

15th Annual Edition

BURMA

HUMAN RIGHTS YEARBOOK 2008





CHAPTER 15
Right to Education

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15.1 Introduction

A strong education system has long been seen as the standard pre-requisite of overall national progress for both developed and developing nations. A country populated with educated citizens generally results in economic growth, innovation, public health and often a political system that voices the concerns and needs of its people.

To all outward appearances, the SPDC has made legitimate attempts to position itself as a patron of education for all. In reality, this position amounts to little more than an elaborate show performed for an international audience. The disparity between government propaganda and the actual goals of the Burmese education system is striking. The vision of the Ministry of Education is stated to be, *“To create an education system that can generate a learning society capable of facing the challenges of the Knowledge Age.”*¹ In October 2008, the state-run *New Light of Myanmar* ran an editorial emphasizing the importance of teachers providing an all-around developmental experience, stating that teachers should *“train and inculcate the students with knowledge, education and skill as well as with the habit of helping and understanding others and observing ethics and morality.”*² Despite these lofty pronouncements, the SPDC treats the education system as something to be feared, watching closely as primary school students—when given an opportunity—grow into university students, who have proven to be some of the government’s most vocal protesters and opponents. In light of this culture of paranoia and suspicion, the SPDC has erected multiple barriers to accessing education.

In addition to these obstacles, and despite legislation ensuring free and compulsory primary education, attending school is often an extravagance families struggle to afford. According to the United Nations Children’s Fund, while enrolment is high at 80%, less than 55% of enrolled students complete the primary cycle.³

With this high drop-out rate, the number of children left without significant skills increases, leaving them highly vulnerable to various exploitive trades, such as forced labour, forced conscription into the army or the sex trade.

An almost complete lack of free speech and expression results in an environment in which rote learning is standard, and critical thinking is highly discouraged. If a student manages to successfully reach the university level, he or she incurs a new level of restrictions from the junta. University students and their teachers are feared most of all; as a group, they represent the future of democracy and freedom to their families and the world.

Despite these significant hurdles, the Burmese culture highly values education and parents place great importance on sending their children to school. The struggle for these families is in overcoming the junta’s roadblocks in order to achieve their educational goals.

15.2 Primary Education

In 1993, two years after ratifying the Convention on the Rights of the Child (CRC), Burma implemented the Child Law. While the CRC states that “*State Parties recognize the right to education*”, and shall “*Make primary education compulsory and available free to all,*”⁴ Burma’s own Child Law builds upon this credo even further by stating that every child shall,

*“have opportunities of acquiring education; have the right to acquire free basic education (primary level) at schools opened by the State;” and that “The Ministry of Education shall have an objective of implementing the system of free and compulsory primary education.”*⁵

Burma has committed to both the CRC and its own Child Law. In fact, when the Minister for Social Welfare, Relief and Resettlement presented to the 27th Special Session of the General Assembly on Children in 2002, he stated,

*“Since our accession to the Convention on the Rights of the Child, we have laid down and implemented programmes at the national level for the well-being and interests of children. On 14 July 1993, two years after the accession, we promulgated the Child Law. In September 1993, we formed a National Committee on the Rights of the Child to effectively and successfully implement the provisions of the Convention on the Rights of the Child and the Child Law.”*⁶

Far from abiding by these words, the junta has reneged on its promises in countless ways. Seventeen years have passed since the ratification of the CRC, and it has been fifteen years since the writing of the Child Law. Yet, according to parents of primary school students (grades 1 to 5), only in 2008 did the SPDC first begin registration for ‘Free Primary Education’ in Rangoon (Yangon).⁷

In other parts of the country, especially Mon State and Karen State, schools still require fees in spite of this ‘Free Primary Education’ program. According to parents, primary schools have a wide range of unofficial fees, ranging from minimal to exorbitant, but none are completely without cost, as parents are required to help pay for textbooks and materials. Though the teachers and administrators of these schools use the word ‘free’, they still ask for money.⁸

15.3 Secondary Education

Not only are admission fees often wildly incongruent in comparison to local wages, but students at the middle and high school level are cheated out of even more money by arbitrary costs. These additional fees come in many forms, such as payment for optional extra class sessions. These classes are used as a form of tutoring, but in actuality, they are a way for teachers to earn an additional wage. Those who do not attend these extra sessions are considered to be less favoured than students who can afford to pay. Teachers often hold back during regular classes, contributing the most valuable information during these extra sessions. This makes the allegedly optional tuition almost a necessity within a culture that places a large emphasis on the acquisition of an education.⁹

For their part, teachers often feel the pressure to hold these extra classes as they too experience the hardships created by the poor domestic economic situation and require the additional income to support their own families.¹⁰

In some cases, monasteries have provided poorer students with free extra tutoring by relying on the donated services of tutors. In 2008, however, the SPDC interfered with this service as well. The Ngway Kyar Yan monastery in South Okkalapa Township, Rangoon, has provided these free classes for fourteen years in order to help those unable to afford extra tuition stay competitive with their more wealthy classmates. Though no clear reason has been given by the regime for suspending these classes, most believe it is retribution against the monks for participating in 2007's Saffron Revolution. One monk involved in organising the service said, *"These services are helping our nation by building the capacity of our students, and this is something the country should be happy about."*¹¹

In areas such as Karenni State, most villages lack a high school or middle school. A survey conducted in 2006 and 2007 showed that of 81 communities surveyed, 76 had primary schools. None of the villages had a middle or high school.¹²

In fact, most state-run middle and high schools will not accept students who have attended community schools or church schools for their primary education. However, the government most often fails to provide the funding or resources for primary schools in these rural areas. With little to no support from the SPDC, families in Burma are frequently required to use their own meagre funds to finance the building of middle and high schools; oftentimes they must construct the school themselves as well. These types of schools are considered community schools, and are fully supported by townspeople who have raised funds for construction, teacher salaries and school supplies.¹³ Therefore while children have the opportunity to receive a primary education, the rewards of those years are negated by the junta's system that bars them from continuing into secondary level education and possibly beyond.

15.4 Tertiary Education

It is at the university level that the junta's hold over education becomes the most restrictive. In keeping with the culture of paranoia and suspicion pervasive throughout the society, the junta treats university and high school education as breeding grounds for dissent. In addition to the myriad restrictions that hamper students' access to a higher education, even a hint of political activity is often enough to bring about arrest, interrogation and detention. In this climate, the movement of tertiary students is closely monitored.

Following 2007's Saffron Revolution, in which monks, student activists and civilians joined together to peaceably protest sharp rises in fuel prices, the junta staged a decisive crackdown in which over 3,000 people were arrested.¹⁴

The first anniversary of the Saffron Revolution sparked a concerted effort on the junta's part to avoid a repeat of the demonstrations and subsequent clampdown that had fuelled such domestic and international outrage. In the days leading up to the anniversary, universities and other student groups and establishments were closely scrutinized.

On the night of 7 August 2008, intelligence officials from the Burmese regime forcibly entered homes in Rangoon, where members of the All Burma Federation of Student Unions (ABFSU) were known to be staying. These searches resulted in the arrests of three members of the ABFSU: Aung Kyaw (Rangoon Western University), Htain Lin (University of Education, Rangoon), and Chit Tun Lwin (Maubin University). It also resulted in the detention of two members of the 88 Generation Students Group and three visitors.¹⁵ More than a week after their arrests, the activists families still had not been informed where they were being detained or why, or even if they were alive.¹⁶

Also in August 2008, the junta demanded short biographies of students and teachers at the Kachin Theological College, located north of Myitkyina Town, the capital of Kachin State. The college is a member of the Kachin Baptist Convention (KBC), an evangelical organization with associations and colleges throughout the country.¹⁷ This demand for individual biographies, a first in the college's history, marks further proof of the junta's paranoid behaviour regarding educational institutions.

During the same period, university officials and professors at Moulmein University in Mon State were ordered by the Union Solidarity Development Association to watch their students and examine their activity. They were asked to pay special attention to any non-student presence on campus. To this end, checkpoints were set up to monitor exactly who was on a campus at all times, and their presence was recorded.¹⁸

Given the history of the junta's repression of student activity, even in the absence of evidence or cause, students on the campus found it increasingly difficult to concentrate in this atmosphere of suspicion.¹⁹ One student stated,

*"Sometimes the police have looked at us suspiciously, and even searched us without asking permission. We feel like prisoners – we have done nothing wrong but the authorities assume we are causing trouble. It's making some students frustrated and upset."*²⁰

The first week of September 2008 brought about new methods of tracking; students were ordered to attach stickers to their bikes identifying the department in which they were studying. According to one tutor at the university,

“Students feel very restricted. Police and soldiers and USDA keep watch as if there is a rebellion, and if they are suspicious they can detain students immediately. We’re not happy about that, and we don’t want to watch the students for the authorities, but we are ordered to.”²¹

In November 2008, sentences were handed down to many of those arrested and detained throughout the year. On 11 and 12 November, 2008, over 20 dissidents – chiefly monks and students – were given prison sentences of 65 years each. Additionally, 35 students were given one-year prison sentences for charges such as, ‘illegal association’, ‘unlawful assembly’, and ‘sedition’.²²



A makeshift school set up within the Irrawaddy Delta to provide education to local children in the wake of Tropical Cyclone Nargis. [Photo: © Kaowao]



Schoolchildren from Ma Wun village in Irrawaddy Division continuing their lessons in their teacher's home after their school was damaged by Cyclone Nargis which struck the Burmese coastline on 2 May 2008. [Photo: © Reuters]

15.5 Corruption and Extortion in the Education System

Corruption plagues the Burmese education system, stretching from the highest echelons of the regime all the way down to village teacher levels. In fact, while Burmese citizens and interested international parties have long come to expect the SPDC's interference, intimidation and corruption, the amount of extortion and corruption sanctioned by teachers and other school officials is startling. Instances of threats and extortion have eroded the trust between teachers and students and their families.

In Tachilek Town, Shan state, parents of students at the government high school reported that three teachers demanded money from their students for each subject if they wanted to pass their end-of-year exams. According to one parent, the headmaster required that payments be made before the start of exams, *"They said they can't guarantee our children will pass their exams if we don't go and pay them the money,"*²³

In Htayaw Sakhangyi village, Maubin Township, Irrawaddy Division, local officials and the school headmaster demanded that students pay 15,000 kyat to build new classrooms for the 2006-2007 school year. In this school alone, 70 percent of 9th and 10th grade students were estimated to have dropped out due to these demands. In the 2007-2008 school year, officials again collected 15,000 kyat from each student, also in order to build new classrooms. More students were forced to drop out of school, approximately fifty of whom came from poor farming families. Students also reported that they were ordered not to tell government officials about the payments, and were threatened with expulsion if they disobeyed.²⁴

In Mon State, seven families in Daye Phyu village reported having to remove their children from government schools after school authorities made multiple demands for payment, citing necessary repairs and teachers' overtime salaries as the justifications. The parents instead enrolled their children in a free Mon National School, run by the New Mon State Party (NMSP), although enrolling children in non-SPDC run schools, especially those provided by ethnic associations is most often likely to bring more pressure and harassment from government school authorities.²⁵

At the highest level, the junta's own deceptions paint a picture of another type of corruption altogether. In order to perpetuate the appearance of supporting the education system, regime authorities often claim credit for the construction of schools, teacher salaries, and school supplies – even when the funds and resources are provided by students' families and townspeople. In Letpanchaung village in Kale Township, Sagaing Division, regime authorities sanctioned 6,000,000 kyat for the construction of a middle school, but forced local residents to provide the actual funds. Households in the township were also made to provide 5,000 kyat and a tin of rice for construction workers' wages.²⁶

15.6 Impediments to Education

Poverty is one of the greatest obstacles to acquiring an education in Burma. The worsening economic crisis, inflation, as well as consistent human rights violations, combine to create a situation in which education is far from a standard and closer to a rare luxury.

Children are consistently taken out of school in order to help their families financially or because their family cannot afford the fees required (often for a theoretically-free primary education). These actions, though often necessary under conditions exacerbated by the regime's dictates, contribute to a drop out rate of almost 50 percent. In Sittwe, Arakan State, one high school headmaster spoke on the condition of anonymity, reporting a 40 percent drop in student enrolment for the 2008-2009 school year.²⁷

Forced out of school, children are put to work in jobs such as farming, factory work, construction, and trash collecting. For some, a worse fate awaits in exploitive trades far from their families. Many of these children leave their villages for cities or migrate to neighbouring countries in search of work; in those places, they become highly vulnerable to abuse and trafficking.²⁸ (For more information see Chapter 16 Rights of the Child)

Families are often vulnerable to the slightest twist of fate; in Chin State, students had to drop out of school due to a food shortage caused by a rat infestation. One school in Sabawngpi village in Matupi Township had 30 students attending class in 2007 – as of 28 May, 2008, not one was attending, as the children were obliged to join their families in scouring the jungle for food.²⁹

A further impediment is the significant threat of unjustified arrest or detainment -- a concern to students at every level of the education system. Detaining children is a tactic sometimes used by authorities for the purposes of extortion, political reasons or for other purposes. On May 28, 2009, authorities in Thanbyuzayat Township in Mon State arrested a 13-year-old girl while she was in class at her Mon National School. She was arrested on the grounds that her father had been found guilty of manslaughter in early February; soon after the incident, both her mother and father fled, leaving their daughter behind. Although the girl had committed no crime and was about to sit for her final examinations, authorities held her in custody for a week. Only after her teacher pleaded on her behalf, citing her age and her approaching exams, was she released.³⁰

A child rights activist spoke out against the arrest to the Woman and Child Rights Project (WCRP), stating an arrest of a child for a crime committed by someone else was inherently wrong.

“This case is a clear example of the State disregarding the Convention on the Rights of the Child (CRC), and directly affecting a young girl’s chance at education. In this case the girl’s future in the community has also been jeopardized, as she has now been ostracized as a criminal.”³¹

In a letter dated 16 January 2008, the families of two Rangoon Western University students being held in Insein prison pleaded for the students to be allowed an opportunity to retake their exams while in detention. The two students were arrested for taking part in the September 2007 demonstrations; specific charges included disrupting the stability of the state and causing public alarm. One student's father said, *“They just peacefully followed the monks during the protests, they didn’t do anything wrong, so I want them to be released, I don’t want their futures to be ruined.”³²* (For more information, see Chapter 13: Freedom of Expression).

15.7 Educational Opportunities for Ethnic Minorities

Ethnic minorities have the added burden of discriminatory laws and restrictions created as a tool to marginalize those not considered part of the Burman majority. These attempts at control infringe on the rights of minority groups to acquire an education, using techniques of suppression ranging from restricting movement to banning the study of ethnic languages. The Karen, Karenni, Mon, Rohingya, Kachin, Shan, and other ethnic groups all suffer from this culture of inequality.

The Mon people and culture have long struggled against the junta's attempts to hide an ethnic Burma. Despite their undeniably important role in the formation of Burma, the Mon are given little attention or time in schools. In fact, in the current version of SPDC textbooks, the word 'Mon' has been removed completely.³³

Mon nationalist leaders claim there are approximately four million Mon people in Burma, while the SPDC claims it is closer to two million. Even with this discrepancy in numbers, it is estimated that only a third of this ancient population can speak their own language.³⁴ The most probable reason for so few people speaking their ethnic language is the SPDC's tactic of harassment, though the regime in turn claims that the slow fading of the language has been brought about naturally by growing disinterest within the Mon community.³⁵

Roughly 150 Mon National Schools exist in areas controlled by the New Mon State Party (NMSP). These schools, along with 49 after-school Mon classes held at government schools, teach all subjects in Mon, except for Burmese and English language classes. However, these schools report frequent persecution by the regime and the army. In Southern Ye Township, Mon State, parents complained of the army's continued pressure to pull their children out of Mon National Schools and enrol them in government schools. One teacher, also from Southern Ye Township, was threatened by army troops in the area. The troops demanded she stop teaching Mon language and leave her teaching position at her NMSP school. The teacher also found many of her students were too fearful of repercussions to attend classes. These students must not only contend with the distance between their homes and schools, but also the risk of breaking curfew; a serious offence as ramifications can include being shot or tortured.³⁶

The remaining portions of Mon State not under NMSP control rely on government schools for education. Despite this, the Mon people have found ways to incorporate their language and history into students' education. The Mon Literature and Culture Commission (MLCC) offered Mon language classes to students for years during their holidays in the dry season. The SPDC often interfered in these attempts as well, barring the MLCC from using the government school facilities (though these schools were in actuality built and paid for by villagers), and sending regime officials to the classes and ordering them halted. In July 2006, after years of harassment and pressure, the regime shut down the MLCC and rejected their application for the renewal of their required registration. In 2008, this de facto ban on the MLCC was removed. However, this was hardly cause for celebration, as MLCC officials were replaced with members of the regime-supported Union Solidarity and Development Association.³⁷

The plight of the Rohingya, a Muslim ethnic group primarily concentrated in northern Arakan state, western Burma, is particularly bleak. For more than 50 years, the Rohingya have suffered persecution in Burma; deprived of their religious freedom, property, and movement. In 1991 approximately one-third of this ethnic minority fled to Bangladesh and Malaysia. Life as a marginalized, stateless people without access to education means that hope for integration into the wider society in the generations ahead is unlikely.

Unlike other ethnic minorities who are recognized as citizens of Burma, the Rohingya are considered temporary citizens only.³⁸ Within Burma, restrictions preventing them from travelling outside their villages without permission make it highly unlikely that a Rohingya student has a chance for attaining a tertiary education. Even if students overcome the obstacles of access and proximity, exclusion from these institutions solely on the basis of their ethnicity is their next insurmountable hurdle.³⁹

Out of the estimated 200,000 Rohingya who have fled into Bangladesh, only 27,000 are recognized by the office of the United Nations High Commissioner for Refugees (UNHCR) and have settled into two camps, Kutupalong and Nayapara, both within kilometres of Burma.⁴⁰ Thousands of other Rohingya live in unofficial camps in desperate conditions, again on the fringes of society. In either of the camps mentioned above, education is barely more accessible than it is in Burma – official camps lack formal schooling after the age of twelve and the unofficial camps have no access to education, health care or food rations. An 18 year old who became a teacher in one of the camps said, *“I am compelled to teach, but I would prefer to learn first. If I stay like this, with no further education, my future life will be ruined.”*⁴¹ (For more information, see Chapter 14: Freedom of Movement).



Though the SPDC ordered the construction of this school in Dooplaya District, Karen State, they did not provide any materials to aid the children’s education. All educational materials such as books, stationery and other supplies have instead been purchased and provided by the students’ own families. [Photo: © KHRG]

15.8 Effects of Cyclone Nargis on the Education System

Further compounding a chronically substandard education system was the tremendous impact Cyclone Nargis had upon students and schools in 2008. More than 4,000 schools, approximately half of all schools in the Irrawaddy Delta, were damaged or destroyed in the disaster. In the aftermath of the cyclone, experts agreed that returning children into school as quickly as possible was vital to the long-term recovery of the affected areas.⁴² According to the relief agency Save the Children, getting children affected by the cyclone back to school as soon as possible best helped stabilize their daily lives, returned their sense of security, and overall helped bring them to terms with the traumatizing experience they lived through.⁴³

Despite efforts to re-open schools, families in the hardest-struck areas of the delta had difficulties providing their children with basic school supplies and school fees when the SPDC ordered schools to re-open on schedule for the new school year. Six months after the disaster, approximately 2,500 schools had been re-opened. For the most part however, these schools were temporary; lacking latrines or the most basic supplies. In many areas, classes were held in makeshift tents, or in the homes of teachers and volunteer teachers.⁴⁴

In the rush to return children to school and normalcy, many aid groups were additionally concerned with *too* hasty a return to routine, anxious at the possibility of more harm done than good. Gary Walker, a spokesman for the U.K.-based charity organisation Plan said,

“What is normally a safe space can become an unsafe space. Sending (children) to what can be unsafe buildings with ill-trained and ill-equipped teachers can actually set them back rather than leading them on a road to speedy recovery.”⁴⁵

The situation proved complex and appeared to have no correct answer. Reopening schools as rapidly as possible guaranteed the simple assurance that children would return to school; in a country with a drop out rate close to 50 percent, this result could not be undervalued.⁴⁶

However, rushing children back into schools also had negative consequences. Many of the temporary schools erected after the cyclone were structurally dangerous due to haphazard construction and lack of quality resources and supplies. Moreover, both children and teachers found themselves struggling with the traumatic after-effects of the cyclone and the loss of their friends and colleagues. The psychological effects of orphaned children thrust into unfamiliar situations with strangers could not be accurately calculated.⁴⁷

A fourth-grade teacher in the village of Hmaw bi, near Pyapon, Irrawaddy Division, confessed to mistakenly calling out the names of her students who were killed in the cyclone, while third-grader Nay Lin Tun expressed his grief at their loss, *“I’m not happy in the school like before because I miss my friends,”⁴⁸*

Many teachers reported a constant state of nervousness and inability to concentrate, amongst their students and for themselves. According to one high school teacher in Tawkyang, Kungyangone Township, *“Physically, they [students] are sitting in the class, but spiritually they are not here. Their minds are far away.”⁴⁹*

Teachers also found it hard to focus on teaching lessons when they had one ear tuned to the elements outside. Than Win, a teacher who lost his wife and three-year-old daughter in the storm, said, *“I’m uncomfortable while it’s raining when I see water building up around the school during my lecture,”⁵⁰*

Endnotes

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- ⁶ Source: United Nations, accessed online, <http://www.un.org/ga/children/myanmarE.html>, 15 February 2009.
- ⁷ Source: “Junta’s Free Primary Education Scheme Yet to Take Off,” IMNA, 3 June 2008.
- ⁸ Source: *Ibid.*
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- ²⁴ Source: “Students Forced to Donate Money to School,” DVB, 30 January 2008.
- ²⁵ Source: “Parents Forced To Take Out Children from School,” IMNA, 26 June 2008.
- ²⁶ Source: “Construction of School with Money from Residents,” *Khonumthung News*, 12 September 2008.
- ²⁷ Source: “Reduction Of 40 Percent Students in Schools in 2008-09 in Arakan,” *Kaladan News*, 20 August 2008.
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- ³¹ Source: *Ibid.*
- ³² Source: “Detained Students Asked to Sit Exams in Jail,” DVB, 28 January 2008.
- ³³ Source: “Another Cut: The SPDC Campaign to Erase Mon Culture,” HURFOM, 29 February 2008.
- ³⁴ Source: *Ibid.*
- ³⁵ Source: *Ibid.*
- ³⁶ Source: *Ibid.*
- ³⁷ Source: *Ibid.*
- ³⁸ Source: “Burma’s Muslim Rohingya Minority Dwell at the ‘Brink of Extermination’,” *The Cutting Edge*, 6 October 2008.
- ³⁹ Source: “Rohingya, Burma’s Forgotten Minority,” ALIRAN, 12 February 2009.
- ⁴⁰ Source: “Burma’s Muslim Rohingya Minority Dwell at the ‘Brink of Extermination’,” *The Cutting Edge*, 6 October 2008.
- ⁴¹ Source: *Ibid.*
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- ⁵⁰ Source: *Ibid.*



The Human Rights Documentation Unit (HRDU) is the research and documentation division of Burma's government in exile; the National Coalition Government of the Union of Burma (NCGUB). The HRDU was formed in 1994 to document the human rights crisis confronting the many and varied peoples of Burma, and to defend and promote those internationally recognised human rights that are inherent and inalienable for all persons irrespective of race, colour, creed, ethnicity or religion. To this end, the HRDU published the first *Burma Human Rights Yearbook* in 1995 to comprehensively document the systematic and egregious nature of the human rights abuses being perpetrated in Burma throughout the previous year. This report, the *Burma Human Rights Yearbook 2008*, represents the 15th annual edition of the *Burma Human Rights Yearbook*, which, combined with all previous editions collectively comprise well over 10,000 pages of documentation and provide an unbroken historical record spanning the past one and a half decades.

All editions of the *Burma Human Rights Yearbook* and all other reports published by the HRDU can be viewed online on the NCGUB website at <http://www.ncgub.net> as well as on the Online Burma Library at <http://www.burmalibrary.org>. Any questions, comments or requests for further information can be forwarded to the HRDU via email at enquiries.hrdu@gmail.com.

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