

THE IMPACTS OF POLITICAL AND SOCIAL CONTEXT ON SHAPING DEMOCRATIC CULTURE VIA TEACHING HUMAN RIGHTS IN HIGHER EDUCATION IN MYANMAR

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A number of reforms followed Myanmar's political transformation in 2011, including the introduction of human rights courses in the higher education system in the 2016/17 academic year. This study argues that the legacy of prolonged military regimes and the social context limits the practical teaching of human rights in the classroom. This study evaluates how university lecturers taught human rights between 2015-2020 and how it influenced the contents of the subject and the way of delivering human rights knowledge even under the democratically elected government. The study finds that many lecturers were hesitant to engage in a deep discussion on politically and socially sensitive issues because academic freedom is still relatively fragile, even though the National Education Law 2014 and National Education Strategic Plan (2016~2021) guarantee academic freedom. Furthermore, the study-centered learning approach was challenging due to the unfamiliarity of the methods by both students and lecturers. The study suggests improving the quality of human rights teaching to support the sustainability of democratic culture in Myanmar.

Keywords: human rights education; democratic culture; choices of topics on human rights; teaching pedagogies in human rights

I. Introduction

Myanmar's transformation of its political system from an undemocratic to a democratic system in 2011 was followed by a number of significant reforms, including the greater space for the media to report human violations and, to some extent, abuses; the establishment of a controlled national human rights commission; the openness to hear complaints from the victims of human rights violations; the release of political prisoners, including the pro-democracy icon, Aung San Suu Kyi (BBC 2015); and the integration of human rights courses in the formal school system, particularly in higher education (Zue 2019). This series of reforms took place within a short period of time, between 2011 and 2015, due to international support. While

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many scholars appreciated and welcomed the positive progress of democratic transition in Myanmar, many were suspicious and worried that those reforms were merely a display to gain international support in constructing the image of the military proxy ruling party, the Union Solidarity and Development Party (USDP) (Win 2016).

Regardless of the regime's intention, from the educational perspective, once human rights education is officially allowed into formal education, it has a great potential to produce young generations committed to fundamental values of human rights and democracy (Larsen 2012, p. 7). Similarly, human rights education is expected to support a democratic country by preventing human rights abuses and strengthening the understanding of individual human rights among people who practice non-discrimination and equality (Pillay 2009). Hence, teaching human rights is an imperative contribution to the functioning of democracy in a country where the people are unfamiliar with democratic values due to their experience living under military regimes for many decades. By understanding the interdependency of human rights and democracy, human rights teaching in Myanmar, either formal (Paing 2016) or informal (AAPP, n.d), was also expected to develop mutual respect, promote equality, understanding, and respect for the diversity of religions, cultures, and customs.

The military proxy party showed its political commitment to integrate human rights into the formal education curriculum with the inclusion of a provision in the newly-enacted National Education Law 2014, s 3(b). The law mentions that "the ultimate aim of education is to produce citizens who respect and follow the law by practicing their civic and democratic duties and upholding standards of human rights." To achieve the objective, educators are vested in valuing, protecting, and developing democratic practices while contributing to the national and community development (National Education Law 2014, s 50). Unfortunately, the National Education Strategic Plan (2016-2021) emphasizes training students to become efficient workers who can support economic development and information technology rather than producing citizens who can uphold democratic and human rights values. The NESP (2016-2021) did not lay out specific plans to achieve the latter goal.

The decision to allow universities to teach human rights to law and international relations students was a golden opportunity to strengthen democracy, enhance good governance and the rule of law, as well as to promote and protect human rights. It was a "golden opportunity" because human rights was seen as a subject of criticism against the government's action. Human rights was suppressed during the military regime, the period of arresting people not only for speaking about human rights but also for possessing the Universal Declaration of Human Rights (UDHR) booklet (HRN 2016). This study argues that lecturers must use the golden opportunity strategically, efficiently, and creatively to strengthen democracy, good

governance, the rule of law, and to promote and protect the human rights of the people in Myanmar in the long term. However, the full utilization of the golden opportunity will face challenges from the embedded authoritarian legacy and conservative ideology in the formal school setting. Furthermore, this study sees that the contribution of human rights education to the democratic society somewhat depends on lecturers' perspectives in choosing, teaching, and discussing social justice and political issues in Myanmar and different political rights using the student-centered approach.

This study aims to evaluate how university lecturers taught human rights during the democratic transition period (2015-2020), how it influenced the content selection, and how lecturers delivered knowledge about human rights under the democratically elected government. Therefore, the main research question of this study is how the political and social context shaped the democratic culture through teaching human rights subjects in the formal higher education system. The period of study is from 2015 to 2021. This paper limits the time frame because of two reasons. First, universities were closed due to the COVID-19 pandemic in 2021. Second, the military leadership overthrew the elected government on 1 February 2021. Although the democratic transition period started in 2011, this study set the time frame from 2015 because this was the period in which human rights was officially introduced as one of the subjects for law and international relations students.

This article starts with a brief literature review on human rights education in Myanmar and then elaborates on the research method of this study. The article then discusses the research findings before presenting the conclusion of the research.

II. Literature Review

This study explores several scholarly works, mainly those relevant to human rights education or democratic citizenship education, to measure which elements constitute or support the conceptualization of democratic culture through human rights education. This study realizes that the terms 'democratic culture,' 'democratic values,' or 'democratic principles' derive from the greatest political leaders' speeches, later interpreted by various academics and organizations as essential elements. For example, Das et al. (2006, 318-38) mentioned equality, participation, majority rule and minority rights, the rule of law and fair trial, political pluralism, free and fair elections, and division of powers as fundamental elements for a democratic society. This study utilizes the elements defined by the United Nations (UN) to determine how organizations define and interpret the elements of democracy. In 2002, The United Nations Human Rights Commission (UNHCR) declared nine essential elements of democracy. Those nine elements include (1) respect for human rights and fundamental freedoms; (2) freedom of association; (3) freedom of expression and opinion; (4) access to power and its exercise under the rule of law; (5) the holding of

free and fair elections; (6) a pluralistic system of political parties and organizations; (7) the separation of powers; (8) the independence of the judiciary, transparency and accountability in public administration and; (9) free, independent and pluralistic media (UN 2002).

In 2004, the UN General Assembly further endorsed essential elements of democracy, which cover (1) separation and balance of power; (2) independence of the judiciary; (3) a pluralistic system of political parties and organizations; (4) respect for the rule of law; (5) accountability and transparency; (6) free, independent and pluralistic media and respect for human and political rights, such as freedoms of association and expression; the right to vote and to stand for elections (UN GA 2004, A/ RES/ 59/ 201). The people's understanding of some of those elements can be achieved and strengthened through human rights education, which can construct a better democratic society. These core elements are (1) equality; (2) respect for human rights and fundamental freedoms, which also cover freedom of expression, assembly, and association; (3) the rule of law and fair trial; (4) free and fair elections; and (5) participation. Moreover, by using these core elements, current human rights education in Myanmar will be measured to determine the extent to which the teaching of human rights can support the construction of democratic culture.

Osler and Yahya (2013) examine the content, teaching methods, assessment modes, management of peer relationships, and learning outcomes to understand the transfer and delivery process of particular knowledge on human rights students, particularly in formal education settings. Their study emphasizes the recognition of inequalities between girls and boys and how to overcome them through human rights teaching (Osler and Yahya 2013). Analyzing the contents and pedagogies is the standard method to evaluate the ultimate objectives of human rights education models designed for society in general. For example, Tibbitts (2002) categorized three human rights education models practiced in the formal and non-formal education sectors, namely: (1) values and awareness; (2) accountability; and (3) transformation by evaluating the practical elements of educational programming, including contents and methodologies (Tibbitts 2002, 159-71). Hence, this study follows the same approach to examine the lesson plans (contents) drafted by lecturers in line with standardized curricula and the variation of creative pedagogies used by individual lecturers and tutors to reveal the underlying messages intended to impart.

Pillay (2009, 2-3) extensively discusses the importance of human rights education in sustaining a democratic society based on respect for human rights and good governance. She claims the benefits of teaching human rights are always beyond providing knowledge about rights and mechanisms that can protect them. Indeed, it empowers individuals to apply that knowledge in their daily practices and defend themselves when their rights are violated. Furthermore, she asserted that those individuals become agents to promote human rights, democracy, and the rule of law by describing how it works on two levels: (1) individual and community level and (2)

society level. At the individual and community levels, those with human rights knowledge can increase the understanding of differences, diversity, shared values, and promote non-violence while building mutual respect for the rights of others. Individual contributions gradually support the development of sustainable and participative forms of democracy at the societal level.

Larsen (2012, 19-21) did not argue the multiple aims of human rights education. However, Larsen highlights the critical role of human rights educators in crossing the limit of education by clearly distinguishing between education and learning. Larsen mentions that “education places emphasis on conveying knowledge, enabling students to function in the system as it is.” Learning is an extension of education, a social and active process of internalizing and integrating knowledge that leads to the construction and modification of attitudes. Larsen encouraged human rights educators to create learning opportunities for students by providing information and imposing challenging tasks that can enable a critical view.

Regarding human rights education in Myanmar, Aung studied the overview of the integration of human rights courses in higher education institutions and the challenges caused by the existing state-controlled education system. She highlights a number of structural issues which cover the existence of a centralized committee for designing and approving the national curriculum, which partially constrains the academic freedom of course lecturers, the minimal budget allocation for reading materials and library, the complicated ministerial procedures for international and local non-governmental organizations to strengthen library resources as well as the capacity building for human resources, and the weak cooperation between different stakeholders within the country (Aung 2019).

Another report briefly discussed by researchers Aung and Simonsen is on the experiences of international support in mainstreaming the subject of human rights within the law discipline by providing different activities to Law Departments in Myanmar between 2017 and 2020. Types of support covered enhancing the capacity of human rights lecturers and researchers, assisting in designing the human rights curriculum, filling the gaps in reading materials, both the hard copies and soft copies in English and Myanmar language, and equipping students with rudimentary skills of doing community outreach and offering credible legal information. Despite being a non-academic paper, it reflected not only the aforementioned challenges but also the progressive implementation of human rights education during the democratic transition period with the positive collaboration of the democratic government. The researchers argued that the regular transferring system of lecturers across the country and extra-curricular activities, the structural challenges beyond their control, cause direct impacts on delivering quality human rights education. Nonetheless, it was a remarkable moment in Myanmar’s education history for successfully mainstreaming human rights education in the formal education sector with significant momentum (Aung and Simonsen 2020, 185-00).

Another researcher, Htun (2020), similarly pointed out the urgent need to revisit the course outline (contents) and syllabi, which are currently following the national curriculum. She argued that those human rights courses and syllabi should move beyond the current “Education about Human Rights model,” one of the models developed by Felisa Tibbitts, in a timely manner (Htun 2020, 41-52). However, it is unclear why it is necessary to update and in which direction the course outline and syllabi should be directed. Furthermore, she also argued the need for proactive human rights lecturers to offer different topics that can enhance human rights practitioners' practical skills. Mai and Buranajaroenkij (2021) explored the challenges of primary school teachers in teaching human rights concepts that were newly integrated into the primary school curricula. She revealed that traditional social norms highly influenced the interpretation of the human rights concept in Myanmar. However, the focus of her study was the primary education sector (Mai and Buranajaroenkij 2021, 1-29).

Apart from the above-mentioned existing literature on human rights education implementation in Myanmar, studies focusing on the nexus of human rights education implementation in the higher education setting and democratic values are limited due to Myanmar's political and social context. Nonetheless, some studies emphasize the democratization process of Myanmar and the role of elite players (Barany 2016; Ko 2018; Stokke & Aung 2020) or civil society, particularly those working in the education sector (South 2004; Aye 2015; Fink & Simpson 2018). South (2004, 7) argues that grassroots participation in the democratization process—also known as the bottom-up approach—should be done in parallel to achieve sustainable democracy and balance the extreme focus of the elite Myanmar democratic transition approach. South (2004, 7-10) describes the significant contribution made by several civil society organizations working in the ethnic areas in Myanmar in the 1990s. Because of their awareness activities, people in those ethnic areas are increasingly aware of ethnic rights, women's rights, self-determination, and participation at the community level. Similarly, Lorch (2007) and Aye (2015, 6) further confirmed that the education fulfilled by civil society can support the gradual changing of the country's authoritarian political culture. Additionally, there is no disagreement on the fact that civil society organizations in the education sector have been fulfilling the gaps of the formal education system, which had limited opportunities until 2015 to teach human rights or democratic principles.

While the impacts of those players are excessively focused on democratic transition, there has been insufficient attention to how human rights education taught by the formal education sector can also produce both human rights defenders as well as duties bearers who contribute to the sustained democracy and how the individual player in this formal human rights education sector has been struggling to produce those potential agents. Hence, the main objective of this study is to evaluate how the political and social context has been shaping the democratic culture through teaching human rights subjects in the formal higher education system.

III. Research Method

This study employs a qualitative research methodology. The data collection tools applied were documentary analysis on some of the most relevant previous international and local studies, legal analysis of Myanmar's legal and policy framework, and in-depth interviews with eight female faculty members from different law departments across the countries. This study focuses on law departments because only law departments offer the human rights subject for law students and international relations students.

Two concepts—human rights education and democratic principles—were the main focus of this study. Hence, to explore the relevant literature, this study utilized a search engine to explore previous studies that have used several concepts, such as 'teaching human rights to support democratic,' 'relation between human rights and democracy,' 'core elements of a democratic society,' and 'global citizenship education and human rights' as keywords for international studies. Similarly, this study used a search engine to explore previous research on Myanmar with 'human rights education in Myanmar,' and 'challenges of human rights teaching in Myanmar' as keywords. The National Educational Law 2014, s 3 (b), s 26, s 50, and the National Education Strategic Plan 2016-2021 are Myanmar's most relevant legal and policy frameworks to evaluate the underlined political and social ideology.

Since there are no previous studies on Myanmar related to the specific research question, it became a challenge for this study to collect and rely only on the documents. Furthermore, understanding lecturers' personal decisions on the method and the topic cannot be accomplished without personally listening to their experiences. Hence, this research employs in-depth interviews with experts to collect the data. This research selected the respondents using purposive and convenience sampling. There were two inclusion criteria: experienced in teaching human rights in different universities in Myanmar since 2016 and received a number of trainings on human rights. The researcher relied on personal connections to identify the respondents. All potential respondents were contacted through different media by providing the research objectives and information about the interview process to let them freely decide on their participation. Two professors, an Associate Professor, and six Lecturers participated as interviewees. All interviewees were females because more than 90 percent of all human rights lecturers in the law departments are females.

This study does not claim that this small sample represents all human rights teachers of Law Departments across the country. However, the small sample is significant as it includes the most experienced and well-trained human rights

lecturers in Myanmar who can describe common issues faced due to the legacy of the prolonged undemocratic political situation. Additionally, those respondents can explain how they strategically utilize their knowledge within the limiting conditions. Neither academic positions nor the names of the university were exposed in this study to guarantee anonymity and personal safety. The interviews were conducted in early April 2022. Due to the COVID-19 pandemic and the political and security situation, the circumstances did not allow for physical meetings with respondents. All interviews were done online using the Google Meet platform. Each interview took 30 to 40 minutes with nine semi-structured open-ended questions. The answers of each respondent were written in a notebook, transcribed into Excel sheets, and accessed only by the researcher. All the respondents' names are transformed into codes and used throughout this paper.

The collected data were analyzed using conceptual content analysis, a qualitative research technique. Firstly, the data were coded according to the concepts derived from the data. Based on pre-defined themes, each word and concept of the respondents' answers were classified, analyzed, and interpreted to identify the individual intentions in using pedagogies and to understand relationships between those words, concepts, and personal experiences with political and social contexts. The findings and discussions were presented in the form of interpretation.

IV. Findings and Discussion

Larsen argues that a part of human rights education is the struggle for democracy in challenging social structures and promoting the meaningful participation of all citizens. Larsen further mentioned that democracy is a system dependent on citizens' active involvement (Larsen 2012, 38). Similarly, Aurora states that human rights education contributes to social cohesion, democracy, conflict prevention and resolution, and understanding of diversity (Aurora 2016, 5). It does not matter which groups—civil society or government institutions—teach human rights as they complement each other. In general, the list of human rights topics which can enhance democratic values are—but are not limited to—human rights, equality, freedom, justice, interdependence, tolerance and respect, responsibility, the sense of community, critical thinking, and active participation skills (Gollob et al. 2007, 25; Roh 2004, 167-77). Since democratic values are a mix of concepts and skills, teaching the human rights concept alone is insufficient. Human rights lecturers must also creatively use different teaching pedagogies to achieve 'tolerance and respect,' 'critical thinking,' and 'active participation' skills. Hence, whether human rights courses offered in Myanmar for third-year LLB students covered the aforementioned topics and to what extent those topics are emphasized in the classroom are discussed in two sections. The first part evaluates topics delivered in the actual classrooms

together with the national curriculum. The main focus of the second part is the assessment of the teaching methodologies used by eight respondents.

(A) Choice of topics in designing the curriculum, syllabus

Aung (2019, 144) pointed out that law lecturers have limited freedom in choosing topics due to having a standardized curriculum that sets the broader themes to teach, the references to use, and the assessment method that all law departments are required to follow. She also discussed that the said standardized curriculum was designed by the ‘majority opinions’ of the senior level Board Members. Hence, the standardized curriculum that all the 27 departments across the country need to follow should not be left in evaluating the contents of human rights education. The study found that the curriculum mentioned only eight broader thematic areas that the lecturers should cover. They are Introduction to Human Rights Law, Universal Declaration of Human Rights, International Bill of Rights (UDHR), Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Rights of Persons with Disabilities (CRPD), International Human Rights Protection System, Regional Protection Systems on Human Rights, and Role of National Human Rights Institutions (NHRIs). The reasons for having a standardized curriculum, mentioned by one member of the said board of legal study (LR-3, 2022), were the limited availability of well-trained human resources for teaching and assessment and reading materials on human rights subjects across the country. The unavailability of well-trained persons in all 27 law departments is understandable as the human rights subject is the newly integrated subject in the formal legal classes of Myanmar’s universities. Nonetheless, the availability of reading materials should not be a problem or excuse, especially in this digital world where millions of pieces of information or reading materials are easily accessible online.

Teaching students in the classrooms, Aung (2019, 144) mentions that human rights lecturers have the flexibility to choose their preferred topics as long as they are within the broader thematic areas mentioned in the standardized curriculum. However, in practice, many lecturers generalized all important concepts to cover different things under the broader thematic areas designed by the standardized curriculum with a less in-depth discussion on knowledge and concepts on a particular issue or topic. Therefore, most respondents negatively perceive it as a framework that unnecessarily restricts choosing the contents. Primarily, they (LR-1, LR-2, LR-3, LR-4, LR-5, and LR-6, 2022) mentioned that “*they drew the daily lesson plans for 15 weeks (90 minutes per week) based on the general topic covered in the standardized curriculum and lecturers mostly prioritize the completion of lesson plans they drafted within 15 weeks*”.

Hence, this study revealed that most of the respondents could not deeply and comprehensively deliver on the specific contemporary issues of Myanmar—such as

the issues of the protection of stateless persons, emerging LGBTQI issues, and ethnic minority rights issues—as separate topics to make students familiar with the principles of equality, non-discrimination, and inclusiveness. They focus less on different political rights—such as freedom of expression or assembly—which are indispensable to check and balance arbitrary actions of the government. However, being legal academics, fair trial rights—essential for strengthening the rule of law and justice—were prioritized for detailed discussions. Indeed, students are required to be well-informed about the concept, limitations, and particular characteristics of the said contemporary issues with the relevant provision and actual or creative case studies. Having said that, only a thorough discussion can make students understand the limits of the provisions and how they can assert their inherent rights while knowing well about the gap between international and local laws. However, one respondent mentioned that she tried to discuss those topics if there was a demand from students. To know the students’ needs, she typically wrote a list of topics for discussion on the whiteboard and asked students to choose. Based on the list of topics and students’ preferences, she discussed statelessness, access to justice, and equal access to education (LR-7, 2022). Two main reasons were mentioned by most of the respondents for not doing intensive discussion. The first reason is time constraints for more topics. The second reason is insecurity about discussing politically sensitive topics in the classroom. The following are typical topics discussed during the lectures:

- Nature of human rights, the evolution of human rights, fundamental principles of human rights, human rights education under ‘the introduction of human rights’ theme;
- Thirty articles enshrined in the UDHR by similar grouping categories of human rights, key concepts of the International Covenant on Economic, Social and Cultural Rights (CESCR) and International Covenant on Civil and Political Rights (ICCPR) such as progressive realization, derogable and non-derogable rights, state obligations, fair trial rights, death penalty, a few specific rights with case examples for ‘Bill of Rights’ theme.
- Nine core conventions, but sometimes the specific focus on CRC, ICCPR, CRPD, and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which Myanmar ratified, will be delivered or all nine conventions in general on the ‘nine core conventions’ theme;
- ‘Charter-based mechanism’ and ‘treaty-based mechanism’ for international protection mechanism thematic areas;
- Either one or two specific focuses on ‘European,’ ‘Inter-American,’ ‘African,’ or ‘ASEAN’ human rights mechanisms with some significant cases for the regional human rights protection mechanisms;

- 'Different types of national human rights protection system,' 'the application of human rights into Myanmar' for the national human rights institutions theme.

Although it is challenging to say which particular topics practically support the fostering of democratic culture, by referring to the existing literature (Das et al. 2006, 318-38), teaching human rights itself is the promotion of democratic values and culture because human rights empower people to assert not only their rights but also those of others. In this sense, one may suggest that some general democratic principles and values are found within the concept of human rights delivered by Myanmar lecturers. Particularly, the cross-cutting issue of inequality and the non-discrimination principle, which repeatedly appear in different topics, are relevant to the democratic culture. When the researcher asked further questions on what issues or examples are given to explain 'equality and non-discrimination,' all respondents mentioned that *"it covered a lot of issues based on the students' interests, but the most common issues are 'appointment of women as senior officials,' 'ethnic minority,' 'all-inclusive education,' and 'rights of persons with disabilities.'* Furthermore, lecturers emphasized teaching 'fair trial' rights as it is the most essential thing that lawyers must know. However, when the respondents were asked which topics or issues made them uncomfortable to discuss in the classroom and why, seven lecturers (LR-1, LR2, LR-3, LR-4, LR-5, LR-6, and LR-8, 2022) responded that *"they were hesitant to discuss the 'equality and non-discrimination issue of the stateless persons,' 'freedom of religion,' 'freedom of expression,' 'women reproductive rights,' and 'human rights situation of Myanmar.'* This was due to being afraid that their discussion might be recorded and shared on social media by the students and not knowing exactly about the level of freedom of expression that can be practiced in the classroom even though there is no instruction from the ministry or superior." They further mentioned that *"when students raised questions on those issues, lecturers tried to change the discussion or discussed superficially."*

One of the clear rationales behind not going into detail or differing is the influences of the political and social context in which most lecturers are brought up. Regarding the political context, this study determined only two critical areas that directly impact the choice of topics that make the lecturers feel uncomfortable in human rights education. First, limited freedom under the different military regimes left fear as a legacy among lecturers, even when the government system has transformed from military rule to democratic government. Second, the growth of the nationalist movement in parallel with the Rohingya issues.

Until 2010, Myanmar was under different forms of military rule for almost four decades. During that period, all Myanmar universities were severely surveilled by military intelligence services with or without uniforms both off-campus and on-campus and the students' and teachers' activities, including teaching (Smith 1992, 10) were monitored. Freedom of expression and association were severely restricted

(Cemell 2009, 7). Under the military regime, teaching staff had to receive prior permission from the Higher Education Department of the Ministry of Education to conduct research. There were a number of guidelines that every researcher needed to follow. Some of those guidelines were not contradictory to the three national causes² and Myanmar culture. The screening process was not actively practiced after 2011. However, those academics had been living with limited academic freedoms and suppressions for many years. They witnessed many journalists being charged with colonial legacy law—i.e., the Official Secrets Act 1923—and the new law—the Electronic Transaction Law 2004—for practicing freedom of expression even after 2011. Hence, it should not be a surprise to not practice their full-fledged academic freedom during the democratic transition period even though the new National Education Law 2014 guarantees academic freedom in the classroom environment as a safe space for discussion by amendment section 26. Indeed, the dilemma of human rights lecturers on academic freedom during the democratic transition period was discussed in detail in Aung (2019, 148-9).

In the meantime, the early democratic transition period was filled with communal clashes centering around the nationalist movements and the Rohingya issues. People who are strongly nationalist generally think that human rights are rights invented and asserted by international actors for “those Muslim people in Rakhine” state. Since this issue is considered a sensitive and delicate one, implementers—i.e., the lecturers at the ground level—are reluctant to discuss “minority” issues as those “Muslim people in Rakhine” are also technically referred to as ‘minority’ people (Zaman 2020, 27-45). Another factor that makes them silent in bringing this issue to the classroom is fear of being questioned by the nationalist students in the classroom. Even though some are not nationalists, most lecturers are afraid of criticism from the students from both sides: nationalists and human rights activists.

However, two lecturers mentioned that *‘they don’t have any impediment to discussing sensitive topics as they know well that they have academic freedom without any countermeasures’* (LR-5 and LR-7, 2022). Those two lectures usually asked the students which topics or issues they would like to discuss, and in some cases, students were asked to read and prepare for discussion in advance. Sometimes, they even encouraged students to debate topics including ‘freedom of association,’ ‘torture & confession,’ ‘equal access to justice,’ ‘child labor issues, and equal access to education.’ LR-5 (2022) also said, *‘she trusts that students will never do things which might be harmful to her so that she is comfortable to discuss topics or issues during the discussion period.’*

Indeed, discussion on most of the political rights—including freedom of expression and assembly—is primarily done in the ICCPR session as part of the ICCPR

² The three national causes are non-disintegration of the Union, national solidarity and the perpetuation of sovereignty.

rights. A broader discussion on those sensitive issues is preferred to be done by freelance consultants if the situation is allowed. LR-2 and LR-3 mentioned that “town hall lectures on ‘LGBT’ rights and ‘freedom of expression’ were successfully done in their universities with the support of non-governmental organizations and students engaged actively and freely in the discussion.” Alderson (1999, 185-205) mentioned that “teaching human rights in an undemocratic school, students were taught a set of legal rights, duties, and systems for memorizing but not yet to be applied knowledge. Further, it is taught normally to encourage less critical discussion. Teachers are advised cautiously to pick less sensitive topics”.

A similar pattern is found in Myanmar somewhere between undemocratic and democratic universities with a slight difference. Even though lecturers in Myanmar are not advised to pick up politically, socially, and culturally less sensitive issues, they cautiously opt for out-of-Myanmar incidents by applying the self-censorship practice to the situations. Students are rarely invited to examine Myanmar issues critically. For example, the topics that students are eager to discuss include the equality issues of Rohingya, freedom of expression, assembly, association, or other political rights practiced in Myanmar. Those issues were not open for discussion by the lecturers who tried to move away from those questions. Instead, they prefer to discuss those sensitive issues outside the classroom, in which only a few trusted students are involved. Indeed, it is the issue of not knowing to what extent academic freedom can be practiced or guaranteed in the classroom even in a democratic government, even though there was no instruction from either the Ministry of Education or their line manager, who is a professor and rector. Lecturers are afraid of secretly being monitored by the government on what they discuss in the classroom. Lecturers are worried about being recorded by students during the discussion and uploaded on different social media platforms. Those situations hampered the teaching of political rights, which are essential in building a democratic society. There is a lack of proper understanding of academic freedom, which should be practiced in the classroom on both sides. Hence, under the current situation, trust-building between lecturers and students is vital for open and academic discussion on politically sensitive topics in the democratic society, even under the elected government.

Both students and lecturers should be fully informed about what academic freedom means and how to practice academically in the classroom. The proper guidelines for academic freedom should be developed. Lecturers should become more aware of academic freedom and practice it bravely and constructively. Additionally, lecturers should widely interpret the existing current themes in a centralized curriculum to allow themselves to focus on democratic values and prepare themselves to argue teaching those democratic-related topics are in conformity with the intention of the NEL 2014. Indeed, the National Education Policy Commission is assigned to ensure that the curriculum can produce citizens who accept diversity, value equality, take accountability for their responsibility, and value democratic and human rights standards (S. 39 of NEL 2014).

(B) Teaching pedagogies used in the classroom

Roh (2004, 169) mentioned that *'the most essential tool in democratic citizenship education for the student is equipping critical thinking and active participation skills and attitude which can embrace a willingness to be critical and a capacity to question information, policies, and views. In this way, the students will be ready to advance reasons for their own views and to change them to a strong argument.'*

According to Larsen (2012), lecturers should be aware of the nature of human rights, which involve conflicts of values depending on individual perspectives. Then, creating a space for disagreement and debate is essential for students so that students will experience how to solve those conflicts. The idea of Larsen is that students will learn to debate from those differences and disagreements without taking them personally, the process essential for tolerance of diversity in a democratic society (Larsen 2012, 43).

Drawing from what Larsen mentioned, this study agrees that cultivating students' debating culture without taking it personally is essential to strengthen democratic principles. One respondent mentioned that *"I provided 'pros and cons of the UPR Process' to stimulate the culture of debate as a methodology at least once during 15 lectures. Normally, the number of students in each group is 10~15. I used this method in 2017 when I had enough confidence and enough knowledge to guide and manage during the debate (LR-1, 2022)."* She further described that *"students were active in participating in the debate with proper manners. The proper manner means arguing and counter-arguing were done with the academic point of views and understanding to accept different views (LR-1, 2022)".* However, it has been found that other lecturers are unready for using this specific pedagogy. One respondent said that *"I don't know exactly how to organize, prepare, find a stimulating topic and guide for a debate. I, myself, even don't have any experience in participating in any debate or equipping myself for it" (LR-2, 2022).*

In the meantime, this study acknowledges that teaching democratic principles or core elements through human rights education during the democratic transition period might not be an easy task for human rights educators, particularly in the formal education system in which obedience to what the lecturers say or seniors say has been the long-cultivated culture in the country. Additionally, Tibbitts already highlighted the difficulty of erasing the authoritarian legacy in a short-term period in teaching in the post-authoritarian period (Tibbitts 1994, 370).

Camilla Buzzi, Mike Hayes & Matthew Mullen (2011) found that the culture of not opposing seniors or teachers in the classroom makes it difficult to raise questions or challenge disagreements with lecturers (Buzzi et al. 2011, 37). Additionally, based on the interview data, this study also revealed that the use of rote learning methods most of the time in the formal education system is a structural issue that hinders students' ability to raise questions or to actively participate in the classroom even

when the lecturers create the circumstances for that. One respondent mentioned, “*In 2016, when I taught human rights for the first time, at the end of every lecture I opened the question-and-answer session. But there were no questions raised by the students*” (LR-1, 2022).

This study found that the said culture and education system, on the other hand, create the same level of challenges for the lecturers to welcome the questions of students and to create an innovative environment for the students. Some lecturers, regardless of their ages, can adapt to various new teaching methodologies with openness and flexibility. Respondent LR-1 (2022) said, “*In 2017, when I taught human rights again, many students were interested in the equality issues of Rohingya, freedom of expression, and fair trial rights. They became familiar with different teaching methodologies, and their curiosities did not bar them from asking even sensitive and difficult questions*”.

Yet, some lecturers are less willing to use those student-centered teaching approaches as they need more preparation time for this. LR-2 (2022) mentioned what she observed in one of the lectures she joined, “*In my point of view, the lecturer should prepare herself to accept the questions as well as to open the Q & A or discussion session and to create a comfortable environment for the students to do this.*”

Another preferred teaching method is discussion. The idea of using a discussion method is to strengthen the academic culture of discussion and arguments on the different opinions within the group or classroom. For a fruitful discussion, normally, lecturers assign a few topics to read and request students to prepare questions in advance so that the students have enough information to discuss during the discussion sessions. In this way, the lecturer intends to create a classroom lively with the active participation of the students.

Most of the lecturers described the level of students’ participation as follows: “*Normally, around 20 out of 100 students are active in raising questions and participating in discussions. Active participation of the students is also dependent on their preferred topics. If they are familiar with the issues like gender discrimination in appointing the senior positions, ethnic minority issues, rights of persons with disabilities, there were so many questions*” (LR-4, 2022). Again here, students are more active in discussions on those less sensitive issues because they are well informed about them because Myanmar is a party to CEDAW and CRPD and these are widely discussed by the lecturers.

Another alternative method used by LR-4 is asking students to do group presentations on the selected topics. Students were placed in groups according to their enrolled numbers and asked to choose their preferred topics. LR-4 mentioned how students did presentations as follows:

“Normally, many law students are unfamiliar with group work and writing papers. So, what happened was only one or two students in a group prepared the paper and read the paper. Students need more practice and time to be accustomed to new pedagogies. However, there is also little room to discuss due to time constraints” (LR-4, 2022).

Human rights lecturers should be provided the essential techniques through practical training and lecture guides. Moreover, only human rights lecturers currently have to use a student-centered learning approach as a compulsory method. The meaning is that students only learned a student-centered approach to teaching at their third year LLB human rights course. As a result, lecturers and students struggle to cope with new methods. It also meant that students should be trained with a student-centered learning approach since they are first-year LLB in all courses. Otherwise, nurturing democratic culture only through human rights subjects alone could not make students strong enough to apply those cultures in their daily or political lives.

Additionally, students' and lecturers' unfamiliarity with student-centered learning approaches showed the need for more investments in teaching pedagogies through human rights education. Many lecturers should be receiving training related to teaching pedagogies. Additionally, having a specific time for a detailed discussion on the fundamental political rights such as freedom of expression, freedom of assembly, and right to vote should be imperative to sustain the lifeblood of democracy, to enhance tolerance and respect among diverse interests.

V. Conclusion

Since 2021, Myanmar has been moving backward from a democratic to a military-ruled regime. During the democratic period (2011 - 2020), various human rights scholars, activists, and educators appreciated the introduction of human rights as a compulsory subject into 3rd-year LLB courses. However, it was a foundational level to support the development of democratic values within the society through teaching human rights. Many lecturers—who experienced multiple restrictions on freedom of expression during the authoritarian period and the expansion of nationalist movements across the country—were reluctant to discuss the human rights situation in Myanmar. It was hardly surprising because the democratic government (Aung San Suu Kyi-led government) failed to practically guarantee the freedom of expression practiced by the people, especially those who criticized the state, and to amend the unnecessary bureaucratic procedures which allow society and government to interact without barriers. Overwhelming self-censorship on topics and issues by lecturers in transferring knowledge to the students is a clear signal for the related stakeholders to ensure that lecturers are free from any threats from the government, students, or society. Cultivating democratic culture through human rights education with academic freedom is essential for producing individuals who

can contribute to the restoration of democracy and for the sustainability of democracy. A critical question that should be explored is the role of students who have already received human rights training in the formal higher education setting in the democratic movement before and after 2021.

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List of Interviews

- LR-1. 2022. Interview by the researcher. April 13, 2022.
- LR-2. 2022. Interview by the researcher. April 14, 2022.
- LR-3. 2022. Interview by the researcher. April 14, 2022.
- LR-4. 2022. Interview by the researcher. April 17, 2022.
- LR-5. 2022. Interview by the researcher. April 19, 2022.
- LR-7. 2022. Interview by the researcher. April 22, 2022.
- LR-8. 2022. Interview by the researcher. April 22, 2022.