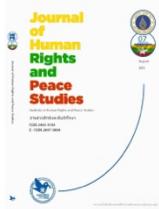




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EDITORIAL

May Thida Aung ¹, *Issue Editor*

The Journal of Human Rights and Peace Studies is proud to present this Special Edition that brings both the insightful experiences of Myanmar academics related to the integration of human rights education into the primary school levels and the reform process of access to justice in Myanmar during the democratic transition before 2021 February. This issue covers three sections: Book Review, Article Review and Research Articles Sections. On behalf of the Editorial Board, I would like to express our gratefulness to the authors of the Book Review, Article Review and Research Articles, and to acknowledge generous help obtained from the peer-reviewers.

The research articles compiled in this edition show the tensions between traditional values and the human rights concept and between transparency, accountability, the rule of law of democratic cultures, and deep-rooted bureaucratic cultures both in education and judiciary. We open up the Research Article Section with *Teaching Human Rights in Myanmar: Challenges faced by Primary School Teachers* by Nan Kham Mai and Daunghathai Burannajaroenkij. They investigate how the primary teachers can effectively transfer the universal concept of human rights to the students via a new curriculum of moral and civic education, life skills and social studies introduced after 2014 in Myanmar. They reveal that it is a great challenge for on-ground implementers and primary teachers to break the social values and norms articulated in the textbooks due to not receiving proper training to

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understand the human rights concepts, which are widely imported into Myanmar after 2010. Despite the Government's initiative to introduce human rights education as a State obligation under the National Education Law 2014 and the Basic Education Law 2019 that guarantees human rights education, the preservation of social values and norms in the curriculum, the lack of supports in terms of training and facilities still end up in sustenance or flourishing of the sense of nationalism and good citizens to preserve Myanmar social values and norms.

Similarly, in *Prevention of Violence against Children in Primary Schools in Myanmar*, researchers Thwin Pa Pa, May Than Nwe, and Pyone Mon Aye examined any undermining factors to comply with the prohibition on the use of corporal punishment, which was officially introduced by the Child Rights Law 2019, in the formal primary school settings. These researchers reflect that the accepted social norms and culture in using corporal punishment as a form to foster compliance with conduct or discipline is one of the biggest challenges to eliminate it in society. They also highlight that verbal threat and physical violence are still applied to discipline in the school setting. Thus, there is the need for alternative ways such as character building or disciplinary measures through a code of conduct as well as community parenting programmes to reduce the use of violence in the future.

The situation of gender-based violence issue at basic education level was explored by researcher Soe Thiri Win and Duanghathai Buranajaroenkij in *Gender-Based Violence Prevention in schools in Myanmar: A Study from Taunggyi*. The researchers figure out that verbal abuse, bullying, coercion among students and fighting between students are the common forms of gender-based violence happening in Taunggyi basic high schools. They figure out several issues, including the needs of gender-based violence awareness raising both for teachers and students in addition to the life skills course that includes information to be aware of potential misconduct students may experience, the need for cooperation among relevant government agencies and other NGOs to solve these issues, and finally, the need of gender-based violence prevention programmes in school.

Three research groups look at the right to education of the children of different marginalised situations and figure out the challenges that the main duty bearer, the Government, needs to adjust the education policies or programmes to meet their

commitment to “Free, Compulsory Primary Education” by the 2008 Constitution and by the Basic Education Law 2019. In *Implementing Free, Compulsory Primary Education (FCPE) in an Urban Setting in Myanmar: A Perspective on Challenges for and Strategies of State and Non-State Actors in Three Townships of Yangon*, Aye Mar Win and Suphamet Yunyasit figure out poverty, the need for civil documentation and not having adjusted education programmes are the main challenges for children of the internal migrant families. Similar findings were pointed out by researcher Dawt Nei lang in *Marginalised Groups and Access to Education: A Case Study of Street Children in Mandalay, Myanmar*. Dawt Nei lang further points out that reducing costs for education and the alternative education programmes that can embrace street children with a long-term plan is still the facts that need to be taken into serious consideration by policymakers. In addition to the points mentioned above, researchers Wit Yi Myo, Hnin New Htwe and Bencharat Sae Chua show the other availability issues such as sufficient space in the classrooms and the far distance to travel to schools further pose insecurity for the children in the conflict-affected area in *the Right to Education in a Conflict-Affected Area: A Case Study of Access to Basic Education in Rakhine Region, Myanmar*.

The other three researchers with socio-legal research methods who discuss the challenges faced by the general people in trying to access justice are also significant in the sense that those data are little-known on what is happening inside the country. The data are also found and written by Myanmar scholars. The research entitled *Human Rights and Refusing the First Information Report in Pre-trial Process in the Criminal Justice System of Myanmar* by Moe Thu and Khin Soe Soe Aye shows that access to justice is dependent largely on the social, educational and commercial status of informants and victims. The victims are denied access to justice in particular cases such as rape, theft and criminal trespass on land by not registering the First Information Report to responsible officers at the police station. May Thu Zaw, Thi Thi Lwin and Mike Hayes examine the extent to which the Court Management Programme newly set up in 2015 guarantees or enhances access to justice and fair trial in *Fair Trial Elements in the Implementation of the Case Management Programme in Myanmar’s Courts*. Their study shows some challenges to meet fair trial

elements due to insufficient time allocation to prepare the required defence or the weakness in cooperation of the clients due to unclear understanding of the process.

“*Judicial Corruption as a Violation of Human Rights in Myanmar*” by Mya Moe Khaing, Yu Mon Cho and Mike Hayes finds out that social tradition, stupidity and the inadequacy of facilities such as low salaries and lack of materials facilitate corruption. However, there is a mechanism to fight corruption, such as the legal framework, the Monitoring Commission and the media. In addition, the researchers suggest the need for the adaptation of public outreach programmes related to judicial information and court procedures to the general public.

This issue is closed with a Book Review and Article Review by Padtheera Narkurairattana on “**Universities and Conflict: The Role of Higher Education in Peacebuilding and Resistance**” and by Mike Hayes on “*The Challenge of Bias in Human Rights Field Work: Navigating the politics of human rights knowledge production.*”

By reading this Special Edition, readers will be benefitting from the data and become aware of the value of the data that are usually hard to access by outsiders, including Myanmar researchers, due to the long-rooted culture of avoidance of exposure of the official data. Those research articles mirror how Myanmar human rights education, the rule of law and access to justice, and other human rights, including freedom of expression, develop during a democratisation process from 2010 to 2020.