and regulatory frameworks with the U.N. Convention on the Rights of the Child that Myanmar ratified in 1991.”

The law prohibits all forms of violence against children and recognizes the special urgency of protecting children in conflict zones. This is particularly pressing, given that Myanmar’s international human rights record has been marred by decades of ongoing civil war that has had an outsize impact on the most vulnerable members of society, including children.

In addition to the Child Rights Law, the Myanmar government has made additional commitments to upholding and protecting the rights of children, including by signing the U.N. Convention of the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Both the CRC and CEDAW call for legislative, social and educational measures geared at protecting children from all forms of violence, including sexual abuse.

Nonetheless, despite the government’s various legal commitments, the Human Rights Foundation of Monland (HURFOM), a local civil society group, has noted a significant increase in the number of reports of abuse against children in Myanmar since January 2019. In particular, HURFOM noted an increase in the number of children being assaulted and raped by family members, and by individuals well-known in the community.

In one incident from February 2019, a father who repeatedly raped his 7-year-old daughter fled his township in Mon State after the school authorities and lawmakers intervened. The following month, a father was arrested for the attempted rape of his 17-year-old daughter in Kyar Inn Seik Kyi Township, Karen State. Then, in February of this year, a 13-year-old girl became pregnant after her father raped her several times over the course of six months.

Moreover, weak rule of law and low levels of trust in Myanmar’s legal system complicate the pursuit of justice for those girls who come forward to report their abuse. There is a lack of awareness about the laws intended to protect children from sexual abuse, and even when applied in court, there remain serious shortcomings in implementing them effectively.

For this reason and others, many choose to remain silent. In a 2018 report, HURFOM, concluded that traditional patriarchal social norms, and the accompanying stigma surrounding sexual violence, lead many victims to stay silent. The testimonies of survivors are also undermined by embedded cultural assumptions suggesting that young victims are to blame for putting themselves in unsafe situations, or that they are troublemakers looking for financial compensation. This naturally encourages them to remain silent, for fear that they will not be taken seriously.

Some victims also face pressure to keep quiet in order to preserve the peace in their communities, particularly in remote regions where customary law often takes precedence over the penal code. Third-party stakeholders such as village tract administrators and armed group leaders frequently attempt to negotiate settlements between victims and perpetrators. This stems both from the lack of trust in the judiciary and the slow, costly process of pursuing justice via that route. However, this comes at the cost of any justice for victims.

In addition, the current mechanisms meant to enforce child protection do not go far enough to condemn violence against children, specifically sexual violence. In a 2017 report, the Women’s League of Burma stated that while various other provisions of the CRC are legislated in the Child Rights Law, there is very little that legislates the protection of children from sexual abuse. The closest relevant prohibitions are those set out in section 66 of the law, which calls for a maximum two-year sentence with a possible fine for anyone “who knowingly neglects that a girl under 16 within their guardianship is engaging in prostitution, willfully mistreating a child, or using the child in pornography.” These flaws and gaps in the legislation naturally hinder the protection of young children.

Perhaps the most well-known recent case in Myanmar was that of a three-year-old toddler who was allegedly raped at her nursery in Naypyidaw in...
LOW MATRICULATION EXAM PASS RATES FOR MNEC STUDENTS: CALLS FOR MORE NIGHT STUDY BY STUDENTS AND IMPROVEMENTS TO MNEC ADMINISTRATION AND TEACHER TRAINING

August 15, 2020

In the 2019-2020 academic year, out of the 3 Mon National High Schools, only 12 of 144 students passed their matriculation exam.

In the Andin Mon National High School, 51 students sat for their matriculation exam and only five passed. The successful students were the ones who regularly joined in the extra-class programs run at night.

A student who passed the 2019-2020 matriculation exam said, “I want to [recommend] that Mon national school students should join night study. We can get extra time of study during the night class. The teachers have drawn the time table and we have to study three subjects a night. If not, we don’t know the correct way of studying. I’m a local student but I joined the night study. I came back home at 10:30 pm. The more we have contact with the teachers, the more we understand our lessons. I just advise [others] to go to night study.”

Students from other villages have to stay at the school hotel in order to join the night study, but local students go back home after school hours and often do not take extra classes.

“Students who come from away have to stay at the school hostel and study at night. Local students who go back home might not do any extra studying. Most of them spend time with their phones.

So if possible, all students must join the night study classes. Now, this is optional so most of the students didn’t join the night classes,” said one teacher.

The pass rate of matriculation exams of the Mon national high schools has been declining for three consecutive years. In response the Mon National Education Committee (MNEC) decided to develop initiatives to improve the pass rate, reported Nai Min Aung Zay, the Director of the MNEC.

“The project design involves retired schoolteachers and officials from the Department of Education. We must be committed to our project,” said Nai Min Aung Zay.

The Director explained that “two facts account for the pass rate declines – the administration, and the experience of the school teachers. Some teachers haven’t graduated and they have to look for guide books to teach their students. So the result isn’t good.”

The MNEC has three Mon National High Schools, 18 Mon National Middle Schools and 112 Mon National Primary Schools. Together these schools educate about 12,000 students. In addition there are 92 schools which are run under both the MNEC and the Department of Basic Education of the Burmese government.

NEWS FROM PAGE NO.4

May 2019. The case attracted widespread attention due to the police’s subsequent mishandling of the case, which involved the unlawful disclosure of the victim’s name and the alleged scapegoating of the school supervisor’s driver. These prompted country-wide protests demanding “Justice for Victoria.”

Unfortunately, Myanmar still has a long way to go in preserving and protecting the rights of children. It is important to consult with civil society organizations who are working on the ground to support families and victims. All children deserve to be protected and cared for unconditionally by their loved ones, and when these support systems fail them, they must have access to strong legal mechanisms that ensure justice – with dignity – is done.
MON STATE YOUTH AFFAIRS COMMITTEE LAUNCHES VOTER EDUCATION CAMPAIGN

August 19, 2020

The Mon State Youth Affairs Committee has launched a voter education campaign, urging all eligible voters to cast their votes in the upcoming 2020 election. Mi Zin Win Mon, a member of the committee, noted that being able to vote is one of the most important civil and political rights.

“We must use our voting right. This is a civil right. I want all young people to cast their votes to bring changes to our country. Our Mon Youth Affairs Committee has also been advocating them to do so,” said Mi Zin Win Mon.

As part of the campaign, the committee has installed posters and delivered pamphlets in townships in Mon State on August 12 – the same day as International Youth Day.

“We already trained young people in each township and they’ll educate and advocate for the young people in their villages. We’ll also provide a training of “how to cast a vote”,” continued Mi Zin Win Mon.

Youth have a huge interest in the upcoming election, but many have limited knowledge on how to cast their vote.

“To cast the vote, I haven’t even checked my voter list yet. I want to vote. As it’s the first time for me, I don’t know how to vote. Some young people in my village don’t have their ID cards. If we don’t have ID cards, might we lose our voting right? We have this kind of problem,” said an 18-year-old girl from Thanbyuzayat Township.

According to the Mon State Election Sub-commission, Mon State has 1.76 millions eligible voters and 200,000 of them are young voters.

CHILD REPEATEDLY RAPEP TED BY 63-YEAR-OLD MAN IN PAUNG

November 7, 2020

On November 4, 2020, a 63-year-old man from Ka Ton village, Paung Township, Mon State lured an 11-year-old girl away from her family. He gave the girl pocket money and promised to buy her a phone. Once away from her family he repeatedly raped the girl.

The perpetrator lives nearby the victim’s father’s hut, and nearby farmers claimed they saw him rape the girl.

The rapist is said to have threatened the girl that he would kill her, if she told her parents about the incident.

The girl’s father reported the incident to the Kyaik Police Station. The perpetrator has been arrested and charged under the Burmese Criminal Act #376 – Punishment for Rape.
Today, the Human Rights Foundation of Monland (HURFOM) marks the 72nd International Human Rights, during a time when so many individuals around the world are struggling to cope with the global pandemic and its consequences.

Throughout the past year, many individuals in Burma/Myanmar have lost their jobs, seen their businesses go under, and other sources of income cease to provide them with a livelihood. Moreover, armed conflict in the country has continued, with the vast majority of the widespread human rights abuses being perpetrated by State security forces, and to a lesser extent Ethnic Armed Organizations (EAOs), and human rights organizations, including HURFOM, have documented thousands of cases of human rights violations against innocent civilians such as extrajudicial killings, inhumane torture, arbitrary arrest and detention, sexual violence, forced displacement, and ethnic and religious discrimination.

Although the Burma/Myanmar government has extended several ceasefires to various EAOs, the Burma Army continues to repeatedly refuse calls to offer a nationwide ceasefire in the context of the COVID-19 pandemic to the Arakan Army. Additionally, while the conflict continues to rage in Arakan State, violence also continues to systematically target civilians in northern Shan, Chin, Kachin, and Karen states.

Critically, the restriction of humanitarian access by the Burma/Myanmar has continued across the country, particularly in Rakhine and Kachin states, and extensive violations are ongoing. Impunity persists for past and current human rights violations by State forces, and the NLD-led government continues to dismiss allegations of rights violations and ignore calls for investigations and accountability.

The government continues to use a range of oppressive laws to restrict the rights to freedom of expression, peaceful assembly, and association and has imprisoned civilians for peacefully exercising such rights. Human rights defenders, journalists, and lawyers who speak out about human rights conditions around the country still face intimidation, surveillance, and attacks. Women and children are still subject to violence and need better protection under domestic legislation and through rule of law.

While the COVID-19 lockdowns and emergency measures that have been taken by some local governments to address the pandemic may have helped mitigate the spread of the virus, they have also exposed and exacerbated human rights violations such as abusive law enforcement practices, unlawful detention, arbitrary arrests, movement restrictions, and silencing of human rights defenders and humanitarians. Moreover, many of the most vulnerable citizens who live in EAO-controlled areas or remote communities are being left behind, without access to humanitarian aid and government support.

To recover better means strengthening our commitment to human rights and addressing human rights violations, respecting human rights for all and creating protection systems, and strengthening and creating better institutions.

We are all in this together, and we must remember the way forward is through justice, inclusivity, and equality.

HURFOM urges:

- The current Burma/Myanmar government, who will be in power for the next five years, to ensure the protection of all people in the country.
- The Burma army and EAOs to cease all armed conflicts, respect human rights, and to hold their members accountable for human rights violations and abuses committed.
- The Union and State governments to address the unequal and insufficient support of aid and healthcare for COVID-19 to vulnerable populations and to meet ongoing needs of all populations. To act to ensure everyone’s right to life and health are in line with international human rights law by ensuring healthcare provision and humanitarian and health education are all-inclusive in all ethnic minority areas.
December 10, 2020

The number of incidents of domestic violence has been increasing in Mon State, but the public is not showing interest in the 16 Days of Activism Against Gender-Based Violence campaign.

The Mon Women’s Organization (MWO) organized the state-based campaign running from November 25 to December 10, 2020.

The 16 Days of Activism Against Gender-Based Violence is a global campaign designed to challenge violence against women and girls.

On November 25, members from the MWO, Mon Cetana Development Foundation, Mon Women Network (MWN), Jeepyah Civil Society Development Organization (JCSDO) and other civil society organizations wore shirts with the statement “Gender-based violence must end.” Participants wore the shirts while cycling in Mawlamyine.

"Only MWO and its partners joined the 16 Days of Activism. We need more participation. I think most organizations aren’t interested in this activity. There has been a poor response from the public,” said Mi Pone Nyan Chai, a CEO member with MWO.

Some organizers think the poor levels of public attention to the campaign is not related to Covid-19.

“I think it isn’t related to Covid-19. (Even if you have to stay at home due to Covid-19,) you can write a supportive post on social media (if you are interested in the campaign). Now, just a few people have shown their support to the campaign on social media. And we always say that everyone is welcomed to our campaign,” said Mi Pone Nyan Chai.

Others have noted the campaign has faced challenges because of Covid-19, organizers were unable to mobilize people and had difficulties in cooperating with other network organizations.

While women’s organizations urge both men and women to cooperate to end gender-based violence, it has been mostly women who have been active in the campaign.

“Everyone should contribute to this activity to better understand gender issues. But we can’t mobilize the public due to the Covid-19 now. This is the biggest challenge,” said a young man who has been an active supporter of the campaign.
In the 2019-2020 academic year, 160 high school students were registered in the Nyi Sar Mon national high school. Now 200 students have been registered and more are expected.

“When students from all grades come to school, we have to request villagers to provide a shelter for high school students in their houses. If each house accepts two students, it’s okay,” said the Director.

At the moment, students have to study in separated areas and only 20 students have been allowed in a single classroom. There is also a three-hour class a day limit.

In addition, in order to help control the spread of COVID-19, hand-washing basins are placed on the school premises and each student will be supported with a mask and a face shield.

“The number of students has increased twice this academic year. High school students have to learn, study and stay at school (they have to stay at school for the whole academic year and are not allowed to go back home) so we have problems related to their accommodation. During COVID-19, they must sleep six feet apart, but there is not enough room. Now, other grades haven’t opened yet, but when primary and middle students come to school, there will be accommodation problems,” said Min Aung Zay.

Mon national schools exist in Kyarinnseikyi Township, Ye Chaung Phyar Region of Ye Township and Yebyu Township. These are all NMSP controlled areas. In areas where there is mixed control between the NMSP and the government, protocols on how to proceed must wait for instruction from the Ministry of Education of the Burmese government.