

Headline	
<b>RULE OF LAW AND HUMAN RIGHTS IN MYANMAR</b>	
Domains of change	
<i>Please mark each domain that is significantly covered within the case study. At least one box should be marked, and as many as appropriate. You should only mark a box if there is reported change, not if it is only expected in the future.</i>	
Changes in the <b>lives</b> of people facing poverty, marginalisation or vulnerability, and/or the realisation of their rights	<input type="checkbox"/>
Changes in laws, <b>policies</b> and practices that affect people's rights	<input checked="" type="checkbox"/>
Changes in the <b>capacity</b> of organisations and communities to support people's rights;	<input checked="" type="checkbox"/>
Changes in <b>partnerships</b> and collaborations that support people's rights;	<input type="checkbox"/>
Changes in the <b>participation</b> of groups facing poverty, marginalisation or vulnerability in their own development	<input type="checkbox"/>
Changes in <b>local leadership</b> and ownership of development and humanitarian work.	<input type="checkbox"/>
Basic Information	
Name of Danish CSO / Implementing partner	<i>The joint venture of International Commission of Jurists (ICJ) and Danish Institute for Human Rights (DIHR)</i>
Name of Southern partner(s)	<i>Office of the Supreme Court of the Union (OSCU), Union Attorney General's Office (JAGO), Independent Lawyers' Association of Myanmar (ILAM), CSOs, the Law Departments of Dagon University, East Yangon University, and Mandalay University, and the Board of Legal Studies (BOLS).</i>
Year of submission	<i>2021</i>
Name of project / programme / approach	<i>Rule of Law and Human Rights</i>
Project / programme period	<i>02/2017 – 12/2020</i>
Country	<i>Myanmar</i>
Constituency	-
Strategic Priorities	<i>Human rights</i>
	<p>The programme supported the key institutions in strengthening their capacities on core aspects of rule of law and human rights and reform in relevant areas. The programme based on participatory approach supporting partners to identify their own needs and priorities and to take the lead in implementation of activities.</p> <p>Human rights law has become a compulsory course for the law students at the law departments of 21 universities in Myanmar.</p> <p>The capacity of the law students at the three partner universities were strengthened, and they were able to establish 'Legal Information Centres' and provided legal advice to the people in the communities.</p> <p>With the programme support and other key development partners, the OSCU launched and implemented the Code of Judicial Ethics and Accountability Mechanisms and published their annual report indicating how OSCU has applied judicial code of ethics.</p>
Context	
<p>After the elections in 2015, the National League for Democracy (NLD) entered into a power sharing government with the military. NLD emphasised the need to improve the application of and respect for human rights in Myanmar governance and justice systems.</p> <p>Based on the consultations with the pertinent branches of the Government, as well as civil society and international experts, the programme was designed to support the key stakeholders in the sectors of access to justice, access to legal education, the application of law in the courts, legislative vetting and drafting, the judicial system and accountability. The programme supported reforms of the judicial system to address human rights violations, improve access to justice and the rule of law, and outlined measures to be taken to ensure that all legislation was guided by the principles of non-discrimination, greater accountability, transparency and justice.</p>	

## CASE STUDY – NOT FOR CIRCULATION

Rule of law reform in Myanmar was in its infancy and the legal education system and profession as well as formal justice sector actors required capacity to function in the reformed justice system. Denmark's support to rule of law and human rights therefore focused on enhancing the capacity of key duty bearers and rights holders to apply and advance rule of law and international human rights standards. This change in capacity continues to exist even after the military coup on 1 February 2021, although its application is uncertain.

### Objectives

**The overall objective** of Denmark's support to rule of law and human rights was to contribute to increased application of, and respect for, international human rights standards and rule of law in Myanmar's justice system. These would ultimately be measured by international indices on adherence to rule of law.

**The intended outcome** of the programme was to assist the project partners in *applying and advancing international human rights standards and rule of law*.

**To achieve the intended outcomes**, the programme delivered training to three universities, introduction of new teaching methodologies, joint research initiatives, scholarship program for faculty members, and a systematic introduction of human rights courses. The programme provided trainings on library management and supported the three universities in establishing human rights resource centres (HRRC) attached to their main libraries. In order to strengthen legal education, the programme piloted the introduction of legal information centres (LIC), where students were able to obtain practical knowledge regarding human rights and legal methods, dispute resolution, mediation and negotiation, and the role of the legal community in supporting access to justice at community level.

The programme provided CSOs and lawyers with the workshops and trainings on monitoring and documenting human rights violations and advocacy, human rights education and awareness, strengthening legal and technical capacities, protecting and promoting rights, advancing human rights through strategic public interest litigation. The CSO partners received support in order to file 6 strategic litigation cases in courts that addressed critical human rights issues.

The programme team supported the OSCU to develop a code of judicial ethics. A series of ICJ-OSCU High-Level Dialogues resulted in a draft code that replaced the obsolete code. In collaboration with the UNDP, the programme supported the implementation and enforcement of the code of judicial ethics as a central document for the foundation of independence of the judiciary. The OSCU launched and implemented the Code of Judicial Ethics and Accountability Mechanisms and published their annual reports indicating how OSCU had applied judicial code of ethics.

The programme supported UAGO to incorporate human rights in decisions and legal drafting, and strengthened their research capacity.

### Change

In 2018, the board of legal study (BOLS) approved human rights law as a compulsory course for 3rd year law students, and adopted a specialized human rights course for the Master students. The programme supported the universities to enhance the capacity of teaching human rights law, using modern teaching methodologies and incorporate relevant human rights aspects in all parts of the legal education. As a result, there were 6651 students enrolled and completing the human rights courses at Bachelor of Laws (L.L.B.) or Master of Laws (L.L.M.) (2017-2020).

With the support of the programme, the partnering universities established Legal Information Centres (LICs) that created an opportunity for the law students to apply their legal knowledge and provided human rights related services to 216 persons in the nearby communities. Stakeholders in Myanmar such as NGOs, pro bono law firms, members of parliament and relevant government departments recognized the work of the LICs by accepting case referrals and providing special talks for capacity development of the LIC members.

The programme reported an 18% increase of law students' knowledge as measured on an annual ex-ante and ex-post survey among students regarding human rights knowledge (measured in 2019).

The programme supported strengthened capacity of the local CSOs and lawyers' networks on protecting and promoting human rights through strategic litigation. The CSO partners supported 6 strategic litigation cases filed in courts that address critical human rights issues. It demonstrated how the CSO partners were able to apply international human rights in the litigation processes.

The Programme together with ILAM supported a dialogue on the amendment of the Bar Council Act and collated different views on what a functioning bar required, the priority provisions that urgently required reform, and what ILAM needed to do to ensure the organization continued to become a professional representative of lawyers in the country. Among 11 advocate Bar council member positions, 5 positions were elected from the ILAM advocate members, which is an indicator of lawyers' trust in ILAM

## CASE STUDY – NOT FOR CIRCULATION

representatives. This followed a formal push of the amendment of the Bar Council Act 1926 that was submitted to Parliament.

The OSCU developed and launched the judicial code of ethics with the programme support in August 2017. The OSCU also applied a training of trainer principle for integrating the Code of Ethics and its commentary into the judicial system in Myanmar to ensure institutionalization of the training capacity. The most notable aspects reported by the OSCU was the increased transparency in relation to complaints against judges and court staff and increased number and types of actions taken, including a new category of 'ethical matters'. (OSCU 2019 Annual Report).

During the partner dialogue, the representatives from the UAGO mentioned that the capacity building support from the programme had helped them increase their focus on capacity development for legislative analysis, vetting and drafting, in relation to human rights.

### Contribution

The programme team worked closely in support of the three partner universities in their establishment and integration of human rights education within the law curriculum. The programme support included the trainings, operational manual and guidance notes to establish and operate both the human rights resource centres and the legal information centres. The human rights researchers delivered trainings and provided mentoring and coaching to the researchers from the three universities.

At the request of the OSCU, the programme supported judges and judicial officers in gaining advanced knowledge on human rights and judicial ethics. The programme team supported the Office of the Union Supreme Court to develop a code of judicial ethics. A series of ICJ-OSCU High-Level Dialogues resulted in a draft code that replaced the obsolete military dictatorship era code. In collaboration with the UNDP, the programme supported the implementation and enforcement of the code of judicial ethics as a central document for the foundation of independence of the judiciary.

The programme provided technical assistance and organised trainings for the UAGO staff members to ensure that laws were scrutinised and vetted, taking into consideration international human rights law and standards. With the programme support, UAGO formed their first research team with 21 law officers to conduct legal and human rights research to inform legislative drafting and policy-making.

With ILAM, the programme concentrated on providing capacity training on strategic litigation, international law and human rights, and gender-based trainings to women lawyers in specific sub-committees.

### Lessons

The main challenge was the Covid-19 pandemic and the programme adaptation required to keep programme delivery on track and achieve the intended outcome outlined in the results framework of the programme. Following closely after the outbreak, the programme quickly reviewed the work-plan and ensured contextual adjustment of the plan in close consultation with all programme partners. The Programme has hence continued critical monthly reviews and adjusted accordingly, and succeed in delivering 99% of the planned activities.

The reform process in the justice sector did not gain the broad and effective momentum that was expected. It was closely related with constitutional reforms, which failed to make progress during the programme period. In addition, several laws called for reforms, while the institutions needed to adapt processes of case management, review and oversight to ensure strong, transparent and accountable justice delivery institutions. The development of the Codes of Ethics and fair trial standards can only be achieved once these standards and mechanisms hold judges, prosecutors, and lawyers accountable.

In response to the significant success in establishing human rights education at the law departments of the Dagon and East Yangon Universities, the programme scaled up its support to Mandalay University and the Board of Legal Studies in the third year of implementation. This also included an extension of training to all librarians from 21 Universities across the country in utilising e-resources, including for studying human rights. The review and adaptation ensured effective use of resources, while the programme remained relevant and addressed core needs and challenges in the implementation context.

### Evidence

- [The Denmark-Myanmar Programme on Rule of Law and Human Rights | The Danish Institute for Human Rights](#)
- [Denmark-Myanmar Programme on Rule of Law and Human Rights](#)
- [1617713945judicial\\_ethicsmyan.pdf \(unionsupremecourt.gov.mm\)](#)
- [Union Supreme Court - Strategic Planning](#)