

THE RULE OF LAW AND ACCESS TO JUSTICE REFORM IN MYANMAR RESEARCH PROJECT SUMMARIES



RULE OF LAW AND ACCESS TO JUSTICE REFORM IN MYANMAR

RESEARCH PROJECT SUMMARIES

2019-2020



DENMARK

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Programme on Rule of Law and Human
Rights

This book is the result of human rights thematic group research project on “Rule of Law and Access to Justice Reform in Myanmar”. It aimed to produce quality papers which discussed about the approach taken by the Government, especially the Office of the Supreme Court and Attorney General’s Office Strategy to increase respect for rule of law and fundamental human rights in Myanmar.

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Abbreviation

ACC	Anti-Corruption Commission (ACC)
BBC	British Broadcasting Cooperation
CMP	Case Management Programme
CSO	Civil Society Organization
DIHR	The Danish Institute for Human Rights
FIR	First Information Report
GAJE	Global Alliance for Justice Conference
ICAS	International Conference on Asian Studies
ICBMD	International Conference on Burma/Myanmar Studies
ICCPR	International Covenant on Civil and Political Rights
ICIRD	International Conference on International Relations and Development
ICJ	International Commission of Jurists
IHRP	Institute of Human Rights and Peace Studies
ILO	International Labour Organization
MNHRC	Myanmar National Human Rights Commission
MRTV	Myanmar Radio and Television
MURC	Myanmar Universities' Research Conference
NESP	National Education Strategic Plan 2016 – 2021
NGO	Non-Governmental Organization
OSCU	Office of the Supreme Court of Union
UAGO	Union Attorney General's Office
UNCAC	United Nations Convention Against Corruption

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Preface

Louise Simonsen Aaen
The Danish Institute for Human Rights

In 2016, the governments of Denmark and Myanmar agreed the framework for the four-year: “*Denmark – Myanmar Programme on Rule of Law and Human Rights*” (hereinafter Programme). At the time, the first democratically elected government in decades had just won a landslide election victory and pledged its commitment to implement reforms to foster peace, national reconciliation, security and good governance, including strengthening institutions’ adherence to the rule of law and human rights. The people of Myanmar were hopeful that the new government would bring much needed reforms to the country, as well as impacting the educational and legal system. In 2016, the government adopted the National Education Strategic Plan 2016-2021 (NESP) including the policy framework and strategy for higher education, which stipulated the goal of improving the quality and relevance of higher education with a key projected outcome being that “academic staff can deliver effective teaching and undertake quality research” (NESP, Higher Education, strategy 2).

The Programme was agreed within this framework and naturally focused on supporting key justice and rule of law institutions as well as academic institutions in implementation of reforms including strengthening core rule of law and human rights capacities. Programme partners included the Union Attorney General’s Office (UAGO), the Office of the Supreme Court Union (OSCU), the Independent Lawyers’ Association of Myanmar (ILAM), Universities – specifically law departments - and Civil Society Organisations (CSO) in Myanmar,

and is implemented by the International Commission of Jurists (ICJ) and the Danish Institute for Human Rights (DIHR).

Since its inception, the Human Rights Education component of the Programme partnered with the Dagon and East Yangon Universities' law departments and libraries to introduce and strengthen human rights education which led to enhancement of the human rights law curriculum, integration of new participatory and student-centred teaching methodologies, establishment of Human Rights Resource Centres ensuring access to human rights literature and e-resources as well as Legal Information Centres aiming to re-introduce practical elements into legal education in Myanmar, following their gradual disappearance during military rule. In 2020, the University of Mandalay law department became the third university partner of the Programme.

A key Programme component sought to support law departments in strengthening academic human rights research, since Myanmar professors emphasised the importance of research for the democratic transition and rule of law: strengthened human rights education is one of the most valuable contributions that law departments can offer to the government and people of Myanmar.

This publication of research paper summaries as well as introductory chapters on rule of law, access to justice and human rights education in the primary educational sector have been developed through the strong commitment and dedication of professors and law faculty in Myanmar. The project benefitted from skilled supervision and guidance by the Institute of Human Rights and Peace Studies (IHRP) - Mahidol University, the DIHR, and international senior researchers

from academic institutions in Australia, UK, Denmark and Myanmar, without whom it would not have been possible. Participating researchers aim to publish their research academically in 2021 and hence this publication is dedicated to summaries providing a preliminary introduction to the research carried out with the support of the Programme.

Special appreciation is dedicated to the Embassy of Denmark to Myanmar for its support to rule of law and human rights reforms in Myanmar.

Human Rights Education Research Components of Denmark-Myanmar Programme on Rule of Law and Human Rights

Louise Simonsen Aaen (the Danish Institute for Human Rights)

May Thida Aung (the Danish Institute for Human Rights)

The overall aim of the Programme was to support partner universities to strengthen teaching capacity in international human rights law, based on core human rights education principles and methodologies. Integral to enhancing knowledge was the introduction of a research component which would allow interested lecturers to strengthen their legal research skills in international human rights law and develop specialized knowledge. Accompanied by training in human rights and teaching methodologies, this sought to significantly enhance their capacities to teach human rights law. A long-term objective of the research component was to strengthen academic research in Myanmar, ensuring international human rights law expertise that can contribute to the legal and judicial reform process in Myanmar.

The Programme was grounded in a human rights-based approach and all outputs and activities were carefully planned and prioritized collaboratively by partner universities and the Danish Institute for Human Rights (DIHR). University partners initially set out to establish joint research projects with international academic institutions and researchers but, given the assessment of research capacity in law departments, the Programme adapted the approach. A series of focused research activities was crafted, enabling Myanmar academics to learn

about different research methods and how to design and plan research projects, as well as strengthen their academic writing. This further enabled law departments to investigate human rights issues through focused research projects and generate new evidence on the functioning of the justice system, rule of law and human rights in Myanmar and barriers to the implementation of human rights treaties.

From 2017 to 2019, research activities were particularly focused on strengthening capacities of law lecturers in the two partner universities, Dagon and East Yangon Universities. Common activities included intensive research training workshops and having law lecturers identify the focus of a smaller human rights research project supervised by DIHR and other senior international researchers. Following this, the development of the research projects was closely mentored by their supervisors together with the Programme research team. The research team also supported researchers by linking them with potential conference opportunities as well as the provision of support to data collection. All activities sought to deepen researchers' understanding of qualitative approaches, research ethics, sampling designs, interview techniques, interpretation and analysis of documents and field data. From 2017–2019, 34 researchers developed and completed 30 different research projects.

In light of growing capacities, the 2020 design of research activities was able to pursue the Programme's initial idea of joint research projects by international and national researchers. This allowed for a maximizing of impact and a deepening of human rights research capacities of dedicated law department researchers in Myanmar. This resulted in 22 researchers developing 13 research projects under two

thematic issues: The Rule of Law and Access to Justice Reform in Myanmar, and Human Rights and Peace Implementation through Education in Myanmar: Challenges and Opportunities in the Primary Education Sector. These 2020 research projects ensure further opportunities to strengthen human rights research in Myanmar and foster a strong and vibrant research culture and environment.

Since 2018, the Programme has also sought to support researchers in establishing links with foreign academic institutions as well as encouraging researchers to disseminate research outputs. This had not been possible for decades during military rule in Myanmar and as a result, law researchers were not very familiar with preparing for conference presentations or receiving peer review of their research. In particular, junior law lecturers are reluctant to present their findings at international conferences due to a lack of experience in presenting research findings and responding to audiences effectively within the often-brief time frame. Hence the Programme facilitated planning of two novel human rights research working paper reading forums in Yangon in 2019, and - due to the Covid-19 pandemic - online in 2020. This provided excellent platforms for the provision of guidance on how to enhance presentation skills and support peer-review by international and national researchers as well as government and civil society experts in the field. Approximately 120 participants, including reporters from local media, attended the first forum, and 110 participants attended the second.

Researchers also presented papers at the Myanmar Academy Arts and Sciences Conference, Rector Committee Conference and at several university conferences. Some researchers also successfully presented

at a range of international conferences and more have been accepted for conferences in 2021.

Box 1 -Completed Research Projects from 2017-2020	
Batch/ Year	Mentors
Batch (1) - 2017-18	Dr Stephanie Lagoutte
Number of researchers – 18	Dr Marie Juul Petersen
Total research projects – 16	Dr Martin Mennecke
Batch (2) – 2018-19	Dr Jonathan Nanda Liljeblad
Number of researchers – 7	Dr Mike Hayes
Total research projects – 7	
Batch (3) – 2018 – 2019	Dr Thomas Obel Hansen
Number of researchers – 9	
Total research projects – 7	
2 Thematic Projects (2020)	Dr Mike Hayes
Number of researchers – 20	Dr Bencharat Sae Chua
Total projects – 13	Dr Suphamet Yunyasit
	Dr Duanghathai Buranajaroenkij

Box – 2 Conference Participation overview 2017-2020¹		
Year	National/ International	Total
2018	<u>National</u>	
	Myanmar Academy of Arts and Science Conference (Yangon)	1
2019	<u>National</u>	
	Rector Committee Conference (Yangon)	2
	Myanmar Academy Arts and Science Conference (Yangon)	2
	<u>International</u>	
	Dynamics of Everyday Life in Today's Myanmar: Interdisciplinary Myanmar Conference 2019 (Passau, Germany)	1

¹ As of 6 November 2020.

Box – 2 Conference Participation overview 2017-2020¹

	10 th Worldwide Global Alliance for Justice (GAJE) Conference 2019 (Bandung, Indonesia)	2
	The 6 th International Conference on International Relations and Development (ICIRD) 2019 (Chiang Rai, Thailand)	1
2020	National East Yangon University Annual Paper Reading Session	3
	International The 2 nd International Conference on Social Science in the 21 st Century (United Kingdom)	2
	International Conference on Minorities in Myanmar (Germany)	1
	The 8 th International Conference on Asian Studies (ICAS) (Thailand)	1
2021	International Conference on Burma/ Myanmar Studies (ICBMS 3) – (Thailand)	3
	The 6 th International Conference on Human Rights, Peace and Conflict in Southeast Asia (Indonesia)	2

Box 3 – Research Output – Publications & Proceedings

Year	Journal/ Proceedings	Total
2018	Myanmar Academy Arts and Science Journal	1
2019	Myanmar Academy Arts and Science Journal	2
	Rector Committee Conference Proceeding	2
	The 6 th International Conference on International Relations and Development ICIRD 2019 Proceeding	1

2020	East Yangon University Journal	3
	The 2 nd International Conference on Social Science in the 21 st Century Proceeding	2
	Asian Studies International Journal (ISSN: 2279 -1949)	1

Introduction to the Rule of Law and Access to Justice Reform in Myanmar

Mike Hayes

Institute of Human Rights and Peace Studies

A functioning legal system is something that is mostly taken for granted when it works, and the subject of great concern when it doesn't. Even given this mixed level of interest, there is still much left to understand about the failure of rule of law in a country. The development of a rule of law and justice system is often given priority in the development policies of international organisations, such as the United Nations or World Bank. However, these perspectives can be too programmatic (that is, only looking at what actions can be implemented to improve the rule of law), or they are broadly speculative (for example blaming concepts such as impunity, corruption, and inequality without showing how they drive failure in the legal system). This collection of papers on rule of law and access to justice in Myanmar takes a different approach. By undertaking research on the ground, through national researchers based at university law faculties around the country, they approach the challenges to law in how it is practiced and understood by concerned stakeholders. The findings of these studies show not only how challenges to the rule of law and access to justice emerge because of influences such as impunity and abuse of power, but also how these broader ideas play out in everyday events. The significance of these papers to the study of law in Myanmar is their contribution to the understanding of a legal system as more than just the implementation

of laws, showing the law as a social system which, in the context of a developing country undergoing democratization, faces many challenges as well as successful developments. These papers make grassroots realities visible, as Myanmar national experts research their legal and social systems. These are voices of which not enough has been heard.

While much has been written on politics in Myanmar, research on the law and specifically the legal system has not received the same attention. Existing research tends to focus on cases and issues well known internationally, such as the citizenship law, human rights cases involving political figures, or the jailing of journalists. Less is known about how the courts function daily, and the challenges in ensuring justice and rule of law beyond these more famous cases. There is limited research on the legal system as a system, a system comprising more than just the courtrooms and decisions made in them. As this collection of research articles shows, perceptions of the courts, access to the courts, and the courts' ability to enforce the law and protect people are all crucial to how society works. In order to understand the courts from this perspective, researchers have to adapt methodologies and reframe their legal knowledge to apply them to daily realities and to be relevant. Furthermore, the studies are made in the context of Myanmar as a developing country emerging from decades of military rule and undergoing a hesitant process of democratization. As a result, these papers will join the small (but growing) body of work trying to understand and improve the legal system in Myanmar from a perspective of how it currently operates in the local cultural, legal and economic context.

The topics of these papers demand that researchers use adaptable methodologies. Many of their research designs are sociological and anthropological in nature and their methodologies broadly fit under the discipline of sociology of the law. This is necessary given that much primary data are not available through the courts because they are either not documented or are not public. It is also necessary because much of what the researchers are writing about has received so little previous attention. For example, the papers on First Instance Reports (FIRs) and on case management discuss topics that have not yet been seen in academic articles, necessitating authors to collect all primary data and craft an understanding on their own. The use of interviews is more common, as is a more interpretive understanding of courts from all stakeholders. This is another value added by these research projects: courts are seen not only from the perspectives of officials, lawyers, judges, and experts, but from the citizens who have to use them. This more anthropological approach to studying law is not new, though it is novel for Myanmar. The researchers, all being Myanmar nationals with a deep commitment to the teaching and practice of law through their positions at Law Faculties in the country, also have an interest in how law is practiced as they are responsible for training the next generation of lawyers who will be working in this system. In these papers, the problems of the courts are expressed through the perspective of those who are denied access or are not treated equally.

As is widely acknowledged, the Myanmar court system suffers from many problems. It is emerging from a long period under military rule where there were significant challenges to the rule of law. Resources are limited and laws are outdated. This can be seen in areas such as children and women's rights. The paper by Pa Pa Soe on "Protection

of Child Labourers in Myanmar: A Case Study in Yangon” shows the challenges to eradicating child labour. Legal bodies are not protecting children from such illegal labour; there are capacity gaps in government bodies; there are gaps in protection which can be exploited by businesses using children; and there is also a subtle social acceptance of child labourers. The result is that the practice of child labour remains: merely having a law is not enough to eliminate it. Similarly, the findings of the paper “Juvenile Justice in Rakhine State” by Yin Yin Myint, show that - even when the State tries to update laws, in this case the recent Child Rights Law (2019) - there are still many hurdles to the implementation of the law to ensure the rights of children. Implementation demands stakeholders know the law and ensure it is adhered to. As Yin Yin Myint’s paper shows, there is resistance in the police, lawyers, and judges to changing their practices around juvenile justice and to implementing a new law with little additional support or resources. This paper discusses the situation in Rakhine State, which has received international attention around the displacement of, and potential international crimes against, its Muslim minority. This sensitive context adds to the challenges of conducting research. The inherent inequality of Muslim children, alongside their being seen as a supposed security threat represent added challenges both for children seeking rights in the court system in this region, and to researching the topic.

There are similar political challenges to research in the other projects. There are still legacies of the long period of military control in Myanmar which has influenced the practice of law, but also drives the need for researchers to deal with the sensitivities of their research. Almost all researchers face the challenge of finding people willing to

talk to them. An institutional culture of not speaking out and of avoiding criticism of the government is present and is especially strong around sensitive areas, such as corruption. As the research by Mya Moe Khaing and Yu Mon Cho on “Judicial Corruption as a Violation of Human Rights in Myanmar” shows, there have been many advances in tackling corruption, and the various monitoring bodies, the media, and ordinary people do speak out on corruption. However, this does tend to be restricted to a few famous cases. To understand the system which allows corruption to occur is more difficult. The research examines cases addressed by the recently formed Anti-Corruption Commission, through expert interviews. While access to cases is limited and interview subjects may be cautious in discussing such issues, there is a sense that there is a willingness to understand and combat corruption. An increased space to engage with a sensitive issue is also seen in the research paper by May Thuzar Aung, Ei Thandar Swe, and Thin Thin Khaing on “Freedom of Expression for Journalists in Myanmar.” High-profile cases restricting press freedom, such as the jailing of two Reuters journalists for nearly two years, have been a contentious and sensitive issue. Across the Southeast Asia region, the battle between freedom of expression for the media and various State secrets, criminal defamations, and anti-public participation laws (known as SLAPP – Strategic Litigation against Public Participation), has often led States to explicitly confront lawyers and civil society actors. This area, as the paper shows, has seen an evolution in laws and understanding of freedom of expression. Given that Myanmar has experienced freedom of expression for less than a decade, all parties are testing the laws, potentially to the limit. In situations such as this the concept of rule of law becomes extremely pertinent.

While more famous cases around corruption and freedom of expression do receive international attention, the papers in this collection show there are many interesting developments in what appear to be the more mundane procedural aspects of rule of law and access to justice. The papers by Moe Thu and Khin Soe Soe Aye on “Human Rights and Refusing a First Information Report in Pre-trial Process in the Criminal Justice System of Myanmar” and by May Thu Zaw and Thi Thi Lwin on “Fair Trial Elements in the Case Management Programme in Myanmar Courts” show how difficult it can be in some situations to have court cases accepted and run in a timely fashion. As the paper on FIRs shows, even though procedures are established, often simple decisions made by a police officer can have significant effects on access to justice. For poor and marginalised communities, access to justice may depend entirely on a police officer accepting and writing up the FIR, while that decision can depend on the type of case or the capacity and workload at the station. The success of these research projects is seen in that the findings reveal larger systemic problems through the study of everyday practices. An accurate understanding of access to justice should include looking at access at the ground level when a person walks into a Police Station, something can only be gained through the kind of sociological research which these researchers have done. This is also the case for the study on case management. In the legal system of a developing State, timely justice is a constant problem. Trials are postponed, parties use delaying tactics, and the court system becomes overburdened and unproductive. The research paper on case management uses an interesting mix of quantitative and qualitative data to show where delays occur and the limited success of responding to delays through a case management

system. While broader studies would blame a culture of corruption and impunity, the research argues that it can simply be that witnesses (in this case mostly police officers) may not have the resources or commitment to appear before the court, leading to repeated delays. This is not the result of a corrupt system but of a developing one, where the challenges are capacity and resources. Again, this is a unique study with original findings that are only possible through a close research of the court system in its everyday operation.

There is still much to do in terms of understanding rule of law and access to justice in Myanmar. These research papers provide an important initial foray into this field. They contribute through their understanding of the life of the courts and how concerned stakeholders pursue justice in this developing system. Such research depends on researchers gaining this access and having the language and understanding to collect their primary data. The papers also represent the first step in universities playing a significant role in ensuring human rights through the court system. Universities in Myanmar are emerging from a long period of marginalisation. Pushed to the outskirts of the cities, limited in what they can teach, and previously outdated in their learning and research practice, there has been much done by Myanmar academics themselves to take advantage of democratization to produce original research and gain a greater understanding of the legal system. This collection of research projects demonstrates how universities can operate to understand and develop the rule of law in Myanmar. The university is playing a greater role in how justice operates in the country. It is a role which may have been denied to it before, but one which it is now being taking on in the law faculties and by academics across the country.

The Research Projects: From Conception to Completion

Louise Simonsen Aaen (the Danish Institute for Human Rights)

May Thida Aung (the Danish Institute for Human Rights)

Step (1) Group Research Project Ideas and Conceptualization

Academic human rights research driven by Myanmar researchers has hardly existed in recent decades due to the country's history of one party and military regimes that were not conducive to research in this field. Universities in Myanmar are now working with dedication to change this narrative and strengthen academic research, including in the field of human rights and the rule of law.

Inspired by other applied research projects in Myanmar led by international researchers, in 2019 the Programme Technical Team explored with professors of partner universities in Myanmar their interest in undertaking joint research projects with international researchers on rule of law and human rights education in Myanmar. The goal of such collaborations was to maximize impact and further enhance research skills in the final year of the first phase of the Denmark – Myanmar Programme on Rule of Law and Human Rights. The idea was further developed with law faculty, establishing that research projects should be led by Myanmar national researchers and focus broadly on issues related to rule of law reforms supported by the Programme. Through close consultation with researchers, research advisers and mentors of previous research groups under the Programme, two research areas were identified: one relating to human rights education implementation, and the other to the implementation of the Union Attorney General's Office's fair trial guidebook

developed in 2018, or to improving rule of law and access to justice in Myanmar. Due to having only one year to complete the whole research project including publication, the Programme was relatively cautious of the challenge of two research areas and suggested a focus on a single theme. Professors of partner universities however were determined that focusing on two thematic areas would enrich and strengthen research collaboration and the skills of national researchers.

Since its inception, the Programme has collaborated with the Mahidol Institute of Human Rights and Peace Studies (IHRP) in Bangkok, Thailand, due to their vast expertise in human rights education, research and - not least - contextual knowledge of the region. IHRP was therefore selected to support facilitation of the research conceptualization and design as well as provide senior research advisers to the projects.

Step (2) – Planning, recruiting national & international researchers and review committee members

Starting from early January 2020, the Programme team, together with senior research advisers of IHRP, started the detailed planning of the project and determined the criteria and selection process for national researchers to work jointly with international researchers as well as a tentative timeframe for projects. To recruit national researchers, the Programme sent a call for proposals to all 23 law departments in Myanmar. The goal was to ensure equal opportunities for law lecturers with a strong interest in enhancing their research skills and engaging in group research projects in the two thematic areas. Following a review of proposals, by the third week of February the Programme team and international researchers had identified 7 proposals for the

Human Rights Education in the Primary Sector theme and 6 for the Rule of Law and Access to Justice theme. At the same time, the Programme set-up a Review Committee and an Editorial Board comprising professors from Yangon University law department and senior research advisers already familiar with the programme, with academic research in Myanmar and with the Programme technical team. The research projects were ready to start their journey.

Research Team Members

Sr	Name	Position	Institute
1	Dr Mike Hayes	Senior Research Adviser	IHRP, Mahidol University
2	Dr Bencharat Sae Chua	Senior Research Adviser	
3	Dr Suphatmet Yunyasit	Senior Research Adviser	
4	Dr Duanghathai Buranajaroenkij	Senior Research Adviser	

Editorial and Review Board

1	Dr Jonathan Nanda Liljeblad <i>Senior Lecturer and Researcher, Australia National University</i>	Editor
2	Dr Stephanie Lagoutte <i>Senior Researcher, Research Department, The Danish Institute for Human Rights</i>	Editor
3	Dr Martin Mennecke <i>Associate Professor of International Law, University of Southern Denmark</i>	International Reviewer
4	Dr Thomas Obel Hansen <i>Senior Lecturer of Law Ulster University Law School, United Kingdom</i>	International Reviewer
5	Ms. Louise Simonsen Aaen <i>Senior Legal Adviser, The Danish Institute for Human Rights, the Programme</i>	International Reviewer

6	Dr Khin Chit Chit Professor & Head of the Department, Department of Law, University of Yangon	Review Committee Member (National)
7	Dr Khin Khin Oo Professor, Department of Law, University of Yangon	Review Committee Member (National)
8	Dr Nwet Kay Khine Post-Doctoral Researcher Center for Social Development Studies Chulalongkorn University	Review Committee Member (National)
9	Dr May Thida Aung National Legal Adviser, The Danish Institute for Human Rights, The Programme	Review Committee Member (National)
10	Ei Yin Yin Phyu National Adviser, The Danish Institute for Human Rights, The Programme	Review Committee Member (National)
National Researchers for the Rule of Law and Access to Justice Reform Project		
1.	Daw May Thu Zaw (East Yangon University) Dr Thi Thi Lwin (East Yangon University)	Fair Trial Elements in the Case Management Programme in Myanmar Court
2.	Dr May Thu Zar Aung (Yangon University of Distance Education) Dr Ei Thandar Swe (Yangon University of Distance Education) Dr Thin Thin Khaing (University of Yangon)	Freedom of Expression for Journalists in Myanmar
3.	Dr Mya Moe Khaing (Mawlamyine University) Dr Yu Mon Cho (East Yangon University)	Judicial Corruption as a Violation of Human Rights in Myanmar
4.	Daw Yin Yin Myint (Sittwe University)	Juvenile Justice in Rakhine State
5.	Daw Moe Thu (Pathien University) Daw Khin Soe Soe Aye (Pathien University)	Human Rights and Refusing a First Information Report in Pre-trial Process in the Criminal Justice System of Myanmar

- | | | |
|----|---|--|
| 6. | Dr Pa Pa Soe
(Mawlamyine University) | Protection of Child Labourers in Myanmar: A Case Study in Yangon |
|----|---|--|

National Researchers for Human Rights and Peace Education Implementation

- | | | |
|---|--|--|
| 1 | Dr Thwin Pa Pa
(University of Mandalay)
Daw May Than Nwe
(University of Mandalay)
Dr Pyone Mon Aye
(University of Mandalay) | Prevention of Violence against Children in Primary Schools in Myanmar |
| 2 | Dr Nan Kham Mai
(Mandalay University of Distance Education) | Teaching Human Rights in Myanmar: Challenges faced by Primary School Teachers |
| 3 | Dr Ei Ei Mya San
(Yangon University of Distance Education)
Dr Ei Phyo Aye
(Yangon University of Distance Education) | Enhancing Access to Education of Minority Groups through the Teaching of Ethnic Languages as a Subject in Primary School: A case study of Kayin Minority Group in Kayin State, Myanmar |
| 4 | Dr Soe Thiri Win
(Taungyi University) | Gender-Based Violence Prevention in Schools in Taunggyi, Myanmar |
| 5 | Dr Aye Mar Win
(Mawlamyine University) | Roles for Schools in the Effective Implementation of Free, Compulsory Primary Education in Urban Area: A case study of Schools in Three Townships in Yangon, Myanmar |
| 6 | Dr Dawt Nei Iang
(Mandalay University of Distance Education) | Marginalized Groups and Access to Education: A case study of Street Children in Mandalay, Myanmar |
| 7 | Dr Wityi Myo
(Sittway University)
Dr Hnin Nwe Htwe
(University of Yangon) | The Right to Education in a Conflict Affected Area: A Case Study of Access to Basic Education in Rakhine Region, Myanmar |

Step 3 – Project Design workshop

“It was the very first experience for me to attend a research methodology workshop. On the first day of training, I was quite upset and worried about my research capabilities. But, my confidence level gradually increased due to effective guidance from experienced and friendly professors. At the end of the workshop, I confidently and clearly knew what I wanted to do and how I should proceed.” **(Yin Yin Myint, Sittwe University)**



In March 2020, the Programme Team, IHRP research advisory team and national researchers collaborated in a four-day workshop to design and elaborate the research projects in Yangon. The research advisory team supported discussion on the conceptual framework, research problems, research methodologies, documentary and legal analysis and developing interview questions with practical exercises. The group also agreed time frames to complete literature reviews, data collection, analysis and writing, within 3 months.

Step 4 – Data collection



May Thu Zaw
East Yangon University

“To do interviews with officials or to access data from the government is quite challenging for my research. Some government agencies are not willing to share information as there are strong central control systems in those departments. I have to go step by step navigating those procedures and have to be very patient to overcome them. Civil Society Organizations are easy to deal with.”

“Cooperation with government departments is really a challenge for the interview process. The process of submitting letter requesting information or to do interviews with responsible persons of government departments takes a long time. Even after as to two months, we did not receive any clear idea who will respond to our request. Trust is also needed with government departments. Official data is crucial for good research.”



Yu Mon Cho
East Yangon University



EiEi Mya San (left),
Ei Phyoo Aye (right)
Yangon University of Distance
Education

“We did not have experience in conducting interviews before. As a result, we faced many challenges in choosing study sites and developing research questions to get the required data. When we went to the field, it was difficult to meet the respondents, particularly government officials. Some respondents actively answered our questions while some did not. Time constraints were also another challenge to good research. It anyway, yielded of a lot good experience as we realized how interviews are important for the quality of our research. And we now know how to prepare in advance for an interview.”

Based on the research focus and questions several researchers planned to undertake field work in Naypyitaw with key ministries, and with Taungoo and Yangon cities, Tanintharyi Region and Rakhine State. Due to the government’s restriction on movement on 19 March 2020, driven by the Covid-19 pandemic, immediately following the project design workshop, some researchers had to slightly adapt the original data collection method or postpone data collection until restrictions

were lifted. During this period, the Programme provided an online training workshop to enhance skills to conduct literature review for research.

	<i>Duration</i>	<i>Tasks</i>
Step 4	20 March	Literature review
	April	Data collection, transcribing
	31 May	Data collection, transcribing & e-resource training

Step 5 –Paper Preparation and Review Process

From June to October, national researchers regularly submitted draft versions of their research papers to support coaching and for review. This included the first-round of external reviews by Research Committee members. Reviewers provided comments on structure, analysis, research methodology, coherence and consistency to strengthen papers.

“I can learn a lot of things from the review process. It was my first experience to receive such detailed comments and guidance. So, I know exactly what to do next because sometimes I lost my way a little. I can apply a similar process and provide guidance to my students.” (Moe Thu, Patheingyi University)

"This is the first time I experienced international peer review. Traditionally we have groups that review our work, but only a one-time review during a presentation. Our Head of Department reviews first and consents to publication, but this is focused more

on checking for plagiarism. We have a chance to know the comments of other people during the presentation. Under this Programme, there are both national and international reviews and comments. We can add elements based on reviewers' comments. It will improve quality. I am much more satisfied and put more effort into my research papers.” (**Nan Kham Mai, Mandalay University of Distance Education**)

After integrating and revising the papers in accordance with reviewers' comments, national researchers submitted a second revision of their papers by the end of August. These were to be reviewed by national reviewers and draft findings presented at the Human Rights Research Paper Reading Forum organized by the Programme on 10 October 2020.

“It was great to see the engagement and enthusiasm of all participants. I found it very interesting and rewarding to be a discussant in this Research Forum. Having been involved in this Programme since 2017, I have noticed that legal research method and analysis is still a challenge for many Myanmar law teachers. The research presented included a broader social science approach, but it will be good for the law departments to further focus on how to highlight legal issues and to strengthen the legal analysis in their presentations.” (**Martin Mennecke, University of Southern Denmark**)

“I saw it worked very well both with the presentations and discussions. Very nice to see the researchers so confidently presenting their research. The researchers are exploring interesting and often novel human rights issues in Myanmar; the case studies tend to be interesting, thorough and well researched, but the researchers would need more support to be enabled to adequately frame the case studies in the context of international human rights law and broader theory.” (Thomas Obel Hansen, University of Ulster)

“I would like to have a similar paper reading forum in the near future and invite different audiences, including civil society groups. At that time, researchers will have more experience and be more confident to discuss their findings with other stakeholders.” (Thi Thi Lwin, East Yangon University)

Step 6 – Publication Process

A key objective of the human rights thematic research projects was for the Programme to publish research in two books in December 2020. However, as research projects progressed it became clear that some of the papers were undertaking novel research and that the research, since it was undertaken by Myanmar researchers, had the distinct advantage of allowing for easier access to data and a better understanding of social and cultural context and potential barriers hindering human rights and rule of law reforms. The fact that such papers could make

an original contribution to theory fields significantly increases both regional and international journals' interest in the research and so it was agreed that the December publication would include only introductory chapters and summaries of the 13 research papers, allowing potential publication in academic journals in the future. Summaries of the two thematic research projects will be published in connection with the observation of Human Rights Day on 10 December 2020.

Fair Trial Elements in the Case Management Programme in Myanmar Courts

May Thu Zaw (East Yangon University)

Thi Thi Lwin (East Yangon University)

Myanmar Courts aspire to enhance a safe and user-friendly environment in which all persons are able to have equal access to judicial services and to obtain information from the courts. The Judiciary of Myanmar is committed to providing equal access, guaranteeing impartiality, and ensuring the rule of law for all. Ideally, the public will trust the courts and believes that cases are adjudicated fairly and in accordance with the law. Each party to a suit should be guaranteed the right to a fair trial as a fundamental human right. All human beings have the right to access justice fairly, in a competent, independent and impartial court. The court has the duty to ensure fairness in the administration of justice. It is thus essential that the courts have the certainty of effective, efficient, transparent and fair management of the cases before them.

To implement effective court procedure in judicial proceedings, a Case Management Programme (CMP) was introduced in Myanmar in 2015. Pilot courts were set up in Hlaingthayar, Taungoo and Pha-An township courts. In 2016, the programme was expanded to five additional courts: Monywa and Mawlamyine district courts, and Patheingyi, Chanayethazan and Magway township courts. The research seeks to understand the extent to which the CMP guarantees and/or enhances access to justice and fair trial.

Citizens have a right to a court system that works to resolve cases in a fair, just, timely, and efficient manner, in accordance with the law. The Constitution of the Republic of the Union of Myanmar 2008 guarantees the fair trial rights of citizens. Case Management is an arrangement carried out by the court in collaboration with parties involved in the case to continuously supervise and technically support timely disposition of the case in line with standards for either criminal or civil cases, in accordance with trial procedure. As such, the CMP is directly concerned in court procedure. The CMP draws up the case schedule and determines the time frame of the case guaranteeing the right to a hearing without undue delay. As a result, the court users have sufficient time for preparation of the case.

This study is based on both primary and secondary resources and uses a qualitative approach based on interviews with concerned stakeholders - lawyers, office staff and clients - to explore the issues. Lawyers were interviewed as experts, while office staff and clients were interviewed as informants sharing their experience. The study also sought to understand the reasons for delay in cases due to, for example, the absence of the judge, prosecutor, lawyer, witness or client, and an analysis made of how many times cases were adjourned and why they were not examined.

An additional document study of both civil and criminal cases was made to analyse the reasons for delays relating to the transfer or absence of a judge, the absence of the plaintiff's and/or the defendant's lawyer, the absence of witnesses for the plaintiff and/or the defendant or of the institution of the prosecution, or the lack of time for a trial among other reasons. This document analysis focused on the Deputy

District Court where all these cases were tried using the CMP. Documents referencing 36 cases were analysed, 24 civil cases and 12 criminal cases. Three-quarters of cases from the document study in civil cases saw the hearing date postponed. The most common reason for delay was the absence of the plaintiff or defendant, with the absence of the plaintiff most often causing delay. Such parties are typically not aware of the CMP. The reason for the absence of a plaintiff is not known since it is difficult to collect data on why the plaintiff does not come to the court for the case. Possible reasons include that they do not want to come to or they have forgotten the assigning date. Many clients assume that the lawyer can deal with their case and they rely on him or her. The second most common cause of delay was the absence of the plaintiff's lawyer and the third highest, the absence of the judge.

According to the research data, in criminal cases the absence of the prosecution witness is the most frequent cause of delay. Prosecution witnesses are typically police and ward administrative officers who have to often give evidence in various courts and thus are sometimes unable to appear in court on time. It is also a principle reason for a trial not being held within the period defined according to the CMP. The second most frequent reason for criminal case delays is the absence of the complainant and the third most frequent, the absence of the witness or accused. Seven criminal cases from the document study were adjourned on more than half the occasions when a hearing was scheduled. But in no case was there a delay due to the transfer or absence of a judge, or law officer (prosecutor).

Cases can be delayed due to the failure of relevant documents to be submitted. There is limited time to find out which documents are

required, which must be sourced from a number of different offices and that can be difficult to obtain. Where offices are unable to provide them in time they cannot be submitted on schedule, resulting in a negative impact on the rights of parties since they cannot submit relevant evidence. Sometimes, a client faces difficulties due to the absence of a witness since they attend voluntarily and have to interrupt their other duties to do so. It is also often challenging to submit an accurate list of witnesses in time. Where a witness is absent, he or she may be removed from the list which has already been submitted to the court: some courts will permit absence without leave while some will not. This can deprive the party to the suit of the right to ensure sufficient evidence is heard. If the case is submitted to a higher court for appeal or revision, it may take years to complete the case since the higher court does not use the CMP.

Since the length of time required for the examination of witnesses varies depending on the nature of the case, the limit on the period for direct examination and cross examination may harm the right to a fair trial. Cross-examination is the most effective means for extracting truth and Section 138 of the Evidence Act provides that after the direct examination, the court must allow the cross-examination of a witness if the adverse party desires it. The cross-examination of a witness is the right of the adverse party and is a feature of fair trial rights guarantees under Article 14 (3) (e) of the ICCPR in the context of criminal proceedings: a right to “examine or have examined, the witnesses against him”.

According to case schedule, a court user can receive notice of the case warning list at an early stage, allowing the user to have sufficient time

for preparation of the case. It should also be noted that overly fast scheduling can affect the right to defend: if there is insufficient time to adequately prepare a defence, it will impinge on the right to effective engagement with the case. Lawyers have to examine witnesses to the extent required, but if such examination takes longer than time allotted, judges can shorten the examination, which can potentially infringe the right to a fair trial.

The CMP aims to reduce the delay in cases by calculating the responsibilities of relevant stakeholders, who are in turn responsible for ensuring access to a fair trial. Parties to cases are sometime absent because clients may not clearly understand the process: judges should clearly explain this in the first step of the case management meeting. To avoid the diversion of CMP, a lawyer has to arrange for relieving of a junior lawyer if there is more than one case at the same time. The lawyer necessary to previously explain the client in deals with the practice of joint powered in the court. Lawyers should also avoid calling excessive numbers of witnesses to ensure the hearing does not exceed its allotted time. Judges need to adjust plans or reserve a new hearing time, and should allow lawyers sufficient time, avoiding putting pressure on the lawyer to work quickly. On the other hand, every practicing lawyer should be skilled in his profession and be able to appear before the court at any hearing of the case.

Freedom of Expression for Journalists in Myanmar

May Thu Zar Aung (Yangon University of Distance Education)

Ei Thandar Swe (Yangon University of Distance Education)

Thin Thin Khaing (University of Yangon)

Freedom of expression is an essential foundation for the rule of law and democratic society in Myanmar. In the promotion and protection of human rights, freedom of expression is a necessary condition for the realization of the principles of transparency and accountability. The freedom of expression is also a basis for the full enjoyment of a wide range of other human rights. Journalists have an important role in maintaining the rule of law and enhancing the right to freedom of expression and have a duty to report responsibly and to inform their readers or listeners with correct information. The right to freedom of expression is especially important when their reporting concerns legal issues, government officials, crime, corruption and other matters that touch upon the law. Nowadays, the independence of journalism is under increased pressure, due to complex interconnections between political power and regulatory authorities and attempts to influence or delegitimize media. Journalists in Myanmar face restrictions in their work especially around information collection and the publication process. As a result, there is need to provide a safe environment for journalists to perform professionally.

The objectives of this study are to explore the obstacles to improving the rights of journalists in Myanmar and the impact of the legal environment, to develop the freedom of media in Myanmar, to support a safe environment for journalists, to ensure the rule of law and to

suggest appropriate measures for promoting freedom of expression in accordance with international human rights standards.

The study was based on a mixed methodology; a documentary and legal study (including reports, articles, books, the Universal Periodic Review process for Myanmar 2020 etc.), and seven in-depth qualitative interviews. A wide range of international and regional human rights instruments have been analysed, alongside a number of Myanmar laws, as well as the 2008 Constitution. Judicial cases relating to media issues are also analysed. Twelve interviews were made in Yangon (where media is based) and Naypyitaw (where government offices are situated) between March and May 2020 in order to access the perspectives of journalists, experts and lawyers. Interviews were conducted with five journalists, six media experts and one lawyer. The journalists interviewed are currently working in private or State-owned media, such as MRTV, BBC, Kumudra and 7 days Journal. The experts are members of the Media Council, Myanmar Journalists Association and Non-Governmental Organizations. The lawyer interviewed represents journalists on media issues in the Courts. A majority of interviews were made remotely, by phone, and recorded, due to the Covid-19 pandemic, while some were made at offices in Yangon. Prior to the interview, researchers explained by phone the nature of the study and what information was sought. Recording and note taking were done with the consent of interviewees and interviews took 40-60 minutes. The findings of the research cannot be assumed to be representative of all journalists in Myanmar.

Protection of the freedom of expression, freedom of the press and, in some cases, the right of access to information, are guaranteed in the

national constitution. The Constitution of the Republic of the Union of Myanmar 2008 guarantees freedom of expression for every citizen, including journalists. It should be noted however that this is qualified by a provision stating: “if not contrary to laws enacted for Union security etc.”

The News Media Law 2014 sets out the rights of those working in media in Section 4, freedom from censorship in Section 5, exemption from being detained by a certain security related authority, safety and protective measures in Section 7, and responsibilities and Codes of Conduct in Section 9 for all journalists and media men. The protections included in the News Media Law have not however been consistently applied to news media and cannot fully protect them from charges brought under other laws. Freedom of expression for journalists has many obstacles, not only under existing laws but also as a result of the conduct of government authorities when journalists collect information in sensitive areas (for example, Rakhine or Shan States). When publishing news, journalists can be charged under a range of existing laws, depending upon what they are reporting. Existing laws and the publication process restrict the freedom of media, for example through constraints on the issuing of business licenses and certificates, and journalists have faced difficulties with both the military and government institutions.

According to Section 5 of the News Media Law, 2014, news media shall be free from censorship. The ending of censorship is of course welcome, given how intimidating it was to receive a lawsuit when publishing the news. Regarding the right to privacy, Section 8(f) of The Law Protecting the Privacy and Security of Citizens, 2017 limits

journalists when they take information concerned with personal and family matters or act in any way to slander or harm their reputation and publish news. There is no provision in the News Media Law concerning complaints about media issues to the Myanmar News Media Council, or elsewhere. As a result, most media disputes are taken to court. Myanmar News Media Council should have more authority and independence to effectively promote media freedom in Myanmar.

In order to guarantee the full rights of journalists, the Government should amend existing laws which criminalize the freedom of expression for journalists to conform to international human rights standards. It should sign and ratify the International Covenant on Civil and Political Rights and other core international human rights treaties which pertain to free expression for journalists, and review and amend the restricted provisions of existing laws, including the Telecommunications Law 2013, the News Media Law 2014, the Printing and Publishing Enterprise Law 2014, the Electronic Transactions Law 2004, the Penal Code 1861 and the Official Secrets Act 1923.

Judicial Corruption as a Violation of Human Rights in Myanmar

Mya Moe Khaing (Mawlamyine University)

Yu Mon Cho (East Yangon University)

Corruption occurs in almost all countries, both developed and developing, and in both public and private sectors. In Myanmar, every sector - including the judicial sector – faces problems of corruption, even as the government is trying to fight it. Many people experience demands for bribes or other forms of corruption not only in the administrative area but also in the judicial system. Justice is administered by competent, impartial and independent judicial institutions: however, once judicial corruption takes hold, all judicial actors - including prosecutors - are directly or indirectly involved, challenging the effective rule of law.

According to the 2019 Corruption Perception Index of *Transparency International*, Myanmar ranked the 130th most corrupt nation out of 180 countries, with a score of 30 and down two places from 2018. Among the various types of corruption in the country, including in the political, administrative and judicial fields, administrative corruption is at the highest level while the judicial sector is the fourth highest level, according to the Myanmar Anti-Corruption Commission (ACC) Annual Report 2018. According to data collected by the ACC, it received 24,604 complaints in the period 2014 to 2019. Of these, 3,764 complaints concerned judicial corruption, of which the ACC prosecuted 51 cases in relevant courts and referred 44 cases to the departments concerned. Clearly, corruption is not confined to

administrative and business areas, but also extends to the judicial sector.

Judicial corruption can take many forms in or around the courtroom: bribery, extortion, influence peddling and nepotism are the main forms that people encounter. In Myanmar's judicial sector, not only the judge, lawyer, prosecutor and other office staff, but also police officers as the prosecuting actor are responsible for ensuring access to justice for all, without corruption. Moreover, the judiciary should be a competent, impartial and independent institution. However, judicial institutions are sometimes themselves corrupted, as seen in the 2018 and 2019 Reports of the ACC, rather than fighting corruption effectively. Since Myanmar has undertaken a transition to democracy, the fight against corruption has become a national priority and the government has implemented an anti-corruption framework. Whilst corruption leads to violations of human rights, there is no process of complaint and prosecution to deal with such violations, while the ACC fails to cooperate with the Myanmar National Human Rights Commission (MNHRC) around judicial corruption.

Corruption not only undermines the courts' credibility and capacity to fight corruption, it also impacts trust in judicial impartiality and harms all core judicial functions, such as decision making, law enforcement, protection of rights, accountability and securing the integrity of and sanctioning representatives of other branches when they contravene the law. It is widely accepted that 'when there is corruption, human rights disappear'. To prevent and reduce corruption, the government of Myanmar is taking action not only through the Anti-Corruption Law but also through other related laws. Despite this, however, corruption

continues in the country. This research paper is intended to identify gaps between procedures in law and implementation in practice by the judiciary. It also focuses on the principle impacts and what kinds of human rights are violated due to judicial corruption in Myanmar.

In the current context of the judicial system in Myanmar, corruption is understood as a complex and sensitive issue. This research investigates this using a qualitative research method supported by literature review and legal analysis. The paper uses (i) literature reviews based on General Comments of the International Covenant on Civil and Political Rights (ICCPR), research of Transparency International and reports of the ACC and MNHRC (ii) legal analysis based on international conventions (such as the United Nations Convention Against Corruption (UNCAC) and the ICCPR and national laws (such as the 2008 Constitution of the Republic of the Union of Myanmar and Anti-Corruption Law 2013), and (iii) a study of judicial corruption cases that were prosecuted by the ACC between 2014 and 2019, based on the data from the official ACC website. The research also used key informant interviews with professionals and independent experts, on the understanding that this professional group could explore challenges and barriers to promoting access to justice and could identify how to fight judicial corruption. The researchers faced however significant obstacles to the collection of primary data, particularly with judicial authorities and parties to trial that did not want to give interviews.

For the judiciary in Myanmar corruption has been a form of bribery as well as an instrument of nepotism and extortion influencing the action of judicial actors or parties. Political or other influence upon the judiciary has long existed but documentary evidence to support this

cannot be found. Although the personnel of judicial bodies must decide cases in accordance with the law, they have discretionary power to decide cases according to natural justice. In such instances, miscarriage of justice or misuse of power occurs due to their greed or other self-interest. Corrupt conduct has been facilitated by social tradition, cupidity and the inadequacy of facilities, such as low salaries and a lack of materials. Judicial corruption can impact the rule of law and the whole process of fair trials. The culture of corruption becomes habituated at all levels of a community and affects the ethics and morality of the people. They have reduced trust in the judiciary and continue to undertake illegal activities. In addition, both judicial actors and parties to trials may suffer violations of their rights because the parties have been extorted by judicial actors or have offered to pay bribes to advance their interests. From the human rights perspective, parties have seen their right to equality before the law violated. Judicial actors will see their integrity and independence corroded due to the corrupt conduct of parties.

For the judicial system to be functional and effective requires the independence of judges and prosecutors and all staff to ensure no inappropriate influence on their work and careers. To reduce judicial corruption, the courts need greater transparency. Whilst courts now have official websites and post updated information relating to court hearings, this kind of service can only be accessed by a minority of people. Most parties don't know how to access this information and therefore rely on the news media. Due to a lack of legal knowledge, a fear of going to court and a strong desire to win the case, they become the victims of brokers, who persuade parties to commit corruption. To reduce such corruption, the courts have to promote the role of the

public relations department through which the court can provide more accessible information (both online and offline) to the public, can listen to the public, can receive complaints - including concerning judicial corruption - and can negotiate issues between the court and the parties. The ACC should cooperate effectively with the MNHRC to fight corruption from a human rights perspective. The government needs to provide adequate salaries and facilities for all staff, upgrade the judicial infrastructure, encourage judicial independence (not only as written in the constitution, but as implemented in practice), conduct more investigations and take action. This requires reforms in 3 intersecting areas: fiscal sector reform, justice sector reform and security sector reform, as well as to sign and ratify the ICCPR and effectively implement it to reduce judicial corruption in line with the provisions of UNCAC.

Juvenile Justice in Rakhine State

Yin Yin Myint (Sittwe University)

Juvenile justice is important for children in conflict with the law to ensure child rights and justice are fully respected under domestic laws and international standards. A ‘child in conflict with the law’ refers to any child who comes into contact with law enforcement authorities because he or she is alleged as, accused of, or recognized as, having infringed the penal law. Myanmar promulgated the Child Rights Law 2019 to be more consistent with the United Nations Convention on the Rights of the Child, in so doing abolishing the Child Law 1993. Under the Child Rights Law, children will be criminally responsible where those in conflict with the law are over 10 years of age. UNICEF Myanmar reported in 2019 on challenges in the juvenile justice system, such as a lack of lawyers to defend detained children, a lack of expertise on child development and the absence of mechanisms for diversion and alternative sentencing for children - although the Child Rights Law prescribes that detention shall be a last resort. This indicates the necessity of effectively implementing the Child Rights Law and how the best interests of children in the justice system should be the primary consideration.

Children in conflict with the law face many difficulties to guarantee their rights and their best interests in the juvenile justice system in Rakhine State. Rakhine State is one of the poorest States in Myanmar and an area of internal conflict. The main causes of child in conflict with the law in Rakhine State are linked to poverty and the conflict. This research investigates the constraints on implementation of laws

and the needs of various stakeholders in the effective administration of juvenile justice. This study also seeks to explore barrier and limitations to ensuring justice for and protection of the rights of children in conflict with the law in Rakhine State.

This study used a qualitative approach by reviewing relevant literature, such as international legal instruments, domestic laws and regulations, and reports regarding juvenile justice. Semi-structured interviews were used as a method of data gathering alongside this document analysis. Interviews were conducted to understand governmental process and views of non-governmental actors, as well as accessing experience of juvenile justice and work on child rights in Rakhine State. Ten stakeholders were interviewed in April 2020, comprising two judges, two prosecutors, two lawyers, two Non-Governmental Organization (NGO) staffs, one staff from the Department of Social Welfare and one police officer. Respondents were selected using purposive sampling through criteria such as having government experience and work in juvenile justice, and lawyers with experience in defending cases of not only Rakhine children but also Muslim children, and NGOs working on child rights in the State. Semi-structured questionnaires were prepared, based on a comparison of relevant domestic laws and international instruments and standards. The interview data were analysed by interpreting their contents on the basis of the literature survey. The study was conducted in Sittwe Township, which is the principle city of Rakhine State.

The results of the analysis of the collected data articulate the need for the full implementation of laws in Rakhine State, for a specialized juvenile court, judges and stakeholders, and effective diversion

programmes. There remains discrimination within the system and a lack of monitoring and complaint mechanisms. Effective implementation of laws concerning juvenile justice is crucial for children in conflict with the law to ensure their best interests, and to guarantee child rights and justice in juvenile process. A separate juvenile court has been established in Yangon metropolitan area covering 20 townships and in Mandalay metropolitan area covering 5 townships, accompanied by the appointment of dedicated juvenile judges. Despite this, there are no special juvenile courts in any townships in Rakhine State and regular judges of the township courts are empowered to handle juvenile cases. Due to the lack of specialized juvenile courts, judges, prosecutors and stakeholders, children in conflict with the law face obstacles to ensuring their best interests as a primary consideration. Juvenile justice actors also face difficulties such as inadequate staffing, excessive workloads, and handling both criminal and civil cases, with juvenile cases among them. Although effective training is essential for the implementation of laws concerning juvenile justice, most juvenile justice actors in Rakhine State have not received relevant training. A consequence of this can be seen in negative attitudes of juvenile justice actors towards children in conflict with the law.

The Child Rights Law 2019 permits diversion measures, meaning alternative, typically non-custodial, approaches in the best interest of children prior to their being charged in juvenile court or during trial, with the objective of reforming a child's character and seeking social reintegration rather than punishment. Nevertheless, diversion measures have not been implemented as yet in Rakhine State,

demonstrating another challenge to the best interest of the child as a primary consideration for children in conflict with the law.

Persons of different religions and ethnic groups live in Rakhine State and discrimination on the basis of race, colour, sex, language, religion, political or other opinion, class, and socioeconomic status against children in conflict with the law persists in the juvenile justice process in the State. Discrimination against such children can be an obstacle to obtaining justice and advancing the child's best interest.

Cooperation with relevant organisations, monitoring of the juvenile justice process and complaint mechanisms are also important routes to obtaining justice for children in the juvenile justice system in Rakhine State. As a result, some children face violations of their rights in the juvenile justice process and have no access to remedies. According to the interview data, relevant juvenile justice actors are less interested in cooperating with each other or the lack of monitoring of the process. Additionally, many people are afraid to complain about violations of child rights and most have little knowledge of complaints mechanisms.

Children in conflict with the law confront a range of obstacles to ensuring justice and their best interest in juvenile process in Rakhine State. Not only government bodies but other juvenile justice actors have responsibilities to ensure justice for such children. There is a need for specialized juvenile courts, as well as dedicated judges and, prosecutors, to guarantee effective implementation of the law. Government should provide compulsory training for staff of the juvenile justice system, to change negative attitudes towards children in conflict with the law and to rid the system of discrimination, which is a major obstacle to accessing justice. Government should build a

child training school and temporary care station for children in conflict with the law in Rakhine State to avoid them being detained in police stations during trial or being sent to Yangon child training schools after trial because of the lack of facilities in Rakhine State. The importance to children of effective diversion measures demands that they should be urgently implemented in Rakhine State. Cooperation with relevant organisations should include not only governmental institutions but also NGOs. An independent monitoring system should be put in place by Government in Rakhine State alongside a confidential complaints mechanism to ensure effective implementation of the laws and to deliver justice in accordance with both domestic laws and international standards.

Human Rights and Refusing a First Information Report in Pre-trial Process in the Criminal Justice System of Myanmar

Moe Thu (Pathien University)

Khin Soe Soe Aye (Pathien University)

Peace, freedom and justice, the ultimate goals of the Universal Declaration of Human Rights, are closely interrelated and represent the expectations of each and every person in their life. Where there is no freedom or justice, society can no longer enjoy peace. Hence, in seeking justice, law enforcement institutions are vital to build public trust. The criminal justice administration is responsible for the protection of both victims and accused persons. Establishing the credibility of justice, the pretrial process, which is conducted by prosecutor, police and judges and State-based legal aid providers, is key to providing the right to a fair trial as well as the right to an effective remedy. The role of the Myanmar Police Force is to protect the citizen on behalf of Government. A fundamental police duty is to detect crimes and arrest offenders in the community. This research seeks to undertake a detailed analysis of access to justice issues with regard to the legal obligation of an officer-in-charge of a police station to issue the First Information Report (FIR).

This study was driven by the personal experience of confronting the rejection of a FIR by the in-charge of a police station. This research investigates how the refusal of the FIR in the pre-trial process in the Criminal Justice System of Myanmar, which has been under the

military controlled government since 1962, leads to the violation of basic human rights. FIR is not a term mentioned anywhere in the Criminal Procedure Code of Myanmar. It is a term used uniquely in Myanmar and neighbouring states, such as Pakistan, Bangladesh, Nepal and India, to report initial information concerning the commission of a crime. The FIR information is reported by a victim or persons who have witnessed a criminal act or become aware of such an act. As the most important law enforcement institution, Myanmar Police Force is under a legal obligation to register the FIR in order to proceed with an investigation, which is their primary duty to ensure the rule of law. Any outright refusal to comply with this legal obligation prevents any criminal investigation, leading not only to a lack of trust in the administration of justice but also to the violation of human rights.

The research questions that drive the study are as follows

- What are the principle elements of the procedure to receive a First Information Report in Myanmar?
- Which specific human rights have been negatively impacted by instances of a refusal to registering a FIR?

This research has interrogated the perceptions of various responsible and relevant persons in the criminal justice system through interviews, in order to analyse the consequences of the police refusing the FIR. The data to be collected are the perceptions of professionals and experts who recounted their experiences. The research additionally identified a number of people who had experienced a refusal to record the FIR and its adverse consequences. Thus, this study is based on a qualitative methodology of in-depth interviews, and informed by a

literature review in which relevant laws and cases concerning the FIR are described and analysed. This legal review has been made from a human rights perspective and with reference to rule of law standards, with a particular focus on articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The study made interviews that targeted a particular geographical area, namely Patheingyi District, a large and wealthy commercial district of the Irrawaddy Delta region, and Taungtha, the largest town in Bago Division, located adjacent to Karen State. These two cities were chosen due to the availability of interviewees and those cities being commercially dominant with high populations. A total of 15 individuals were interviewed, selected based on a purposive sampling method. To access credible and relevant information on the situation around the FIR, professionals from the police, legal aid providers, as well as lawyers, judges and community members were identified, based on their experience and position. A semi-structured and open-ended interview approach was used, with each interview lasting one to three hours. Most of the respondents were men because these occupations are male dominated.

A consistent interview method was taken for all respondents. First, the purpose of the research was explained, and then they were asked to give their informed consent to be interviewed, either by phone or face to face. If they consented to the interview, they were again asked if they were content for it to be recorded or preferred notes to be taken. Some interviews were recorded and some not in accordance with interviewees' wishes. In taking the data, since some informants wished

to remain anonymous, a code number was used to label them. After interviews were completed, the gathered data were transcribed and analysed to understand the perceptions and motivation of interviewees.

The interviews showed that refusing the FIR violates human rights such as that to a fair trial, equality before the law and non-discrimination, and weakens the principle of access to justice and negatively impacts the rule of law. Generally, all respondents confirmed that they had encountered unfair dismissal of the FIR. Most respondents said that access to successful registration of the FIR depends on the social, educational and commercial status of informants and victims. Simply put, legal knowledge and wealth of informants played vital roles in this respect, allowing such persons to maintain their rights and effectively accessing registration of the FIR. There were particular cases which were most often rejected for the FIR, according to police respondents. These relate to rape, theft and criminal trespass on land. Several reasons were identified as driving an outright refusal of the FIR:

- Insufficient number of police officers;
- Undue influence of senior officers;
- The perception of a relation between the registration of a particular FIR and an officer's promotion prospects;
- Lack of support and cooperation from other institutions, such as the general administration department;
- Lack of resources, including manpower and vehicles to facilitate the legal investigation;
- Very poor victims and witnesses who have no fixed abode, which challenges an effective investigation.

The rejection of the FIR reduces public trust in the administration of justice and demands immediate measures to address the phenomenon.

The authority of the Myanmar Police Force in the criminal justice system is unlike any other public servant; they remain key participants in ensuring the supremacy of law and its fair application. Therefore, close monitoring has to be established by means of a legislative body producing a set of appropriate and efficient procedures. One challenging but practical solution would be to provide a decent salary and required resources and facilities to police officers to meet a reasonable living standard. Enforcing their mandatory and statutory duty to register the FIR is an important step to reaching the goal of effective access to justice. All complainants and informants who come to the police station to report an offence should be given a copy of the FIR record for transparency.

Protection of Child Labourers in Myanmar: A Case Study in Yangon

Pa Pa Soe (Mawlamyine University)

The issue of child labour is one of the most important facing children today in both developed and developing countries. In Myanmar, children in the workplace face many difficulties, including exploitation and violence. Some of the most significant impacts of child labour include the loss of childhood, a lack of opportunity for children to explore their full potential, loss of education, and exploitation and abuse experienced through labour.

In Myanmar, there are many national laws either directly or indirectly related to the elimination of child labour and the protection of children, but there is no specific law concerning child labour. The principle laws related to child labour are the Shops and Establishments Act (1951), the Factories Act (1951), the Child Rights Law (2019), and the National Education Law (2014). While the Shops and Establishments Act and Factories Act prohibit children under 13 to work in some contexts, they do not cover children working in sectors such as agriculture and the informal economy, where the vast majority of child labour is presumed to occur. Neither law – in their original forms – however complied with the minimum age principles (14 years) laid down in the International Labour Organization (ILO) ‘fundamental’ conventions on child labour (ILO Convention 138, 1973 and Convention 182, 1999). In 2016, both the Shops and Establishments Act and the Factories Act were reviewed and amended, and the minimum age for work fixed at 14 years. Section 359 of the 2008

Constitution of Myanmar prohibits forced labour as a criminal offence punishable by imprisonment or fines as well as Section 367 guarantees the right to health.

Although several International Conventions protect the rights of child labourers, there are three principle ILO conventions: C138 and Recommendation 146 (1973), concerning the minimum age for admission to employment, C182 and Recommendation 190 (1999), concerning the prohibition and immediate action for the elimination of the worst forms of child labour, and the United Nations Convention on the Rights of the Child, which have all have guided issues of child labour. Myanmar has signed and ratified these three conventions.

This paper focuses on domestic child labourers. Families of home-based domestic child labourers are source or destination areas of child labour. Child labourers and their families need to access effective prevention and child rights protection legislation. Research questions driving the study are:

- What are the challenges and barriers to the effective protection of child labourers?
- Is Myanmar's domestic legal framework sufficient to meet international human rights standards of relevance to child labour?

This study reviews secondary data from relevant literature, analyses national and international legal instruments and collects primary qualitative data. Semi-structured interviews have been conducted with eleven relevant key informants, including lawyers, judges, officers of the Social Welfare Department, police officers, child labour experts, and those familiar with the environment in Yangon City development

areas where child labour persists. The paper emphasizes performance indicators for measuring the impact of approaches designed to protect the rights of child labourers in Myanmar. This study seeks to understand the everyday lives of child labourers, their experiences, perspectives and perceptions of their rights, as well as how they face the challenges of efforts to prevent child labour and protect child labourers.

Lawyers and judges were interviewed to understand their experience addressing child labour issues and how to ensure the elimination of child labour. Those police officers and officers of the Social Welfare Department interviewed are the real protectors of child labourers who can share information around the challenges and barriers to addressing child labour issues in Myanmar. Such experts have considerable knowledge of the phenomenon of child labour in Myanmar and can explain its impacts and how to confront the challenges in addressing child labour issues. Those who live in the environments where children work can share the facts of concrete cases which can be analysed and compared with the legal and social issues arising from child labour. This study presents the causal factors, the impacts of the phenomenon of child labour, the interventions and responses currently being proposed to child labourers, as well as the emerging gaps. The paper concludes with potential strategies for intervening in the short and long terms and compares these with the relevant international and domestic legal framework relating to child labour.

The research suggests that, to reduce the phenomenon of child labour in Yangon, larger focused interventions are needed, such as improved housing plans, the development of socio-economic plans for families,

inclusive urban development policies, and an increased number of boarding schools for poor children in both rural and urban areas. The interviews indicate that educational problems, poverty, natural disasters, and family debt are the principle drivers of child labour in the urban Yangon area. Most child labourers find it difficult to attend school because they spend many hours at work and cannot afford to pay bus fares or the expense of other hidden costs for school activities. To address such issues, relevant ministries need to work together with child labourers and their families.

In Myanmar, those seeking to protect children face many challenges to solving these problems. The social backgrounds of these children tend to have a number of interlinked problems. To eliminate child labour in Myanmar, the Government's support is very important: the authorities should conduct a thorough, effective, and transparent investigation of child labour practices and related human rights violations in Myanmar. Moreover, the main problem in preventing child labourers from exploitation is the general public not knowing the law concerning the minimum working age, while many employers are ignorant of the minimum working age and limits on working hours for children. The shared needs of child labourers are food, shelter, health care, vocational training, education, and socioeconomic support.

In answering the second research question, the findings suggest that Myanmar's domestic legal framework needs additional specific provisions related to child labour concerning dangerous work and workplaces in line with international child labour standards, and to implement legal processes effectively. It is necessary to make advocacy and raise public awareness of child labour throughout

Myanmar. To eliminate the phenomenon of child labour requires an effective engagement with communities, and with the real context of child labour, and to ensure timely and effective implementation of child labour protection in Myanmar.

Epilogue: Ways Forward

Louise Simonsen Aaen

The Danish Institute for Human Rights

2020 has been a very unexpected journey in so many ways. While Covid-19 brought extended periods of lockdown to Myanmar and most of the world, closing universities and their law departments, it also brought opportunities – as people could not go about their usual busy lives which often set agendas, tasks, chores and not least the rhythms of life. This is equally the case for the contributing researchers, who have used the extended lockdown periods and university closures to undertake the novel research presented in this publication. The unexpected ceasing of teaching obligations afforded them valuable time to dive deeply into human rights research. For some of the researchers this was their very first experience with human rights research and they witnessed up close how their research significantly deepens understandings of human rights and legal issues as well as of their practical implementation in Myanmar, and enabled exploration of solutions to these.

The in-depth training on research methodology, and the ‘learning by doing’ of the research projects themselves, left a deep impression. Some researchers emphasise that research methodology was in the beginning difficult for them to grasp, as this has not been integrated into LL.M or PhD studies in Myanmar. However, due to the experience gained from the research projects several have already started teaching research methodology and are encouraging students to pursue small scale research of their own. One researcher has told us: “I tell my

students human rights are everywhere,” and several researchers increasingly encourage students to view other law subjects through a human rights lens and critically examine the legal framework.

A window has been opened, affording Myanmar legal scholars time to explore and reach new insights, by seizing the opportunities of a time where academic space and liberties are expanding. This change is noted by several participating researchers, as they explain that before 2012-2014 they would never be allowed to research such topics. While the window of academic liberty appears to be steadily expanding, opportunities gained by time provided by the pandemic will cease when Myanmar and the world (hopefully soon) contain the virus and researchers return to their normal teaching duties. Researchers report that during the normal academic year, they face multiple resource constraints including as a result of their many administrative duties, but that the drastic change in work modalities during the pandemic enabled them to identify structural issues - whether historical, systemic or institutional – whose addressing are important for the future incorporation of research as a discipline in their law departments. Their interest in research has been encouraged, and a contributing researcher believes: “We have to do research forever”. Thus, a significant potential for future human rights research exists within universities and law departments, and this can be unlocked through strategic prioritisation, and organisational and administrative reforms. These will not happen overnight, but the ‘new normal’ and the insights that are emerging will surely support professors and law departments in finding suitable strategies to achieve their research goals.

Academic human rights research is here to stay, and professors and researchers aspire to integrate research methodology courses, increased peer review, the reactivation of university journals and the establishment of ethical review processes for the research undertaken in law departments. Exciting opportunities lie ahead for the academic human rights community in Myanmar, but also challenges in maintaining momentum once life returns to normal. If these are addressed adequately, Myanmar-led human rights research can become a driving force towards achieving both the desired academic levels within law departments and contributing to academically informed policy and decision making that can strengthen rule of law and peacebuilding in Myanmar.

[Denmark will continue their partnership with Myanmar Universities to support the law departments in their further strengthening of Human Rights Education and Research in 2021-2022.]

Research Team Members

International Researchers

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Dr Bencharat Sae Chua is a lecturer at the Institute of Human Rights and Peace Studies, Mahidol University, Thailand. Before she joined the academics, she worked with a non-governmental organization in Thailand working to promote the rights of displaced people from Burma/Myanmar. She developed her interest in Myanmar's politics and human rights since then. Her current research interest is on social movements and contestation on concepts of democracy and human rights, with particular focus on cultural determinations of the ideas. She also works on human rights education and engage in ranges of capacity building for civil society organizations on human rights.

Dr Suphamet Yunyasit is a lecturer in the field of conflict and peace studies, Institute of Human Rights and Peace Studies, Mahidol University, Thailand. She serves as Secretary-General, Religions for Peace-Interreligious Council of Thailand (*RfP-IRC*) and has just been appointed by Thailand's Ministry of Foreign Affairs as Thailand's

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National Researchers

Professor Thi Thi Lwin is a Professor and the Head of the Law Department at East Yangon University. Her teaching career began in 1995 at Dagon University, the largest undergraduate institution in Yangon. She was conferred a PhD degree in Law from the University of Yangon in 2008 for her research on Adoption in Myanmar. She teaches Family Law and Civil Law. While her research interests include Criminal Law, Family Law and Human Rights Law. She has been doing a conducting of research projects on ethnic language rights, administration of justice, religious offences and Family Law, with a focus on adoption and polygamy issues in Myanmar. She has presented her research findings at the University Research Conference, Universities Research Conference (Upper Myanmar), Myanmar Academy Arts and Science Research Conference and Religious Penal Clauses; Colonial Legacies and Contemporary Forum and International Conference on ‘Minorities in Myanmar’ (Germany). She has been actively participating in the establishment of University Human Rights Education at East Yangon University under the Denmark-Myanmar Country Programme, 2016-2020. Currently, she is also undertaking two human rights research projects under the supervision of the Danish Institute for Human Rights relating to cultural rights and judicial independence.

Dr Ei Thandar Swe is an Associate Professor in the Department of Law at Yangon University of Distance Education She graduated from Dagon University with LL.B in 2004, and received her LL.M and PhD from Yangon University in 2006 and 2011 respectively. After graduation she worked at East Yangon University as a tutor from 2005.

She conducted research on: ‘Formation of Contract: A Comparative Overview between the CISG and Myanmar Contract Act’ in 2009 and published ‘International Sale Contract and Title to the Goods’ in the East Yangon University Research Journal in 2010. Her PhD dissertation was entitled: ‘Passing of Property under International Sale Contracts’. In 2013, she authored a paper entitled ‘Foreign Direct Investment Laws and Policies of ASEAN Countries’. She also researched ‘Hate Speech in Myanmar’, supported by the Denmark-Myanmar Programme on Rule of Law and Human Rights in 2019. She presented ‘Hate Speech in Myanmar’ at the ‘Human Rights Research Working Paper Reading Forum’ in Yangon and at ‘Dynamics of Everyday Life in Today’s Myanmar: Interdisciplinary Myanmar Conference 2019’ in Passau, Germany. She has also presented and published it in the proceeding of “2nd International Conference on Social Sciences in the 21st Century” in Oxford, UK. At present, she teaches law to students using an online blended learning system at Yangon University of Distance Education and researches and writes about ‘Freedom of Expression for Journalists’. Her research interests encompass Rule of Law and Human Rights.

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under the constitution of the union of Myanmar’ as departmental research and has one publication ‘Freedom of Expression and Section 66(d) of Telecommunication Act in Myanmar (2019)’ as a co-author.

Daw May Thu Zaw is a Lecturer in the Department of Law at East Yangon University. She received her LL.B Degree in 2006 and LL.M in 2008. She is also a PhD candidate at Yangon University. She teaches human rights law, Myanmar Customary Law and Contract Law. She has conducted research on ‘The Status of Civil Documentation for Dala and Thanlyin Townships in Yangon Region’, in collaboration with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. She attended ‘Lecturer Training on Human Rights Education’ at Mahidol University in 2019, carried out as part of the Denmark-Myanmar Programme on Rule of Law and Human Rights. She participated in the ‘Regional Human Rights Research Initiative 2019 in Thailand and a ‘Roundtable Discussion, 2019’ in Indonesia. These programmes were supported by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. She published the article ‘Inadequate Waste Management in Yangon Region: Health and Environmental Impact’ in the East Yangon University research journal in 2020. As part of the Denmark-Myanmar Programme on Rule of Law and Human Rights, she is undertaking research that addresses human rights issues. Her research interests include business and human rights, the right of access to information, involving indigenous people in decision-making processes for environmental matters, and the impact of improper waste management on the environment.

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Daw Moe Thu received her LL.B and LL.M degrees from Yangon University, where she worked as a tutor in the Law Department from 1993. She also received her Postgraduate Diploma in International Humanitarian Law from Nalsar University, Hyderabad, India in 2006. She conducted research on ‘Indigenous Peoples’ Land Rights under International law’ for entrance to her PhD. At present, she works as a lecturer in the Law Department at Patheingyi University. She is working on the research project ‘Anti- Dumping Measures in International Trade Law’ for her PhD degree. In 2018, she was chosen as a trainee of the Research Initiative Programme ‘Water Rights Management in Irrigation Systems of Myanmar’ by the Raoul Wallenberg Institute of Human Rights to conduct a research project. She has two Publications as sole author and one as co-author:

1. Geographical Indications and Myanmar Perspective (2011)

2. Freedom of Expression and Section 66(d) of Telecommunication Act in Myanmar (2019)
3. Employer's Liability on Health and Safety Environment

She teaches to law students at Patheingyi University in the following areas: International Economic Law and International Trade Law, International Environmental Law, International Humanitarian Law and International Human Rights Law, and Intellectual Property Law.

Dr Mya Moe Khaing is an Associate Professor in the Department of Law at Mawlamyine University. She received her LL.B degree from East Yangon University in 2004, her LL.M in 2006 and her Ph.D. degree in 2011 at the University of Yangon. She has conducted primary research on the issue of “Legal Protection of Rights of the Girl Child against Sexual Abuse in Myanmar”. She attended the paper reading session and the 6th International Conference on International Relations and Development at Chiang Rai, Thailand. She is currently doing research supported by the Denmark-Myanmar Program on Rule of Law and Human Rights.

Dr Pa Pa Soe is an Associate Professor in the Law Department at Mawlamyine University. She received her LL.B degree from Dagon University in 2004 and LL.M (with Civil Law specialisation) from Pyaw University in 2006. She received her PhD from Yangon University in 2016, with a focus on Constitutional & Administrative Law and a dissertation entitled ‘Separation of Powers: Case Study on the United States, Indonesia, Malaysia, and Myanmar’. She was first appointed as a tutor at Pyaw University in 2005. In 2010, she transferred from Pyaw University to Dagon University, where she was promoted to Assistant Lecturer in 2013. In 2016, she moved to be a

Lecturer at East Yangon University, and in 2019 was promoted to Associate Professor from East Yangon University to Mawlamyine University, where she continues to work. She teaches Constitutional Law, Administrative Law, International Institutions, Law of Contract, Civil Law, and Criminal Law. Her research interests are Constitutional and Administrative Law, Environmental Law and Human Rights. She has conducted significant research during her academic career. She presented her research findings at the University Research Conference, Myanmar Academy of Arts and Science Research Conference (MAAS), and Myanmar Universities Research Conference (MURC). Her publications are:

1. Practice on the Doctrine of Separation of Power under the System of Governance: Presidential, Parliamentary and Hybrid System,
2. Separation of Powers: Case Study on the United States, Indonesia, Malaysia, and Myanmar,
3. Academic Freedom of faculty members of Myanmar's Universities, and
4. Rights of Street Children in Myanmar.

Her current research awaiting publication is 'the Theory of Separation of Powers in Achieving Sustainable Democracy in Myanmar'. Her ongoing research includes:

1. Legal Analysis on Pollution Management System in Mon State and
2. Child labor Protection.

She has actively participated in the establishment of University Human Rights Education at East Yangon University under the Denmark-Myanmar Country Programme, 2016-2020. She attended a workshop for Lecturer Training on Human Rights Education, 2019, at Mahidol University, in Thailand supported by DIHR and ICJ. In 2019, she was a trainer for the Eighteen Myanmar Universities Law Teachers' Workshop; CLE Course Refresher Preparation: CLE Community Teaching & CLE Externship and Human Rights Training Workshop. She has conducted three research projects relating to human rights under the supervision of the Danish Institute for Human Rights (DIHR) supported by the Denmark-Myanmar Programme.

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Dr Yu Mon Cho is a lecturer in the Department of Law at East Yangon University. She teaches International Humanitarian Law for fourth-year Law Students (LL.B) and Human Rights Law for first-year Master’s students, with a specialisation in International Law (LL.M). She received her LL.B degree in 2007 and her LL.M in 2012, both from East Yangon University, and her PhD in 2019 from the University of Yangon. Her PhD research was entitled ‘Rights and

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