

Advocate Together

TOOLKIT FOR
CIVIL SOCIETY
ORGANIZATIONS
IN MYANMAR

TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....	3
INTRODUCTION	4
HOW TO USE THE TOOLKIT?.....	4
ADVOCACY DEFINITION	5

SECTION 1: ADVOCACY STRATEGY

Model advocacy strategy – land confiscation scenario.....	8
1.1 THE GOAL OF YOUR ADVOCACY.....	10
Problem analysis.....	10
Overall goal	10
Short-term goals	11
1.2 TARGET AUDIENCES	12
Stakeholder analysis.....	12
Primary and secondary target audience.....	13
1.3 ADVOCACY MESSAGE.....	15
Message preparation.....	15
The problem (and its effects/impacts).....	15
The cause of the problem.....	16
The solution	16
Tips for your message.....	16
Tailoring your message	17
1.4 GAINING SUPPORT FOR YOUR ADVOCACY	17
Support from target audience	17
Coalitions and partnerships.....	18
1.5 ADVOCACY TOOLS	20
Messengers	20
1.6 RESOURCES FOR YOUR ADVOCACY	21
1.7 RISK ASSESSMENT AND CONTINGENCY PLAN	21
SWOT Analysis.....	22
1.8 MONITORING AND EVALUATION	23
1.9 FEW MORE TIPS BEFORE YOU BEGIN	23
Four Cs of advocacy	23
1.10 FIRST STEPS.....	24

SECTION 2: ADVOCACY ACTIONS AND TOOLS

2.1 MEDIA RELATIONS	26
Press release.....	26
Email alert	29
Press conference.....	30
Photographs	31
Audiovisual materials	33
2.2 AWARENESS RAISING ACTIVITIES AND PUBLIC CAMPAIGNING	35
Leaflet	35
Newsletter.....	36
Online tools	38

Weblog	38
Social Media.....	39
Direct action	40
Happening.....	41
Community street drama.....	42
Flash mob.....	42
2.3 LOBBYING	44
Policy and legislation analysis	44
Influencing policy or legislation change	45

SECTION 3: HUMAN RIGHTS – ISSUES FOR ADVOCATES

3.1 INTERNATIONAL STANDARDS OF HUMAN RIGHTS	47
Basic principles.....	47
Human rights as part of the legal framework	49
Monitoring the adherence to human rights – international complaint mechanisms.....	50
Other international human rights related mechanisms	52
Regional human rights instruments.....	53
Human rights-based approach – merging human rights and development.....	53
3.2 HUMAN RIGHTS – LEGAL FRAMEWORK IN MYANMAR.....	54
Overview	54
Human rights and development monitoring in Myanmar	54
3.3 SELECTED HUMAN RIGHTS – A CLOSE PERSPECTIVE.....	57
Freedom of assembly and association.....	57
Rights of marginalized people	57
Participatory peace process	58
Freedom of association.....	59
Freedom of assembly.....	61
Children’s rights	63
Women’s rights	66
Land rights.....	70
Participatory peace process	73

ACKNOWLEDGEMENTS

This toolkit could not have been developed without the contribution of two advocacy institutions of major importance in Myanmar, Altsean-Burma and Equality Myanmar. We would therefore like to thank both organizations, especially Debbie Stothard from Altsean-Burma and Aung Myo Min from Equality Myanmar for sharing their materials and their consultations on this toolkit, as well as their input in its revision.

We would also like to thank our partner organizations in Kayin, Mon, Shan, Kachin and Rakhine States and in Mandalay Region for sharing their views and voicing their needs on relevant advocacy issues. These are namely:

Kachin State:

HTOI Gender, Humanity Institute, Kachin Baptist Church, Kachin Women Union, Kachin Legal Aid Network, Kachin State Urban Rural Mission, Kachin Women Association Thailand, KMSS Kachin, Mingalar Foundation for Development, Myikyina Zone Lisu Baptist Association, Shalom Kachin State, Shan Lit, Sha-it, Sui Bawn Ring, Technical Advisory Team

Karen State:

CSDD – KBC Umbrella, Kayin 88 Generation, Kayin Development Network, Kayin Women Network, KWEG

Mandalay Region:

3N, Alingone Education, Amara Thakka Charity Clinic, Brahmaso Humanitarian Organization, CAN, Farmers Network Initiative, House of Mother, Kalay Chitthu Myar Network, Loka Ahlinn Mandalay, LRC Mandalay, Myattar Yadanar, Peace and Justice Social Network, Satumeikta Pala Thingaha Thamaka, Smile, Yan Kin, YES, Youth for Social Change Myanmar, YMCA Mandalay

Mon State:

Ar Man Thit, Ceasefire Monitoring Group, JES/HURFOM, LRC Mandalay, Mawlamyanig Volunteer Youth, Mon regional social development, Mon youth education organization, MSDN, MYPO, National Enlightenment Institute (NEI), Rahmonnya Peace Foundation, Satanar Shin Youth Group

Rakhine State:

CCF, Human for Peace, Rakhita, PSAI, Young Chi Thit

Shan State:

88 Generation Shan State, Demo, Karuna Foundation, Du Da Nu, Helloe, Kaung Rwai, Karuna Foundation, Loka Ahlinn – Shan State, Myitta Mon, PPDP, Schwe KBZ, Shwe Lu Pae, Summer Shelter, Yoma Ahlinn

Published by:

People in Need
November 2014

INTRODUCTION

This toolkit is designed to offer a comprehensive set of advocacy strategies and tools for advocates in Myanmar. Advocates can be individuals, communities, civil society organizations, or any other institution advocating for democratic and participatory development in Myanmar. The toolkit is aimed to serve above all local and regional civil society organizations based in Myanmar's regions and ethnic states. Many of these groups have already been involved in advocacy activities, particularly in grass-roots level in their communities. This toolkit shall serve as a tool to enhance their work and support them in their future endeavours.

In order to identify advocacy issues that are of utmost importance for these groups, we collected information from approximately 70 groups from six target regions. These findings were the basis for developing this toolkit.

The toolkit is divided into three main sections:

Section I explains what an advocacy strategy is and how to develop one. You will learn what you need to consider when planning and implementing any advocacy measure. Besides presenting a general advocacy strategy based on the *9 questions methodology* developed by the Advocacy Institute, we also show you a practical example of how an advocacy strategy can be developed.¹

Section II introduces some frequently used advocacy actions and tools. It shows you the types of instruments that can be used when reaching out to pressure makers as well as decision makers. The section guides you step-by-step in a hands-on application and provides many practical tips.

Section III provides background information on selected human rights – topics that were identified as most important for advocacy work by civil society organizations in six regions. This section starts with a general introduction to human rights as instruments of international law. We then describe the selected rights and compare the international standards and the situation in Myanmar. These rights include rights of assembly and association, child rights and women's rights, land rights, and participatory peace processes. You will also find case studies showing what advocating human rights topics might look like.

HOW TO USE THE TOOLKIT

This toolkit is intended mainly for PIN's partner organizations in the divisions and ethnic states of Myanmar. Most of these organizations focus on grass-roots level activities. However, this toolkit can also be used by nationwide organizations, individual human rights defenders, other campaigners, students, or anybody interested in human rights, advocacy, or communication.

You do not need to read this toolkit from beginning to end. You will probably benefit more if you take just parts that are useful for you. However, if you work with the book during a longer time period, you can use it step-by-step during the preparation, implementation, and evaluation of your advocacy

¹ Advocacy Institute: Advocacy Resource Handbook, <http://www.ngoconnect.net/documents/592341/749044/Advocacy+Resource+Handbook>

activity. Keep in mind that it is up to you to decide which parts are useful for you – the toolkit is designed to support your plans, with the resources that are available for you. You do not have to do it all – we would rather you do less – so long as you do it well.

The toolkit will:

- Help you to analyse the roles of stakeholders in your advocacy
- Help you to define your goals and shape your message
- Give you ideas and inspiration on tools for your advocacy
- Help you to assess and determine the best use of available resources
- Give you an insight into human right standards and the situation in Myanmar
- Show examples of successful advocacy campaigns

ADVOCACY DEFINITION

Advocacy is one of the tools that can change the impossible to possible. Ideas that were once considered impossible can happen, thanks to advocacy. Many important changes in the past happened due to advocacy movements – among them was the abolition of slavery in the 18th century in the United States of America, or the suffragette movement on women’s rights in the United Kingdom at the beginning of the 20th century. Advocacy goals can be achieved through a combination of different approaches, including working closely with decision makers, lobbying, or raising public awareness of an issue.

There are many different definitions of advocacy. Most of them include at least some of the following features:

- Acting on behalf of someone in order to improve his or her situation
- Analysing problems and finding solutions
- Fighting for revocation of restrictive legal frameworks and policies
- Reforming institutions
- Diminishing gaps in power relations
- Empowering those who have less power, in particular marginalized people
- Ensuring participation
- Changing attitudes and behaviours
- Informing duty-bearers and rights-holders on important issues
- Strengthening civil society and democracy

Advocacy can target citizens as well as governmental institutions. According to the human rights framework, all people in the world have fundamental rights; everyone is a **right holder**. Governmental institutions have the obligation to enable the people to enjoy these rights. They are **duty bearers**.

Targeting **duty bearers** may include efforts aimed at changing the legal framework, developing policies, and the implementation and enforcement of laws and regulations imposed by the state. Targeting **right holders** may include awareness raising and training on human rights, encouraging communities to participate in processes that are relevant for them, and changing attitudes and behaviours hampering enjoyment of human rights for all, etc.

This toolkit aims to serve civil society organizations based in Myanmar’s regions, especially in the ethnic states. While the toolkit provides ideas and tools to make advocacy at a national level possible, we know that many of our partner organizations work at the grass-roots level. Their work includes promotion of the rights of marginalized groups, such as women and children, or that of people facing land confiscation and eviction. Many organizations are striving for more public participation in the peace process. Issues related to freedom of association and assembly are important for all groups. We, therefore, focus this toolkit especially on issues of relevancy for regional civil society organizations, and understand advocacy in its broad definition as “**any deliberate measure targeting duty bearers or right holders with the aim to – directly or indirectly – change laws and policies for a better protection and promotion of human rights.**”

Civil society groups have a crucial role to support all actors to learn about, defend, and promote human rights. Public engagement and involvement in a transformation process is very important. **Advocacy approaches should include a variety of people.** Advocacy is not an elite lobbying approach by only a small group of actors, but rather an activity that should involve as many people as possible. Public participation in advocacy helps to hold governmental authorities accountable. This is important not only at national but also at local levels.

Advocacy is being used in all countries around the world in **many situations**:

- It is used to **fight poverty and contribute to the social and economic development** of people suffering from poverty.
- It is used in countries with restrictive systems in order to **fight for civil and political freedoms** of people.
- It is used to **stop discrimination of marginalized people**, such as children, women, people with disabilities, low-wage workers, and social minorities, such as LGBTs or ethnic and religious minorities.
- Last but not least, advocacy is also being used to **promote peace and reconciliation** in countries that have suffered from armed conflict.

In the Myanmar context, all of these aspects are important. Myanmar has suffered from decades of political oppression and military dictatorship. Although the Myanmar government has embarked on a series of reforms since 2010, the reforms have just started and there is still a lot to be achieved. Myanmar is a country where marginalized groups face difficulties to claim their fundamental rights. It is a country with no ceasefire agreement signed on national level, with fragile cease-fires in many ethnic areas, and with on-going armed conflict in other areas. Last but not least, Myanmar is a country with millions of people living in poverty. The common feature among these situations is that a systematic promotion and protection of human rights is not yet guaranteed. Sustainable development and a successful transition in Myanmar will not succeed if these rights are not respected and protected.

SECTION 1:

ADVOCACY STRATEGY

This section deals with developing an advocacy strategy. You will learn what you need to consider when planning and implementing any advocacy measure. This section is based on the *9 questions methodology* developed by the Advocacy Institute.²

These 9 questions include:

- What do we want? (goals)
- Who can give it to us? (audiences; key players; or power-holders)
- What do they need to hear? (messages)
- Who do they need to hear it from? (messengers)
- How can we get them to hear it? (delivery)
- What do we have? (resources)
- What do we need to develop? (gaps)
- How do we begin? (first steps)
- How do we tell if it's working? (evaluation)
- How do we deal with risks? We included this question as advocacy in a context such as Myanmar can bear serious risks. This should be taken into consideration when planning advocacy.

You can see the questions in the following graphic. It shows that carrying out an advocacy measure is similar to the project cycle management you know from your work. In general, we speak about two different stages – the planning phase and the implementing phase.

² Advocacy Institute: Advocacy Resource Handbook, p. 32, www.ngoconnect.net/documents/592341/749044/Advocacy+Resource+Handbook

IMPLEMENTING YOUR ADVOCACY

PLANNING YOUR ADVOCACY



MODEL ADVOCACY STRATEGY – LAND CONFISCATION SCENARIO

To give you a practical example of an advocacy strategy, we developed a fictitious land confiscation story. The places, institutions, and persons in this story are not real. Yet similar cases can – and do – happen in Myanmar. Below, we present the story. In the following subchapters you will be able to see how the problem inspired advocacy.

LAND CONFISCATION SCENARIO IN YAE KYI THIT

1. THE STORY

In 2009, farming families living in Yae Kyi Village, in the south of Thein Valley, were forced from their lands by the Tatmadaw to make way for a railroad project. The military told the families they needed to leave their homes before scheduled demolition of the area began. Two bulldozers arrived, and soldiers went door-to-door forcibly removing people from their homes, marching them to the border of the land that would be used for the railroad. Their homes were leveled, their fields run over by the bulldozers, and the military erected fences around the confiscated land.

The families moved 8 km further north into Thein Valley, and settled there – even though it was far from local schools and health clinics, had no water or sanitation infrastructure, and was not on any local transportation routes. The land was not being used, and was large enough for all the families to have space for a home and land for farming. Without resources, the farmers and their families had nowhere else to go. They called their new village Yae Kyi Thit.

Five years later, in January 2014, the military came to Yae Kyi Thit and informed villagers that the land had been sold by the Government to Zay Win Shein Holdings, and would be the site of the new Narathu Industrial Zone. Over the past five years, Yae Kyi Thit had grown as more people who had been displaced when their lands were confiscated and bulldozed for the railroad. Except for fences

built around the confiscated land, no construction had been done on that project. The military offered 30,000 kyat for each acre of land in Yae Kyi Thit and ordered the families to leave immediately. One of the farmers, Nauk Toe, said that their farms were worth more than 30,000 kyat per acre. Nauk Toe and two other farmers were beaten and arrested. Soldiers forced the families from their homes, demolished the buildings, and ran over the fields.

Protest I:

The next week, the villagers marched to the Thein Valley Township Administration Office to demand fair compensation for their lands and release of the three arrested farmers. The Township Administration Officer refused to meet with the villagers, and threatened additional arrests because they did not have an assembly permit. The villagers marched to the local office of Zay Win Shein Holdings, to protest the company's taking of their homes and farms. One representative of Zay Win Shein Holdings came out and told the families that the company had rightful ownership of the land, allocated to them by the Township Agriculture and Irrigation Office and the Myanmar Investment Commission, and that they had already paid for the land and did not need to pay the farmers. The police came and broke up the demonstration, arresting nine more people. The families returned to Yae Kyi Thit.

Protest II:

One week later, Nauk Toe and two of the arrested farmers were released and returned to Yae Kyi Thit. Several of the farmers decided that since they could not farm, there was no way for them to feed their families or earn a living, that they would visit the Thein Valley Township Administration Office each day for the next month, to meet with officials from the Township Administration, the Township Agriculture and Irrigation Office, and the Myanmar Investment Commission to demand return of their lands, fair compensation, and release of the other villagers.

After two days of demonstrating at the Township Administration, officials continued to ignore the farmers gathered outside their offices. On the third day, police dispersed the protest, and arrested 10 more of the farmers for 'inciting unrest.'

Organizing:

After this most recent round of arrests, a local human rights lawyer, Myo Myat visited the farmer's settlement, and met with Nauk Toe and several of the other farmers who were not in jail. In total, 19 villagers from Yae Kyi Thit were still in detention. Myo Myat talked with the farmers about the new Farmland and Vacant, Fallow, and Virgin Lands Management Laws, and how the community of Yae Kyi Thit had a case for compensation, and possibly for the return of their confiscated lands. The farmers agreed to meet with members of the Farmers' Network Initiative to learn more about their rights, an NGO that supports land rights claims, Myanmar Green Rights Coalition, and to make a plan to continue working to get their land back.

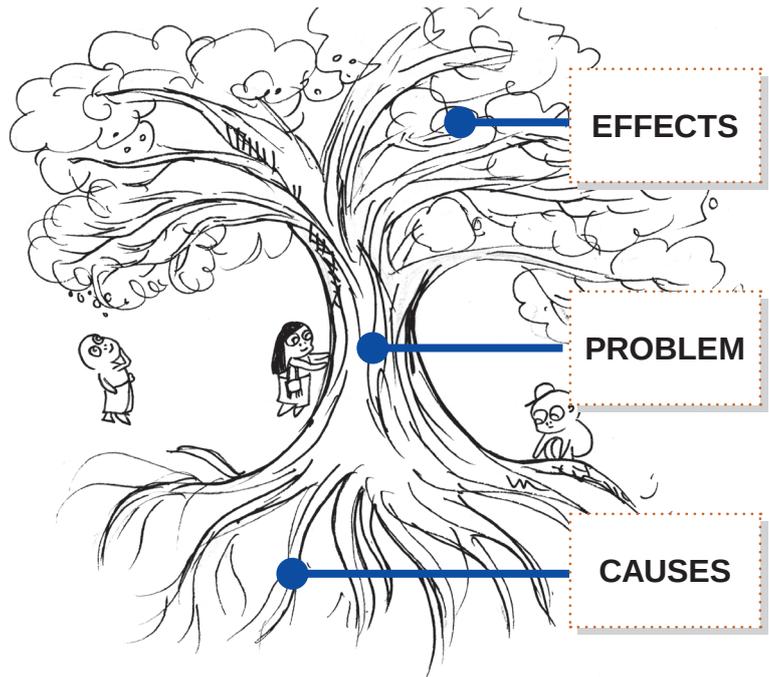
Myanmar Green Rights Coalition began documenting land seizures in Thein Valley three years ago and has started to organize a large demonstration in Nay Pyi Taw to pressure the government to respond to demands of farmers displaced by land confiscation for development projects. The Yae Kyi Thit farming families joined other displaced people from eight other townships in Thein Valley to advocate for the release of their fellow villagers in detention, return of their farmlands, and fair compensation for the homes, crops, and income they have lost over the past five years.

1.1 THE GOAL OF YOUR ADVOCACY

Any advocacy effort must start with a clear idea of what you want to achieve. It means that you need to define your overall goal. Before defining it, you need to analyse the key problem that you would like to address and its underlying causes and effects. The better you analyse the problem, the easier it will be for you to tackle it.

PROBLEM ANALYSIS

In order to analyse the problem in detail, you can use the tree problem analysis method. The trunk describes the problem, the roots of the tree describe the different causes of your problem, and the leaves are the effects. For example, the cause of the problem can be related to restrictive legislation and policy regulation or absence of rule of law. For example, the problem is farmers losing their land. The causes of the problem are restrictive legislation and absence of rule of law. The effects of the problem can be poverty, detention, deprivation, and lower decision making power.



When conducting the tree problem analysis, the most difficult part is to identify the cause(s) of the problem. Try to identify tangible causes and be as specific as possible. After acknowledging the causes of your problem, you can think of what solutions exist and which of these solutions are achievable.

OVERALL GOAL

Ask yourself – what solution is achievable by your advocacy? The answer should be the same as the overall goal of your advocacy.

Identification of the problem
(tree problem analysis)

Identification of the overall goal
(solution)

Identify short term goals to reach overall goal

SHORT-TERM GOALS

In most cases, advocacy requires many steps before the overall goal can be achieved. These steps are called short-term goals. To find out what your short-term goals are, ask yourself what steps you need in order to reach your overall goal. There can be more than one short-term goal, and each short-term goal can have different deadlines.

Short-term goals will be reached earlier than the overall goal. For example, if there has been an environmental disaster caused by pollution from a chemical factory, the short-term goals are often related to helping the victims of the disaster or related to the steps towards the overall goal of policy and legislative changes that would help to ensure that such a catastrophe would not happen again.

Remember the land confiscation scenario in Yae Kyi Thit village? Here you see how planning the advocacy strategy started, using the methodology that has just been described.

LAND CONFISCATION SCENARIO IN YAE KYI THIT

2. DEFINING ADVOCACY GOAL

To make an advocacy plan, Myanmar Green Rights Coalition visited each of the nine displaced farming communities and invited members of the communities to a planning meeting at a local monastery. During the planning meeting, members of the different communities shared their experiences, and learned that no one had had any success in meeting with the Thein Valley Township Administration Office. In the previous six months, nearly 30,000 acres of land had been seized in Thein Valley, with more than 300 people arrested for protesting the land confiscations, and no reports of any township officials meeting with any farmers about these issues. None of the villagers had received any assistance for WASH infrastructure, health care, or schools. The farmers decided that continuing efforts to meet with the Thein Valley Township Administration Office would not be successful, and committed to directing their advocacy actions toward officials in Nay Pyi Taw.

Through the course of the planning meeting, Myanmar Green Rights Coalition and Myo Myat worked with the farmers and their families to define their **advocacy goal**, through **problem analysis**, and identifying both the **overall goal** and **short-term goals**:

Problem analysis:

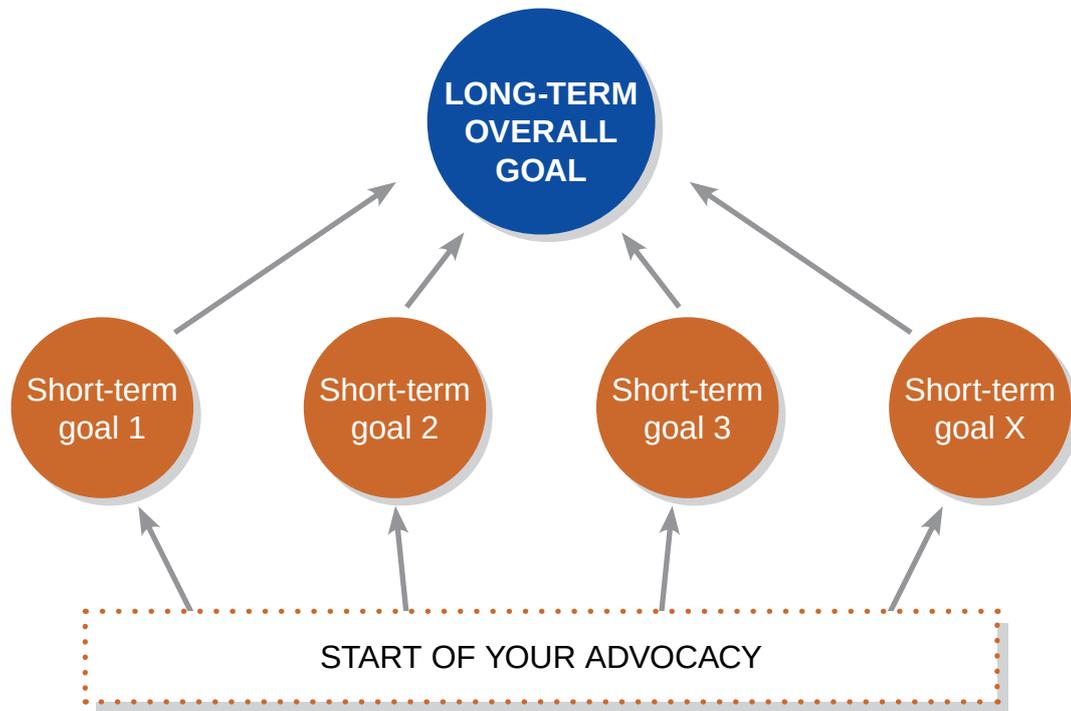
- Farming communities displaced by land confiscation and left homeless
- Lack of understanding of farmers' legal rights
- Corruption
- Lack of laws protecting land rights
- Weak institutions managing land rights
- Unfair land management laws favor government and businesses over local people

Overall goal:

- Return land to farmers
- Strengthen rule of law against land grabbing
- Change laws to protect land rights of ordinary farmers

Short-term goals:

- Get detained farmers released
- Communication with government and township officials, Zay Win Shein Holdings stakeholders, and other people who can influence situation
- Secure social and economic protection and support for the farmers' everyday survival
- Award fair compensation to farmers for confiscated lands



TIPS:

- Do not try to set an overall goal that is too ambitious (for example to install flawless democracy in the next one year)
- Do not target the Government, but rather its policies
- Always set deadlines for both your short-term goals and the overall goal

1.2 TARGET AUDIENCES

After you analyse in detail the goal of your action, you need to think about who is linked to your advocacy and how – you conduct the **stakeholder analysis**. This is a simple tool that will make your work more focused. It helps you to see the stakeholders' stance on an issue while giving you a clear picture of possible allies and opponents. It also helps you to see how stakeholders may use their power and influence on each other. After you know all people, organizations, and institutions involved in the issue you are trying to tackle, you select those who you will target by your advocacy – **your target audience**.

STAKEHOLDER ANALYSIS

A stakeholder is a person, group, or institution connected to the goal of your advocacy. It can be someone who has something to gain or lose by your advocacy action. Stakeholders belong to one of the following categories – private sector stakeholders, public sector stakeholders, and/or civil society stakeholders. Stakeholders can be involved negatively or positively, as opponents or supporters.

The stakeholder analysis has the following steps:

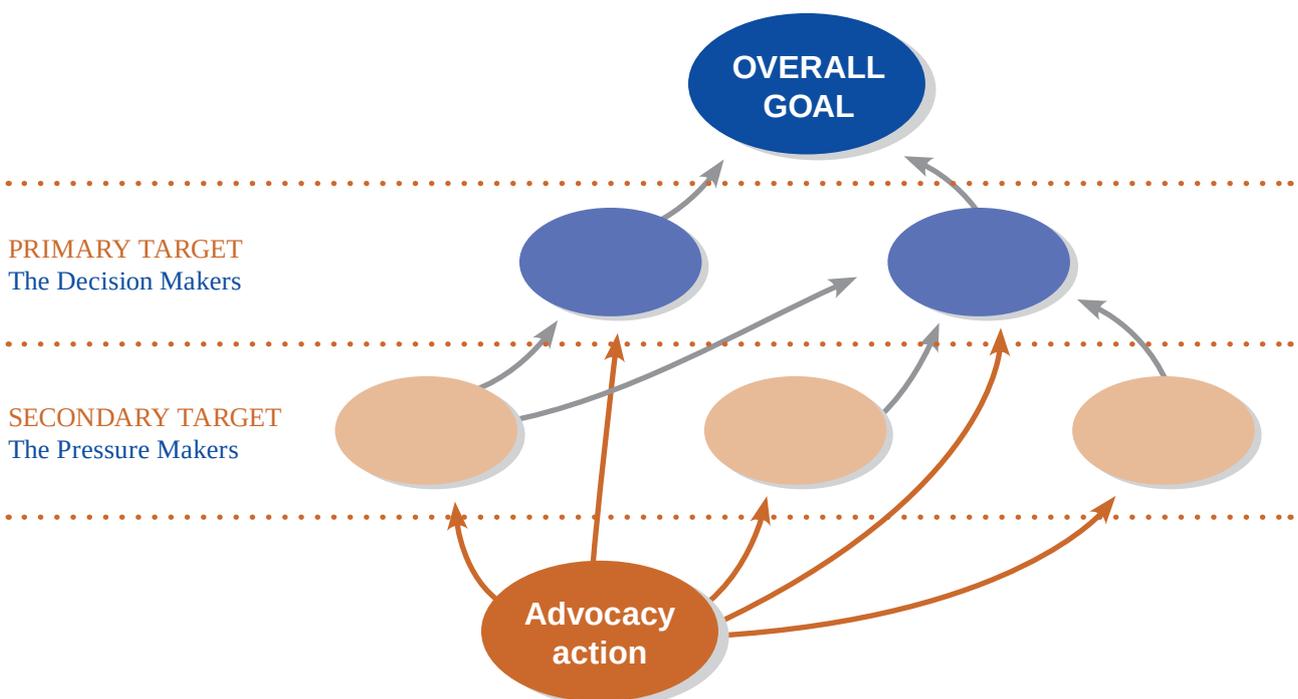
- The general identification of stakeholders
- Analysing their interests
- Assessing their support or opposition
- Assessing their influence and importance.

PRIVATE SECTOR STAKEHOLDERS	PUBLIC SECTOR STAKEHOLDERS	CIVIL SOCIETY STAKEHOLDERS
<ul style="list-style-type: none"> ▪ Corporations and businesses ▪ Business associations ▪ Professional bodies ▪ Individual business leader ▪ Financial Institutions 	<ul style="list-style-type: none"> ▪ Ministers and advisors (executive) ▪ Civil servants and departments (bureaucracy) ▪ Elected representatives (Legislature) ▪ Courts (Judiciary) ▪ Political parties ▪ Local governments/councils ▪ Military ▪ International bodies (World Bank, UN) 	<ul style="list-style-type: none"> ▪ National and international NGOs ▪ All CSOs and CBOs ▪ Media ▪ Churches/Religion ▪ Schools and Universities ▪ Social movements and advocacy groups ▪ Trade unions

PRIMARY AND SECONDARY TARGET AUDIENCE

Once you have mapped the stakeholders you can identify the target audience that will be most able to help you achieve your goal. Who are the people who have the power to make the change and who are the people who can pressure those in power?

In general, we talk about **two types of target audiences – primary and secondary**. The primary target audience is the one in power to make the change (**decision makers**), whereas the secondary target audience can pressure the primary target audience (**pressure makers**). In many cases the primary target audience is dependent on the secondary target audience (members of parliament are dependent on their voters/the general public).



The general primary or secondary target audiences could be:

PRIMARY TARGET AUDIENCE

- Decision makers
- Policy advisers
- Government representatives and officials
- Policy leaders
- Religious and community leaders

SECONDARY TARGET AUDIENCE

- Journalists
- Community groups
- International and local companies
- UN agencies/INGOs/CSOs
- National or international media
- Public

Have a look at the Land Confiscation Scenario in Yae Kyi Thit. How did the groups identify their target audience?

LAND CONFISCATION SCENARIO IN YAE KYI THIT

3. IDENTIFYING TARGET AUDIENCE

Once the group had agreed upon their advocacy goal, they identified the **target groups** of their advocacy, using **stakeholder analysis** to determine their **primary target audience** and **secondary target audience**:

Stakeholder Mapping:

- | | |
|---|---|
| ▪ Township Administration Office | ▪ Township Agriculture and Irrigation Office |
| ▪ Township Administrative Officer | ▪ National Agriculture and Irrigation Department |
| ▪ Land Confiscation Investigation Committee | ▪ Parliamentary Representatives |
| ▪ Myanmar Investment Committee | ▪ CSOs |
| ▪ Farmers | ▪ NGOs |
| ▪ Media/ Journalists | ▪ Zay Win Shein Holdings – Company managers, employees, shareholders, investors |
| ▪ USDP Party | ▪ NLD Party |
| ▪ Parliament | |

Primary target audience – groups or individuals in power to make changes to solve problem

- Township Administrative Officer
- Zay Win Shein Holdings Company

Secondary target audience – groups or individuals that can pressure the primary target audience

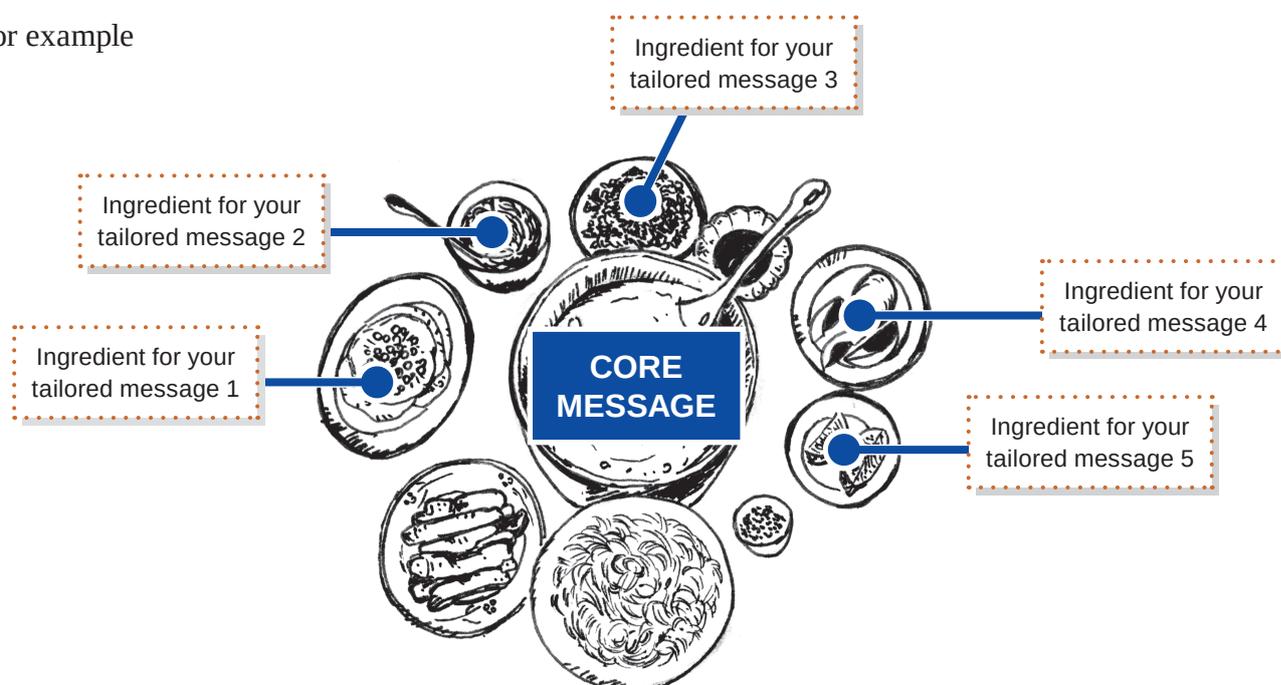
- Media
- Parliament
- Land Confiscation Investigation Committee
- Agriculture and Irrigation Department

1.3 ADVOCACY MESSAGE

You know your goal, you have identified and analysed the stakeholders. Now you need to develop your message. The **advocacy message** is a concise and persuasive statement about your advocacy goal that captures **what you want to achieve, why, and how**. Every campaign should have a core message. It is the key component that helps you to reach the ultimate goal of your action and to unite your movement. Besides the core message, several supporting messages can be tailored to the different target audiences.

The **supporting (or tailored) messages** should link your audience to the issue, build passion, and broaden support for your action. Supporting messages often talk about how the objective will be met, how much it will cost, and the methods by which it can succeed. You can tailor the message according to your target groups and the situation. However, the core message cannot be changed. It is like the “rice” at every meal. You can have different types of curry to cater to the guests at different meals (tailored messages), but you must always have the rice (core message).

For example



MESSAGE PREPARATION

For developing your core and supporting messages, you need to speak to your audiences about the problem, the causes of the problem, and the solution to the problem. You learned this analysis already in chapter 1.1.

THE PROBLEM (AND ITS EFFECTS/IMPACTS)

When you describe a problem to the audience, it is important to focus on how people are affected. You need to explain who is affected and how badly. Try to touch people’s hearts and minds: describe the problem by giving examples of real people. You should also speak about the impacts of the problem and what would happen if the problem is not addressed properly (e.g. due to land confiscation, people need to move, lose their source of income, cannot support their families, etc.).

THE CAUSE OF THE PROBLEM

In chapter 1.1 you have identified the fundamental causes of the problem for yourself. When talking to your target audiences, do not overwhelm them with the complexity of the causes of the problem, but rather focus on the most urgent causes of the problem. For your advocacy activities, focus on causes that are smaller than the problem. This way some target audiences may be less afraid to join in your advocacy. For instance, highlight specific policies or laws rather than the whole political system of Myanmar. If you say the whole system is the cause, many people will think it is too difficult to find a solution, and will not see what their support could achieve.

THE SOLUTION

When preparing your core message, come up with a solution. It is crucial to emphasise that there is a solution. If you neglect to do so, people will not want to follow you, and will feel unmotivated and disempowered. It is good to highlight the easy steps that can be done quickly, and then later tackle the harder tasks, because immediate solutions and steps are part of the long-term solution. Do not overwhelm the people with too many solutions; do not give them too many things to do. Try to be specific and simple, as in the example from Yae Kyi Thit.

TIPS FOR YOUR MESSAGE

When you prepare your message, be strong and clear. It is crucial that your message is easy to understand. If you only have limited time, focus on the most important points first. It is better to have a message that is short and simple to grab people’s attention. People usually do not have the time to read reports or long texts. However, if you are able to grab their attention, they will become interested to learn more. For example, look at the pictured ice cream cones. If you had 3 ice cream cones

TIP: In the analysis, include the economic value of the problem. Highlight the urgency of the problem: is there a type of deadline? Example: If the people displaced by the landgrab do not get safe places to stay before the rainy season, many children and elderly from that group will become seriously ill.

LAND CONFISCATION SCENARIO IN YAE KYI THIT

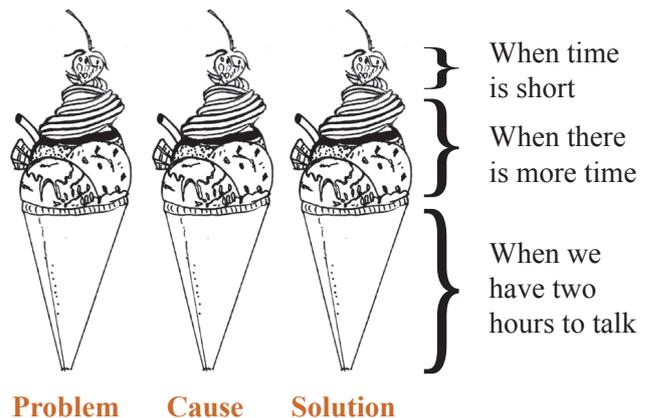
4. DEVELOPING ADVOCACY MESSAGE

After identifying their target groups, Myanmar Green Rights Coalition worked with the farmers’ to build their **advocacy message**:

- **The problem:** Farming communities displaced by land confiscations were left homeless
- **The cause of the problem:** Unfair land management laws that favor government and businesses over local people
- **The solution:** Change laws to protect the land rights of ordinary farmers

Core message: Myanmar Green Rights Coalition and the Farmers’ Network of Their Valley want to change laws to protect land rights of ordinary farmers (**solution**) to return lands to farming communities displaced by land confiscations and left homeless (**problem**) which is caused by unfair land management laws that favor government and businesses over local people (**cause**).

The most important points at the top first!



and only 3 minutes to eat them, would you eat one ice cream cone and throw the rest away? No. Most of us would try to eat the chocolate and cherries of all the ice cream cones first and then try to eat the rest if time remains. That is why we need to find the chocolate and cherry of our message to attract our audience's attention and concern first.

TAILORING YOUR MESSAGE

After constructing your core message and knowing your target groups, you should tailor your message to specific targets. This is a very effective tactic, but do not try to create too many tailored messages; rather, be disciplined when deciding which specific targets are the most strategic to ensure success of your campaign. You must use the right language to fit the background and interests of your target group.

1.4 GAINING SUPPORT FOR YOUR ADVOCACY

Gaining support for your advocacy is a crucial part of your advocacy effort. In general, we can talk about **two types of support** – one that comes **from your target audiences** and the other that comes **from your partner organizations or networks**. The first part of this chapter is devoted to the nature of gaining support from your target audiences, and the second part focuses on strengthening your movement.

SUPPORT FROM TARGET AUDIENCE

As an advocate you need to get people on your side. The best way to gain support is to find out as much information as possible about your target groups. It is very common at the beginning of an advocacy action that people are not interested, and you need to convince them to join you. How should you do it? The most important factor is to know their interests and use that to your advantage. Your target audiences might support you if:

- **It is easy for them to do so.** Many people say no to something because just because it is too difficult or inconvenient for them. Therefore, you need to find ways to make it easy for people to support you.
- **They get direct or indirect benefits out of their support.** For instance, they may get gratitude, respect, or popularity, or they can help someone who is close to them.
- **They like you.** People will be more likely support your cause if they trust you, like you, or admire you. In order to be trusted and liked, you need to develop your personal and/or organization's credibility and maintain an ongoing contact or partnership with the people around you.
- **They care about your goal.** Many people naturally care about something they feel strongly about, for example, children. It is good to use personal language by telling simple stories and providing real-life examples. Make people feel that your advocacy impacts them, their children, their relatives, and their community.

- **It fits with their identity, goals, philosophy, or opinion.** In order to get people on your side you need to know common interests and priorities, or you need to be able to describe your goals in the context of their priorities.

For example, land grabbing: Most of our traditional allies may be farmers' groups, political groups, or even environmental groups. However, in the international community we see that the women's movement has a very strong influence too. Therefore, we can try to tailor our message to highlight how women are affected by the problem. We can also highlight women leaders and spokespersons in the anti-landgrabbing movement who are trying to solve the problem. It will then be more likely that the women's movement will see that supporting the anti-landgrab movement is part of the broader empowerment of women.

- **It is their job.** Some actors, especially governmental authorities, have the obligation to protect the wellbeing of people. You need to convince them that your action is actually a part of their duty. When dealing with authorities, make sure to be as diplomatic as possible, at least in the beginning. Help them see that being proactive on this issue is part of their job or responsibility.
- **It is their legal obligation.** Everyone has to respect the law. This applies also for international companies. People and companies can be sued for doing harmful things outside of their country. This means that you should know as much as possible about the laws or rules affecting your targets and the issue you are working on.
- **They are afraid of negative consequences.** Some actors might lose their power, mandate, money, or credibility if they do not take action and support you. The best approach in this case would be to find out what they are afraid of and to ensure that they know what the negative consequences could be. On the other hand, never threaten your target audiences as this could prove to be very dangerous.

COALITIONS AND PARTNERSHIPS

Advocacy action is not easy for a single individual or one organization. Joint advocacy efforts are more likely to be successful and are less risky. In the previous chapter, you identified who can support your advocacy action, but not all of your supporters will be interested in working and cooperating with you. It is your task to identify those organizations, groups, or individuals who are keen on becoming your partners – actors with whom you can create a coalition. Working in coalitions has advantages such as the possibility of sharing resources, experience, credibility, visibility, and decreasing security risks.

To identify the possible partners in your action, ask yourself the following questions:

- Are other organizations working for the same issue as you?
- If yes, at what level and in which location are they working?
- Do coalitions exist already for the same purpose under someone's leadership?
- What are the advantages and disadvantages of joining them?

- Are you confident in the credibility of your allies?
- Do they add value to your advocacy mission?
- Do they agree with the values, vision, and mission of your advocacy initiatives?
- What can be the level of their involvement – co-organizing and co-implementing, or simply signing petitions and adding their name to statements?



- Timing – some of our allies may not be able to join us for the whole duration of the advocacy campaign but may join on and off for specific actions within a campaign.

LAND CONFISCATION SCENARIO IN YAE KYI THIT

5. BUILDING COALITIONS AND PARTNERSHIPS

With this advocacy message, target groups, and advocacy goal, the group came up with a plan to **gain support** for their cause of returning the confiscated land to farmers:

- Awareness campaign through CSOs
- Press conferences and press releases to inform stakeholders about situation
- Give interviews on radio programs – VoA, BNI, FEVR
- Coverage from media – local radio, local news, international news
- Parliamentary representatives raise questions about land grabs in legislative sessions
- Seek financial and technical support from NGOs
- Approach Zay Win Shein Holdings for corporate social responsibility (CSR) support, because it is good for their image to come to an agreement with the farmers
- Work with local township authorities to give permission for demonstrations and protest actions, back channel letters and information up to Parliament and Ministries
- Develop strong relationships with other coalitions and partnerships, such as women's groups
- Regional Farmer Networks
- International Labor Organization – ILO
- Farmers' customers and brokers who are no longer able to buy and market their produce
- Peasant Unions
- CSOs
- CBOs
- INGOs

1.5 ADVOCACY TOOLS

There are many ways of using different tools and actions to spread and deliver your message. Choosing the right approach depends on the situation and includes a variety of measures. Advocacy requires human resources, time, and money. However, when you select the right tools, you will maximize your resources and the outcome of your action.

To select the most suitable advocacy tools, you should think about the best way to reach your target audiences and whether you have enough resources to handle these tools. Different target audiences need different tools:

- You can reach all audiences through **media**. Most important tools when targeting media outlets include press releases, email alerts, press conferences, pictures, social or audio-visual media.
- When reaching out to pressure makers, you can use **awareness raising activities and public campaigning** such as leaflets, newsletters, online tools, or direct actions.
- When the target audiences of your advocacy are decision makers, **lobbying** is one of the most effective tools.

If you want to learn more about advocacy tools, go to Section II – Advocacy Tools and Actions. There you will find descriptions of many tools and step-by-step instructions on how to develop and use them.

MESSENGERS

To get your message heard, think of who can best deliver your message. It can be somebody from your group, but could also be an expert in the field, a famous or influential person, key media personality, or someone directly affected by the issue. The messenger will become the voice, face, and ambassador of your advocacy activity. The criteria for the selection of the messenger should be based on the type of message you would like to get across. Sometimes you can have more than one messenger (one for each target group).

See what advocacy tools and techniques were used by the advocacy group from Yae Kyi Thit.

LAND CONFISCATION SCENARIO IN YAE KYI THIT

6. DELIVERING ADVOCACY MESSAGE – USING TOOLS AND TECHNIQUES

They reviewed **advocacy tools**, and identified which would be most useful, given their **available resources**:

Advocacy tools and actions

- **Press Conference** – held in front of Zay Win Shein Holdings offices. Local, national, and international media; township officials; local communities; CSOs; NGOs; members of Parliament invited to attend.
- **Press Release** – written to include personal testimonies of farmers, and distributed to major news media outlets, township officials, members of Parliament, Agriculture and Irrigation Department, Land Confiscation Investigation Committee, USDP, NLD, NGOs, INGOs, CSOs, and CBOs, read on radio broadcasts, and posted on Facebook.
- **Photos and videos** of land confiscation – before, during and after – distributed to media, township and national authorities, CSO, and NGO networks.
- **Facebook page** launched to include updates on all activities – press releases, photos, videos, links to media stories, meeting requests, and responses.
- **Interview series** of displaced farmers and their families – profile of children, women and men, and how they have been affected by land grabs.
- **Petition Campaign** – to show support of ordinary people for changing land rights laws to protect farmers’ rights.
- **March to Nay Pyi Taw** to meet with national government officials – farmers to carry drums and banners with before/during/after photos of their confiscated lands.

1.6 RESOURCES FOR YOUR ADVOCACY

When planning an advocacy action, you will need to consider available resources. These resources can be material, human resources, or intangible resources such as experience, contacts, commitment, credibility, alliances, outreach, etc. Once you know what resources you have access to, you can indicate what else you need to get. It could be skills, materials, alliances, outreach, information, people, and/or money. Simultaneously, you should think about where, and more importantly how, you will get the things that you need.

See what available resources the advocacy group from Yae Kyi Thit identified. This analysis allowed them to find the most suitable advocacy tools, as described in the previous chapter.

LAND CONFISCATION SCENARIO IN YAE KYI THIT

7. AVAILABLE RESOURCES

- Human resources – people who have lost everything, and are angry enough to take action
- Coalition and networks – CSOs and NGOs with advocacy experience
- Legal resources – land rights lawyers who know laws and are dedicated to farmers' rights
- Limited material resources
- Limited financial resources
- Common experience among farmers – solidarity

What do we need to develop?

- Skills in communication and advocacy
- Legal knowledge
- Gradually build up relationships with local authorities



1.7 RISK ASSESSMENT AND CONTINGENCY PLAN

Before you start any action, ask yourself: what could be the negative reaction to our advocacy activity? How would it be possible to reduce the risks or prepare yourself and your partners to respond to them? What will you do if something goes wrong or something does not work? Are the objectives and targets of your action realistic? You need to ensure that you have enough time, human resources, and material resources to achieve your goals. At the same time, also think of what other groups work on your topic and how you can all complement or strengthen each other rather than duplicate efforts and clash.

Risk assessment is often done through SWOT analysis. It means that you analyse the strengths, weaknesses, opportunities, and threats of the action. SWOT provides a useful checklist to help create a strategy, organizational direction and core message.

SWOT ANALYSIS

STRENGTHS

- What strengths and resources do we have on our side? (Do not underestimate commitment, passion, resourcefulness, creativity, and credibility).

OPPORTUNITIES

- What opportunities can we take advantage of?
- How can we link our activities to other important issues and advocacy actions?

WEAKNESSES

- What do we lack?
- What is our weakness for this project?

THREATS

- What risks/threats/dangers are there for this project?
- How can we minimize risk?

LAND CONFISCATION SCENARIO IN YAE KYI THIT

8. SWOT ANALYSIS

The farmers discussed the risks they would likely face in marching to Nay Pyi Taw, protesting in front of government buildings, and demanding meetings with government officials. Several farmers were already beaten and arrested, and did not want to repeat the experience again. Nauk Toe said that he had already been arrested and beaten and that it is a price he is willing to pay again if it brings more support to their cause. Others agreed with him. The group conducted a **risk assessment** through a **SWOT analysis** of their plans:

STRENGTHS

- Dedicated core group of actors with common cause and experience
- Experienced organizers in Myanmar Green Rights Coalition and Farmers' Network Initiative
- Connections with strong CSO and media networks to raise awareness of land confiscation cases
- Moral justification for demands for compensation and return of lands

OPPORTUNITIES

- Sharing common land grab experience through media and radio can bring local, national, and international attention and support
- CSO and NGO coalitions can be a stronger force against crony businesses
- Zay Win Shein Holdings can support the farmers and communities as part of a CSR initiative

WEAKNESSES

- Power and force are concentrated with township and national authorities
- Zay Win Shein Holdings has money, power, and crony connections to government. Farmers' group does not.
- Very few material and financial resources to support campaign

THREATS

- Farmers' group can be arrested, beaten, and/or detained
- Other groups may not have any resources to spare in support of this campaign
- Media may ignore the campaign
- Protest may cause other land grabs, or even harsher interpretation of laws
- Marching from Their Valley to Nay Pyi Taw could be dangerous

1.8 MONITORING AND EVALUATION

Monitoring takes place during the whole advocacy activity. It should offer a systematic and continuous assessment of the progress of your activities by using simple, straightforward, and manageable documentation. It works best if you can monitor the basic inputs and outputs of your action. Inputs are all the resources that you have devoted to the action – such as a number of advocacy letters sent, hours spent on the action, etc. Outputs would be for example number of answered letters, discussions with decision makers and articles published by media, etc.

In comparison to monitoring, evaluation is carried out at some significant stage of the project – very often in the middle or at the end of the action. To evaluate your advocacy you need detailed information from your monitoring and possibly other data. After acquiring this information, you can evaluate it by asking yourself questions such as: Did we select the right target audience? Did our message actually reach the audience? Did we use the resources efficiently? Does the advocacy have any impact?

LAND CONFISCATION SCENARIO IN YAE KYI THIT

9. MONITORING AND EVALUATION

At the end of the meeting, the farmers had a plan of action for their advocacy, including their goal, messages tailored to target groups, tools to engage different target groups, and an understanding of the risks they are willing to take. They agreed that Myanmar Green Rights Coalition, and other CSO partners, would conduct **monitoring and evaluation** of the campaign to understand which approaches are working, which ones are not, and how they can be changed.

1.9 A FEW MORE TIPS BEFORE YOU BEGIN

Now you are ready to start! You can simply check if your advocacy strategy is based on the four key Cs: clear and consistent message, credibility, contacts, and context. For your advocacy to be successful, you should also try to connect with people on a personal level and appeal to their hearts, minds and common human experiences.

FOUR Cs OF ADVOCACY

CLEAR, CONSISTENT MESSAGE

- Make sure your target audience easily understands your core message

CONTACTS

- Know who your primary and secondary target audiences are and how to reach them
- Who are useful friends & network, potential allies?

CREDIBILITY

- Correct information, consistent values & process, ethical actions & statements
- No double standards, no backstabbing

CONTEXT

- Know the values, beliefs, priorities, and concerns of your target audience
- Anticipate opposing arguments and pre-empt them if possible
- Avoid offending your target audiences

1.10 FIRST STEPS

Now it is time to begin your advocacy. See how the farmers from Yae Kyi Thit started their action.

LAND CONFISCATION SCENARIO IN YAE KYI THIT

10. FIRST STEPS

The group decided that the march would begin on March 2, Peasants' Day, and take three days to reach Nay Pyi Taw. Myo Myat organized four other land rights lawyers to meet the marchers in Nay Pyi Taw to be present in case of any arrests, and to participate in meetings if the government officials responded to the farmers. Over the next few days, Myanmar Green Rights Coalition worked with the farmers to make banners and signs to carry during the march, applied for authorization to hold the march, and identified places along the march route where the groups will be able to rest each night.

Action:

The next week, the farmers, Myo Myat, and Myanmar Green Rights Coalition marched to Nay Pyi Taw. Along the route, people from other townships who had been displaced joined the marchers. By the time the group reached Nay Pyi Taw, there were more than 1,000 people from 15 townships demanding the return of their lands and fair compensation. When the marchers reached the Nay Pyi Taw city limits, they were met by the police. The commanding officer told the group that their demonstration permit had been amended for 'reasons of national security' and only 200 people would be permitted to demonstrate. Two hundred representatives from the 15 townships, Myanmar Green Rights Coalition, Myo Myat and the other land rights lawyers continued to march to the Parliament buildings.

SECTION 2:

ADVOCACY ACTIONS AND TOOLS

By now you are familiar with the development of an advocacy strategy. One step in strategy development is the selection of suitable actions and tools; you learned this in chapter 1.5. This section builds upon on this step and gives you detailed instructions how to use the most important tools. It is not vitally important to read the entire section – you can just choose the tools you find interesting.

There are many ways to create a successful advocacy. Every advocacy action demands different tools. This depends on the goal, target audiences, and message, as well as your resources. Pick and use a few of the most relevant tools that will best help your situation instead of using all of the tools available to you.

The chapters of this section are divided according to target audiences. Under each tool we explain its use as well as how to develop it. You might also remember from Chapter 1.2 that the target audiences for advocacy are divided into primary targets (decision makers) and secondary targets (pressure makers). Some of the tools that are described below are more suitable to influence decision makers, while others are more useful to target pressure makers. There is one category (media work), which reaches out to both audiences, pressure makers as well as decision makers.

Therefore, we divide this section into following chapters:

1. Media relations (tools reaching out to all target audiences)
2. Awareness raising activities and public campaigning (tools reaching out to pressure makers)
3. Lobbying (tools reaching out to influence decision makers)

Keep in mind that this is a slightly simplified division allowing for a better understanding of which tools can be used to target each respective audience. Yet, the division is not strict. There are some cases where some of the tools can be used to reach the target audiences in other ways than we have suggested here.

Similarly, as in the previous section, this section will use the Land Confiscation Scenario in Yae Kyi Thit to provide a realistic application of the proposed tools. In Chapter 1.5, you saw what advocacy tools the farmers used to reach their advocacy goal. This might serve you as an inspiration. Another inspiration might be the pictures that we use in this section. Even though many of these illustrations represent a different context, they illustrate the practical usage of certain tools.

2.1 MEDIA RELATIONS

In advocacy, we use the media to deliver advocacy messages, to encourage people to take a certain view on an issue and, hopefully, to communicate their views with policy makers. The principal benefits of using the media are: the ability to deliver your message to a large number of people, potentially attracting public interest and supporters to your case, and the increase of your profile and credibility with decision makers, therefore improving access to these actors. Decision makers pay attention to the media, so you can also reach them directly through the media.

Most important tools used to reach out to the media are press releases, email alerts, press conferences, pictures and audiovisual materials. Equally important are personal contacts and meetings with journalists, and providing them with case studies or stories on a regular basis.

PRESS RELEASE

A press release is a written statement to the media. It aims to inform the public through the media about an event; it presents a report, a statement, etc. When writing a press release, bear in mind that a press release should be brief, clear, and to the point. Consider that the timing of the press release is very important. A press release should be relevant to recent news, not too old and not too distant.

STEP-BY-STEP

Identify a “story” for a press release

- Media are likely to publish information related to relevant, new, and near issues. It means that the issues are significant and context-related for a large amount of people or specific target groups.

Write a press release

A typical structure of a press release:

- Headline:** The headline is known as the eye-catcher and is important to the whole release. It can be written in bold and should highlight the main news point.
- Intro:** Aim to answer as many of the “5 Ws” as possible in the first few sentences. (**Who** is/was it about? **What** is/was the news? **When** does/did this event happen? **Where** does/did this event take place? **Why** is/was this a news?) Start with the date and city. The lead sentences (first 2–4 sentences) should sum up the press release, and the additional content

EXAMPLE

Headline:

More than 1,000 people have been displaced as a consequence of land confiscations in Yae Kyi Thit

Intro:

*January, 30, 2014, Yae Kyi Thit: More than 1,000 people (**Who**) were displaced and forced to leave their farms (**What**) in Yae Kyi Thit (**Where**) over the past 6 months (**When**). This happened as a consequence to land confiscations and land seizure to make way for the new Narathu Industrial Zone (**Why**) in Their Valley.*

(body) must elaborate on it. Do not forget to insert a link to download pictures or videos related to the story right after the intro.

- **Body:** It is important to prioritize the **key information and concrete facts** in the body of the press release. Facts presented in a compact form are more important than long background information that can be added after the key facts. Do not hesitate to offer part of the case study/story. Avoid using long sentences, repetition, and overuse of fancy language. Use **quotes** of key people associated with your press release or like-minded stakeholders that can support your position. Quotes also add credibility to the text and make it a more interesting read. You can fill the paragraph with interesting figures, facts, and achievements.
- **Organizational information:** You can include basic information about your organization at the end of your press release. When a journalist picks up your press release for a story, he or she will have to mention the organization in the news article.
- **Contact information:** If your press release is really newsworthy, journalists will want more information or would like to interview key people associated with the article. You should provide contact details of people who you wish the media should speak to. The contact details should include your organization's official name, the media department's official name and contact person (if you have one), office address, telephone and fax numbers with proper country/city codes and extension numbers, mobile phone number (optional), email addresses, and website address.

Distribute a press release

- Develop a media contacts database. Try to maintain as many personal contacts with as many journalists as possible. Once you write your press release, distribute it to your press contacts.
- Send your release by email. Put the release in the body of the email, not as an attachment. If you must use an attachment, make it plain text format.
- In the subject of your email write 'Press release' and add the headline of the press release (for instance: *Press release: More than 1,000 people have been displaced as a consequence of land confiscations in Yae Kyi Thit*). A headline will help your message catch the attention of target journalists.

WHAT IS EMBARGO?

Embargo:

Include information about whether the press release can be used immediately or if it is embargoed. Embargo is important if, for example, you want to launch a report to all media at the same time. Distributing the press release before it should be published gives selected media the opportunity to prepare their story based on the press release and to schedule it for publication.

In email:

*For immediate release (or)
Embargoed until...*

- If you inform media about a planned event, do so around one week in advance (for daily publications) or two weeks (for weekly publications). That gives them time to feed into what they are already working on or contact you for additional information. Do not hesitate to call the media to ask whether they are interested in the event and offer sending additional information (such as photo documentation). Journalists receive many press releases every day, so it is important to send a personal note to relevant journalists.

Example of a press release

People in Need

CZECH REPUBLIC



PRESS RELEASE

After 13 years Min Ko Naing received in person Homo Homini Award in Prague

Prague, October 4, 2013 – Min Ko Naing, the leading Burmese democracy activist from the 88 Generation Student Group, ex-post recieved the Homo Homini Award in Prague.

For his outstanding courage and effort he demonstrated during his political activism and struggle for democracy in Burma, Min Ko Naing was originally awarded in 2000, but due to his long term imprisonment he never had the opportunity to personally receive the award.

„When I received the Award in 2000 it was my eleventh year in the jail and I felt like to be forgotten. Homo Homini was light that showed me it was not true,” said Min Ko Naing during the Homo Homini ceremony the 3rd October 2013 in Prague. *“It was Václav Havel who proved that the true love to humanity cannot be limited by nationalism, religion or discrimination. Me and Václav Havel, we were not close friends, we lived ten thousands kilometers far from each other. But under the roof of freedom, peace and human rights we were like family,”* said Min Ko Naing.

The Award Ceremony included film screening ‘Burmese prisoners’, recitation of the Czech translation of Min Ko Naing’s poem and discussion with public about social and political developments in Burma. Min Ko Naing asked international community to keep supporting Burma and to get to know the country closer. He stressed Burma needs new constitution. *“It is necessary to amend our constitution that is not democratic and gives too much power to the army,”* said Min Ko Naing. According to him Burmese people especially need to build civil society - to learn their rights and accept their responsibility.

The Homo Homini Award was originally handed over by former Czech President Václav Havel and received on behalf of the Min Ko Naing by Bo Kyi, co-founder of the Assistance Association of Political Prisoners (AAPP).

Since 1994 the **Homo Homini Award** is given annually by the leading Czech humanitarian and human rights organization People in Need to an individual in recognition of a dedication to the promotion of human rights, democracy and non-violent solutions to political conflicts. (for more information see: <http://www.clovekvtisni.cz/en/human-rights/info/homo-homini-award>)

More information:

Name Surname, Centre for Democracy and Human Rights, People in Need

Tel.: +420 777 777 777, mail: name.surname@peopleinneed.cz

EMAIL ALERT

Compared to the press release, an alert is a tool used to distribute urgent and important information immediately through social media channels (Facebook or Twitter) or email channels to your media contact list or other relevant stakeholders. Email alerts are sent as soon as possible after an event or issue happens. Email action alerts are a very effective way to communicate with a lot of people very quickly, enabling mobilization.

STEP-BY-STEP

Identify the right information

- Identify urgent information that should be distributed as email alert through your media and stakeholder contact lists. Timing is far more important the length of the email alert; focus on the most important facts and refrain from providing too much background information. Otherwise, the structure of an email alert is similar to a press release.

Write an alert

A typical structure of an email alert:

- **Headline:** The headline is known as the eye-catcher. It can be written in bold and should highlight the main news point.
- **Intro:** Follow the same structure as in case of a press release: Aim to answer as many of the “5 Ws” as possible in the first few sentences. (**Who** is/was it about? **What** is/was the news? **When** does/did this event happen? **Where** does/did this event take place? **Why** is/was this a news?) Start with the date and city. The lead sentences (first 2–4 sentences) should sum up the press release, and the additional content (body) including quotes, if possible, must elaborate on it.
- **Contact information:** You should provide contact details of people the media should speak to for additional information. The contact details should include your organization’s official name, the media department’s official name and contact person (if you have one), office address, telephone and fax numbers with proper country/city codes and extension numbers, mobile phone number (optional), email addresses, and website address.

EXAMPLE

EMAIL ALERT ABOUT URGENT ISSUE

Headline:

More than 300 people arrested for protesting the land confiscations in Their Valley

Intro:

*January 30, 2014, Yae Kyi Thit: More than 300 people (**Who**) were arrested for protesting the land confiscations (**What**) in Their Valley (**Where**) on January 30, 2014 (**When**). This was the most repressive response from the local authorities to protests against confiscations and displacements of farming communities last months (**Why**).*

Distribute an alert

- Try to distribute an alert as soon as possible after the emergency or urgent information. Use social media channels (Facebook or Twitter), as well as your media contact database.
- Write ‘Alert’ and the headline of your alert into the subject of your email.

PRESS CONFERENCE

Press conferences are organized to announce something important or controversial to gain greater attention and broad coverage in newspapers, magazines, social media, blogs, radio and TV news broadcasts. A press conference is an event when you want to make an impression on the media and provide them with as much information as possible. Compared to press releases and written articles, a press conference provides space to make noteworthy announcements and present relevant findings, events, or issues for the target community.

STEP-BY-STEP

Identify a topic for your press conference

- To be successful, the topic of your press conference should be newsworthy and of significant interest to target groups so that media outlets are more likely to send reporters to cover it. Press conferences are usually organized around events like a launch of a new initiative (e.g. establishment of Myanmar Green Rights Coalition to advocate for victims of land confiscations) or significant issues where various experts or resource persons can give information to the media from multiple points of view.

Organize a press conference

- Select a date, time, and location for the press conference. Check the calendar of your target community, partner organizations, or other stakeholders to make sure the date you choose does not conflict with other significant or newsworthy events that might draw attention away from your press conference.
- Plan the press conference in advance (at least two weeks). This will give you enough time to write a press release and determine appropriate media outlets to contact. The initial press release should state the reason for the press conference and include compelling copy that describes why the event is worthy of news coverage. It is a good practice to send a polite reminder a few days before the press conference or call the media and find out if they plan to attend.
- Make advance logistical arrangements, such as venue booking, checking the sound system, and compiling of a press kit (information for journalists about the issue to be presented at the press conference, information about the speakers at the conference, copy of the press release, copy of speeches).
- Prior to the press conference, make sure that the following arrangements are set: preparation of names plates for the speakers presenting the issue, display of visuals such as logos or organizational materials, preparation of a sign-in sheet for journalists, checking the sound system and microphones, distribution of press kits, and preparation of refreshments following the event.

Prepare a follow-up media coverage

- Within a few hours after the event, send the main conclusions from the press conference to important journalists who were unable to attend.
- Gather press clippings (published articles resulting from the press conference) and distribute them to important partners and pressure makers.

PHOTOGRAPHS

In every print or online media, pictures play a crucial role. They complement the written story, raise emotions, and are easy to remember. You can gain attention for your work through posting or delivering pictures. In documentation of human rights abuse cases, pictures serve as evidence.

STEP-BY-STEP

Before you push the shutter

- Think about the composition. Composition means how the objects are arranged in the picture. For example, it is probably better to place the main subject into one third of the photograph instead of the center because it looks more natural. In addition, pictures should not be overloaded with too many objects.
- Go closer, capture a natural situation. It is more authentic to capture motion or a natural scene on a picture than showing stiff objects. Choose a nice background and make sure that there is nothing behind the people giving a visual that something is growing out of their heads (such as tree). Capture a singular subject and avoid disturbing elements that have nothing to do with the picture's "message." The main object should not be too small, so make sure to get close enough or zoom in!
- Make the best use of sunlight. It is best to have the sun behind your back. If possible, wait for the so called "golden hour" which comes approximately one hour before sunset or alternatively with a sunrise. At that time, the light is milder, shadows softer, and colours warmer. Do not photograph objects hidden in the shadow, as they will appear too dark in your picture. Also, make sure that your own shadow is not in the picture.
- Check that you are holding your camera level, especially when taking pictures of nature.

Edit and distribute photographs

- After downloading photos from the camera, delete those that cannot be used (usually, it is most of them). Organize or tag groups of photos so that you (or someone else) can find them later. Always make a selection of only the best pictures before sending them out.
- Caption your pictures immediately after downloading them so that you do not forget who is on them, along with where and when they were taken. Your recipients will not appreciate seeing pictures without immediately understanding what they mean.
- Note the name and story of the people appearing in the pictures so that you will not forget later. Bear in mind security concerns if you take pictures of sensitive topics, do not reveal facts if they could bring the persons on the photographs (or those who provided you with sensitive information) into danger.

Back up important photos by storing them in at least two separate locations.

- Recover pictures. If you are ever in a situation in which you are asked by the authorities to delete your pictures, know that you can recover your pictures later as long as you do not overwrite the card with new pictures. The process of 'deleting' a photo involves simply re-allocating bytes as empty space. As long as no new data is written on the memory card, the old data remains and can be recovered.

- Be mindful of the metadata you leave on your photos. Many digital cameras imprint the digital image file with information, called EXIF data, such as the date, camera model and make, and even GPS location. Anyone is able to read this information by using online EXIF viewers (<http://regex.info/exif.cgi>). When dealing with sensitive topics, be sure to clean your photos of any metadata before posting them online.

Examples of good pictures



Natural environment, motion, only one main subject (“one story”), no disturbing objects, mild light.

Sources: Piotr Zaporowski (1–4), People in Need (5).



Example of a less good picture



Main objects are too small, looking away and hidden in shadow

AUDIOVISUAL MATERIALS

Video is the most used audiovisual tool in human rights documentation. It brings testimonies and evidence of people to life. Videos can help you share your message with the public and raise awareness of crucial causes and consequences of human rights related problems. Unlike other visual materials, videos describe your case in very attractive way. They help you to get fast support as they reach people emotionally.

Even if you are not a video expert, this chapter will show you how to record a simple video with the help of commonly used devices like smartphones or computers. If you manage to provide first hand video materials on important issues, e.g. human rights violations, this may boost your case as it can serve as evidence. Publicizing human rights violations is a way to demand justice for the victims of abuse by pressuring governments to respond and to hold perpetrators accountable. Publicizing human rights violations raises awareness in society and can mobilize support for the accusations or the victims. Documentation through video recording can help to mobilize international attention to an issue and can push the government to act as a result.

STEP-BY-STEP

Find and prepare the content

- Before you start recording, please clarify your objectives. Please try to answer the questions of who, what, where, when, and how of the incident.
- Try to provide evidence to your case. This can be testimonies or interviews of people related to the story. Make sure that your testimonies and interviews are balanced and credible. Before you start recording interviews, please make sure that the person interviewed provides you with authorization to make the testimony public. If the person asks to remain anonymous, do not reveal her or his real name and try to keep his/her face hidden.

Make the video

- The most common methods include a video camera, or even a smartphone and your computer's built-in webcam. Should you be using nonprofessional equipment, there is one simple rule, which is to choose the highest possible recording quality.
- Unless you are experienced in video production, do not use many fancy methods, such as zooming, panning shots, or special effects. If possible, avoid shaking and moving the camera.

Samples of interviews and testimonies:

- Interviews with affected people, including victims and eyewitnesses
- Interviews with those who violate human rights (government officials, police, etc.)
- Interviews with witnesses of violations (doctors, neighbours, etc.)
- Videos that directly show the incidents or their consequences

Some questions you can ask yourself before you start a video recording:

- What are the issues we will be recording?
- For what reason are we recording these abuses?
- What support and resources will we need?
- What are the risks of doing such a video recording? Can we bear the consequences?
- What do we wish to achieve as a result of the video recording?
- For whom is the video intended?

- Avoid noises that are not relevant for the video (such as conversation between people sitting in the same room, closing doors, etc.).
- Make sure that you use a language that viewers will understand. If necessary, ensure there will be a translation or subtitles.

Edit and distribute your video

- If possible, let an experienced cutter edit your video. If you have to do it yourself and do not have much experience, keep it short! Delete incomprehensible speech, repetition, and distracting or irrelevant sounds and images. Keep in mind that it is the images, the sounds, and the people themselves who tell the story.
- Look at some tips how to prepare a good video: <http://bit.ly/1vAH4H7>.
- Once the video is finalized, post it online. Websites such as YouTube allow you to post short video clips that supporters can use and share online. Sometimes these clips can spread themselves – they “go viral” – and attract attention to your advocacy work. They can be linked to websites and email campaigns to encourage people to sign petitions or statements of support. It is important to upload your video on a website but also enable it for sharing. When you upload the video, make sure to include a link to all your other activities.
- If you plan on doing more with the video than just putting it online, it is a good idea to output a master file at high-resolution.
- YouTube has a programme which brings added functionalities to your account such as livestreaming, a donate button, and in-video annotations, along with other calls to action.
- Send the link to the video to all those you consider relevant to inform. This can be the media, other advocacy groups, or citizens.

2.2 AWARENESS RAISING ACTIVITIES AND PUBLIC CAMPAIGNING

Awareness raising activities help to mobilize broader public groups, especially pressure makers like civil society members, farmers associations, lawyers, and others. For awareness raising actions, we can use tools such as leaflets, newsletters, online tools, and direct actions, along with events like campaigns, happenings, or flash mobs.

LEAFLET

Leaflets are an inexpensive tool and are easy to make, as long as you keep it simple. Leaflets help to distribute your message to people in a printed version so that they can keep it. Leaflets can help you raise awareness of your advocacy message, or you can use them as invitation for an event you have organized. When developing your leaflets, it is important to think about your target groups and the messages you want to pass on to them.

STEP-BY-STEP

Develop message

- It is necessary that you create a central message for the leaflet (e.g. "Stop land confiscations").

Write a leaflet text

- When developing the leaflet's text, try to keep the language clear and simple.
- Make the leaflet informative. Leave detailed explanations out and instead refer the reader to a web link.
- Try to include pictures. Pictures break up chunks of text and many people do not have time to read long passages, so they can use the visuals to quickly grasp the concepts and purpose of the leaflet.
- Include links to social media and possibly a QR code with a link to your webpage or Facebook.

Do a rough layout

- The rough layout for a leaflet is usually a sketch that will show where text and images will be positioned on the leaflet, how big the size of each text portion will be, and how much of the leaflet will be dedicated to each separate part or idea. This rough draft will show how much room is available and how it can be allocated.

Design a leaflet digitally

- MS Word is a popular format for making a leaflet because it is installed on many computers. MS Word also has distinctive features, such as column additions, that allow for easy leaflet creation. If you do not have MS Word, try other print shop programmes, or let a professional do it for you.
- Do a print preview. A page layout or print preview option allows you to see how the leaflet will look when it is printed. MS Word also has these features to help planners evaluate the final layout before the document is printed. When reviewing a print preview, be sure to proofread text to ensure there are no errors that could distract from your messages.

Distribute a leaflet

- Make sure that the leaflet is widely distributed to all relevant target groups and stakeholders. Make your flyer available online. Use <http://issuu.com/> or <https://www.scribd.com/> and connect it with social networks easily.

Example of a leaflet



Source: People in Need



Source: People in Need

Distribution of a leaflet to stakeholders

NEWSLETTER

This tool serves your organization to build its expert position, collect support to your case, and fundraise among supporters. Simultaneously, a newsletter helps you keep regular communication with your supporters by providing them with information and thus engaging them in your case for longer time. Newsletters serve people as a deeper understanding, to get informational updates, and provide activity summaries on their topics of interest on a regular basis (e.g. regular monthly newsletter about events and issues around land confiscations in Myanmar). While it is relatively cost effective, the production of a regular newsletter is time-consuming and requires great commitment.

STEP-BY-STEP

Consider your audience and build contact database

- Try to collect contacts through every possible channel; explore and update your database regularly. Bear in mind that a small number of very interested people is better than a huge number of mostly disinterested people. If possible, use existing databases of other groups. Ask to add a link or advertisement banner on your newsletter to their websites or share with their databases of supporters. You should update your contacts regularly.

Develop the content of a newsletter

- Readers want to learn something new that is relevant to them. Therefore, describe recent developments and provide readers with content, which is unique and serves the reader as a user-friendly summary. A strong newsletter is simple, clear, and orderly.
- A newsletter serves as a resource to relevant and recent existing information, summarizing recent development, and acts as an invite to your activities. And most importantly, it links your supporters to your website/Facebook, or simply to your organization.
- Newsletters link to your other existing activities. Even if you want to inform subscribers, the articles should be published on your website, where you can also run other activities such as fundraising or campaigns.

Write newsletter articles (ideally 3–5 articles in total)

- Use journalism style of writing: Include 5W's and H (who, what, where, when, why, and how) in the lead. The remaining information should be answered in the subsequent paragraphs. It is very similar to writing a press release.
- Be interactive: Use links, pictures, videos, or blogs. A few images in your newsletter will help attract your readers' attention. Take advantage of this fact by ensuring every image has a caption.
- Use Quotes, Facts, & Statistics: Use direct quotes from interviews and supplement articles with interesting facts and statistics. This will offer useful information for readers and add credibility to your article.
- Be brief: Use lists, short sentences, and avoid too many paragraphs. Give readers the information in as few words as possible. That means you cannot offer great detail, but you can give people a concise overview. If the topic is complex, suggest additional resources or offer a contact for more information.
- Use personal stories, videos, or pictures to make the newsletter more attractive.

Prepare an accompanying e-mail

- **Headline in the email:** Use an eye-catching title and change it every month to attract readers (For example: “Inside – Exclusive Interview with the Dalai Lama!” instead of “Our October Newsletter”).
- **In the email:** Use interesting, lively headlines and provide a short summary to each of the articles in the newsletter.

Distribute a newsletter

- By using social media tools you can get a broader audience (on Facebook, Twitter, YouTube, etc.). Always use mutual links between all your Internet tools: advertise every new issue of your newsletter by posting on your Facebook page and uploading it to your website.
- Place subscription opportunities for your newsletter visibly on your website or advertise on Facebook.
- Use an email server to build your design and structure instead of doing it all yourself (Mailchimp, Smartemailing, Hubspot, etc.)

Recommended email servers:

- Mailchimp.com
- Smartemailing.com
- Hubspot.com

ONLINE TOOLS

The Internet facilitates many different tools. The listed online tools help you deliver your advocacy message in a much faster way to specific target groups and the general public or media. Another big advantage of online tools is the outreach to a huge number of people using social media and making connections to other supporters. Online tools are free which makes their usage very appealing. You can also easily store and build up information about your supporters, and help move them up the ladder of involvement.

WEBLOG

“Weblogs” or “blogs” are websites that are sometimes known as Online Journals. They basically consist of “posts” (the online equivalent of a diary entries) which are listed in chronological order, and often include provision for readers to comment, and have other elements of interactivity. Advocacy organizations and advocacy campaigns are increasingly turning to weblogs to allow their people to keep up to date with campaign developments in real time. Through frequent posts, a weblog will help you to build up your expert position on the certain topics that you are writing about. It will also raise your publicity in media and on social networks.

If you consider opening a new blog, you can use <https://www.tumblr.com/>. It is very popular and well connected with social networks.

Practical tips

- Before opening a weblog, have a clear idea about your topics and what you want to put online and in what areas you want to start building your expertise.
- When you write your blog, think about your readers and be careful about the style of your writing – it should be readable and understandable for your readers and followers, but do not use slang or informal language (use clear and understandable titles, write short paragraphs, and raise questions relating to your topics).
- It is recommended to upload your weblog site at least once a week in order to maintain the interest of readers.
- For promotion of your weblog, use social media to raise awareness of your contributions.

SOCIAL MEDIA

Social media is an instrument for communication, like print media and radio, but it also allows discussions and interaction among people and readers. The advantage of social media is that it attracts the attention of a wider and new audience base that has less interest in conventional media channels. It allows for virtual conversation that is more personal and gives citizens a sense of ownership of projects and actions. Social media is not only place to find information, but also a place to organize events, express your opinions, share your photos, meet new people, promote your work, participate in campaigns, and much more. Common social media networks include Facebook, Twitter, and others. Here, you find a short and funny overview: <http://bit.ly/1rH2HUO>.

4 Cs OR SIMPLE GUIDELINES:

- **Contribute** – share content you produced that can be useful to others, use contributions from others.
- **Converse** – listen and respond, have your say and contribute to a discussion, this expands your sphere of influence.
- **Connect** – prioritize and come together with others, be they a group, organization, etc. Target influencers who can spread your messages.
- **Community** – build online relations with people all over the world.

Practical tips

- The content and style should be clear and easy to understand. Include interlinks so that people can view and share your post or find out more information. Your writing style should be friendly, conversational, and engaging. When it comes to prompt action, ask your audience to help you do something (e.g. Donate).
- When writing your post on Facebook or Twitter:
 - » Put relevant and intriguing information at the beginning of your post.
 - » Ask a question that always works well, while keeping the message short but relevant (80 words).
 - » Test your message to be sure your readers pick it up in less than a second.
 - » Provide enough context so your message can stand alone.
 - » Avoid acronyms that people may not know.
 - » Use simple words that people can easily recognize and understand.
 - » Write in first or second person (I, We, You).
 - » Tone should be natural and casual, but still professional; use action verbs such as learn, watch, and join.
 - » Be as responsive and transparent as possible.

There are two different ways of using Facebook, the first being that you can use **Profile** for personal purposes. It is prohibited to use a profile as an organization. If you use a profile as an organization, you are at risk that Facebook will delete it. As organization, you should use a **Page**. There, you have access to statistics on page views and visitors, you can pay for your post to be promoted, etc.

- When thinking about quality content, follow these instructions:
 - » Never copy and paste from a website.
 - » Think headline, not article – get attention by adding action or link.
 - » Add pictures, but respect the format.
 - » Tell good stories – avoid static stories

- » Shorten your link with <https://bitly.com/> and see statistics on clicks.
- » Use infographics and share them with <http://www.easel.ly/>.
- » Change your cover photo.
- » Pay attention to your grammar.
- » Provide precise and hyperlinked information.
- » Contribute regularly (at least every other day between 9AM and 6PM).
- » React to comments and do not delete posts from Facebook.
- » When developing your social media profile, you have to think about your audience. Below you may find few tips how to build your audience
- » Through your page, invite e-mail contacts and invite your friends to like your page and ask your friends to invite their friends.
- » Share your page and find something new you have posted to share again.
- » Pay your promotion via Facebook.
- » Put your fan page URL in your email and on your business cards.
- » Include a tag into your YouTube videos.
- » Social media has a large power to disseminate information to a big number of people. Do not forget to pay attention to security settings and regulations, and before each post be aware of the sensitivity of your information.

FACEBOOK

- You may create a new page for your event where you can post information about where, when, and why the event is happening. Invite as many people as possible to join the event.
- You may create a new page for your organization that allows you to post regular comments, sort the information, upload pictures, and aggregate interesting information for a large number of people. Before opening a new account, it is good to designate an administrator. Once your page is started, you can add other Facebook members as administrators using the “Edit Page” feature, which then allows them to help you manage the page.

TWITTER

- Your messages are called tweets.
- # (Hashtag) – the hashtag is used as a symbol before a relevant keyword or phrase (no spaces) in their Tweet to categorize those Tweets.
- @ sign followed by username is used for mentioning or replying to other users. It allows you to follow on your interests.

DIRECT ACTION

Direct actions aim to attract public attention very often in a public space, such as in the streets, on a square, in community public spaces, etc. It is a very powerful tool that can help you to voice your message to people directly and to gain more supporters by meeting them personally. Mobilization methods that fall under this category can be very creative using different types of arts (music, theatre/drama, dances, painting, etc.). They include events like happenings, flash mobs, and community street drama. Social and print media are often used to increase public awareness of the actions.

When organizing direct actions as happenings, flash mobs or street dramas, please be aware of the legal measures that can be evoked against the performers and activists (e.g. in Myanmar, Article 18. of Peaceful Assembly Law). Analyze the risks in advance and decide what consequences you are ready to bear.

HAPPENING

A happening is an event considered to be art performance. The main goal of any happening is to draw attention about political events or social developments that have relevant consequences for your advocacy action or campaign (e.g. arrest of political activists and defenders demonstrating for stopping of land grabbing issues). It uses multi-disciplinary art as a tool to attract active participation of the audience. Key components of happenings are performances of artists, comedians, musicians or actors, politicians and involvement of social and print media in order to raise public awareness about the problem.

Practical tips

- Deciding what you want to do for a happening should fit into your long-term advocacy action or campaign. You should also think carefully about which specific issue(s) you want to highlight. It is important to be clear about the message of your happening.
- Plan the program of your happening properly so that it consists of multidisciplinary art performances as well as speeches of key personalities (e.g. a program consisting of graffiti art, music, and speeches of representative from a ministry, as well as representative of a CSO).
- Your happening should be organized in a public outdoor space where you will be able to draw the attention of many people (e.g. in front of a community center, in a square, in the streets, etc.).
- It is recommended to invite famous and distinguished guests to your happening (e.g. members of parliament, politicians, but also artists, actors, writers, etc.) associated to your topics to hold speeches in front of the public.
- Before your happening, prepare a press release to disseminate to the media prior to the event. After the event, send photos and visual materials to the media again.
- Do not forget to engage with social media. Posting online is always a good way to attract the attention of more people.

Example of a happening



The photo was taken during a happening organized to raise awareness of the ongoing human rights violence in Myanmar. This happening was held in the center of Prague using the street art (graffiti) and providing space for speeches of distinguished guests as the former Minister of Foreign Affairs Mr. Karel Schwarzenberg. The street art as well as the presence of distinguished personalities attracted attention of many people and media.

COMMUNITY STREET DRAMA

Community street drama is a theatrical performance and presentation in an outdoor space and can be performed at various locations, ideally at places with large numbers of people. The purpose of the street drama is to promote relevant issues throughout the usage of drama and theatre performance to suit a local audience. It allows people to actively respond to what they are seeing and in some cases the audience is encouraged to interact with the performers and step into the performance. In Myanmar, community street drama is an interesting tool to deliver a message to community members or leaders in an understandable and appealing way.

Practical tips

- If possible, adapt the performance into the respective local language.
- Engage professional drama performers who are used to interpreting different scenarios and issues for various types of communities.
- Think about the concept and the story you would like to interpret via community street drama and discuss the details of the story with the performers.
- Use costumes that correspond with the topic of your community street drama.
- Think about whom you will invite to ensure that the message of your drama has been delivered – besides community leaders and members, you may want to invite local authorities, media, business owners, and others.
- Do not forget to engage social media as well as print outlets.
- Do not forget to take pictures that you will disseminate to social and print media after the street drama. It is also good to put photo or video documentation on your Facebook page or website.

FLASH MOB

A flash mob is an organized event prepared by performers to surprise the general public. Unlike a happening, the flash mob is the spontaneous performance normally planned for a very short period. The flash mob performance can use arts, dances, or songs to amuse or satirize something that the audience will immediately understand and respond. The flash mob again presumes the involvement of social media to spread the message of the action. A flash mob is another tool that can be a part of your long-term advocacy action or campaign. The concept and performance of the flash mob should be attractive for media as well as the general public.

Practical tips

- Decide what you want to do for a flash mob. A successful flash mob depends on the originality, attractiveness, and good timing. It is important to consider how your flash mob will fit into your long-term advocacy action or campaign.

- Think about the right timing for your flash mob. It is always better to organize a flash mob around a significant day or anniversary that will raise interest of your target groups.
- Think about the concept of your flash mob and what type of performance you will use, for instance choreographed dance, singing, acting out a specific scenario, mime, freeze flash mob, etc.
- Decide on the venue for your flash mob. The more original the place is, the better. You may consider places such as train stations, airports, markets, main squares, in front of public buildings as libraries, town halls, administration buildings, etc.
- Beside the general public audience, invite guests to join your flash mob, for instance local authorities, media, community leaders, art personalities as writers, artists, actors, etc.
- Do not forget to engage social media. Social media has advantage to spread your message and information about the flash mob much faster than the dailies or weeklies. You can also use social media as a way to coordinate and organize your flash mob.
- Do not forget to take pictures that you will disseminate to social and print media after your flash mob. It is also good to put them on your Facebook page or website.

Example of a flash mob



Source: People in Need

The flash mob was organized at the occasion of the anniversary of Aung San Suu Kyi's birthday to raise awareness of her house arrest as well as ongoing human rights violations in Myanmar. For the flash mob, the organizers used a visually attractive performance of people who lined up to form the letters FREE. The flash mob was visited by famous personalities and politicians as well as the media.

2.3 LOBBYING

When influencing primary target groups (e.g. decision makers, government representatives, policy makers, etc.), it is necessary to use different tools than when reaching out to the public. These tools should help to change, revoke or adopt target policies or legislation. The tools are directed to those who have the actual formal authority or power to deliver the change.

Firstly, we describe how to prepare policy and legislation analysis to make measurements of national human rights issues with the international standards that are specifically listed in Section III. This will allow you to see if the target authorities have adequately addressed their obligations to adopt national policies and international guidelines. Based on the policy analysis, you will be able to better prepare for networking events and lobbying with relevant stakeholders as members of the governments and parliaments, officials, and other relevant decision makers.

Secondly, based on policy and legislation analysis, it is possible to develop a plan to use direct lobbying tools to influence the decision makers and policy makers, ideally at times when they are receptive to ideas or in a position to make the desired policy changes. Many countries have systems that are in transition, and can provide good opportunities for policy change or creation. To directly influence the policy and legislation change, it is crucial to approach your decision makers directly via lobbying meetings or other actions.

WHAT IS LOBBYING?

Lobbying is the attempt to influence institutions, government and other stakeholders to formulate, modify or adopt any policy making or legislative measure, and it is one of the techniques of your advocacy strategy. You may also lobby for adherence of domestic laws to international standards.

POLICY AND LEGISLATION ANALYSIS

Before any lobbying action, it is crucial to prepare an analysis of the current developments around the target policy or legislation. The analysis and report must focus on lobbying targets (e.g. restrictive legislation regulating land and tenant rights), the strategies of the government or state institutions regarding formulation, modification and adoption of new policies, or legislative acts and their adherence to international human rights principles (described in Section III). This analysis will help you to better understand the legislation and decision making process and clarify your goals in formulation, modification or adoption of new legislation for your target groups. It also provides evidence for the clear and concrete lobbying strategy and tactics.

WHAT IS POLICY?

A policy is a guide for decision making and a commitment to a course of action. It is also a set of regulations adopted by government or institutions designed to influence and determine decisions and procedures. For instance, a national law policy may include a commitment to legally improve the land tenure security for farmers. Some policy will become law.

STEP-BY-STEP

Identify the policy and legislation to watch

- When preparing lobbying actions, you must clearly identify the policy or legislation that is the subject of change, modification, or adoption with regard to your lobbying actions.
- The policy or legislation must be directly related to the problem and issues of your advocacy actions (e.g. Farmland Law and the Vacant, Fallow and Virgin Lands Management Law).

Analyze the current legislation with regard to adherence to international principles

- Based on your policy and legislation, analyze the current policies and legislation relevant for your problems and their adherence to the international human rights standards and frameworks. This will help you to find arguments for holding your government accountable to commitments they have made.

INFLUENCING POLICY OR LEGISLATION CHANGE

In order to influence policy or legislation change, your process needs to include a series of preparations, meetings, networking, and negotiations with the government officials, politicians and policy makers that you identified target stakeholders for your lobbying actions as. For all these activities it is always strategic to clarify a goal of your actions and decide what type of activities are most appropriate to achieve your goal and solve the problem. The key issue is also clearly identifying what the decision maker can deliver and how this fits into your overall advocacy agenda. After that, it is recommended to make a plan for all lobbying-related activities.

STEP-BY-STEP

Create a stakeholders analysis

- Similarly as in the Section I, chapter 1.2, prepare a stakeholder analysis for your direct lobbying actions. This stakeholder analysis will help you to map those actors who are in charge of the process like decision makers as well as policy makers and other stakeholders (or relevant officials at international organizations). It is important to map the interests of the target stakeholders and how they are affected by the problem, their capacity and motivation to bring the change, and possible actions to address their interests.

Prepare a lobbying plan

- Based on the stakeholder analysis as well as policy and legislation monitoring, prepare a lobbying plan consisting of selection of appropriate techniques and tools for negotiation with decision makers and policy makers. When preparing your plan, think about the factors that motivate policy or legislation development and think about your impact – for example, do you need to target the policy or the ways the policy is being carried out?

Prepare for lobbying meetings

- Before lobbying meetings, identify and contact like-minded organizations (other NGOs or stakeholders) for potential collaboration and support. These alliances can strengthen the negotiating position.
- Make sure that you select the right people to represent your interests at the meetings and that these people are well briefed and coordinated on the lobbying target issues. Decide who will make the points from among your group. It is also recommended to appoint a spokesperson and a note-taker.
- Draft the briefing paper for the lobbying meeting for your target audience. When drafting the briefing paper, be clear about what you want to highlight. The briefing paper should not be long, but should provide the description of the problem and the proposals for solution of the problems supported by main arguments.
- Prepare the presentation for the lobbying meeting. Instead of whole sentences, use ‘key words’ and photo documentation to draw attention to your audience. Do not forget that the presentation should support the delivery of your message during lobbying meetings.
- Contact the stakeholder via email. Before that, think about who is best to approach and how he/she can contribute to solution of your problem. In your email, be clear about your issue and purpose of the meeting, introduce the delegation, and propose the time and date for the meeting.

During the lobbying meeting

- At the beginning of the meeting, introduce yourself and everyone else from the delegation and state the purpose of the meeting.
- Try to get an understanding of the positions and interests of others as soon as possible so that you can find the common ground and similar interests.
- During the meeting, use simple, understandable and consistent language and try to be clear about your problem, position, and interests. If questions come up that you cannot answer, say you will get back to them via email or at the next meeting.
- At the end of the meeting, review the meeting conclusions – what each side has said and agreed to do. Try to be proactive and get an agreement to meet again or a promise to follow-up. Also, it is recommended to send the conclusions and agreements from the meeting in written form via email.

SECTION 3:

HUMAN RIGHTS – ISSUES FOR ADVOCATES

You have learned how to develop a strategy for your advocacy measure and identified which tools and techniques you can use. As you learned in Section I of this toolkit, we focus specifically on advocacy actions that promote and protect human rights.

The following section is designed to give you a basic overview of human rights as international standards aiming to guarantee fundamental freedoms and protection of all people around the globe. Based on the purpose of the toolkit to serve, above all, civil society organizations in the ethnic states of Myanmar, we also explore the situation of human rights in Myanmar. The following section focuses on those rights that our partner organizations, approximately 50 civil society organizations from six different regions, identified as most important for their work.

3.1 INTERNATIONAL STANDARDS OF HUMAN RIGHTS

BASIC PRINCIPLES³

Human rights are universal, legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements, and human dignity. Human rights law obliges governments (principally) and other duty-bearers to do certain things and prevent them from doing others. (UN Definition)

International standards that define basic freedoms and protection for all people emerged only a few years after the end of the Second World War, in the light of the horrific crimes committed and the millions of human lives lost. The international community, represented by the United Nations, has concluded that international standards must be set to provide the necessary framework to prevent the future occurrence of similar atrocities. Therefore, in 1948, United Nations adopted the **Universal Declaration of Human Rights** (UDHR, or Declaration). The day of the adoption, 10 December, is celebrated worldwide as the **International Human Rights Day**.

³ Information about International standards of human rights are based on websites of the UN, especially of the Office of the High Commissioner for Human Rights (www.ohchr.org).

The Declaration recognizes in its Preamble that “the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” The document defines principles for human rights. These are in particular:

- **Universality and inalienability:** Human rights are acknowledged for all people around the globe, in all countries and all cultures. Despite different cultural values in various countries and regions, human rights apply as minimum joint standards for all human beings. Universality as a principle has been confirmed by the fact that all states adopted the UDHR, accepting responsibility to uphold the rights set within. In the following decades, all countries have also ratified at least one human rights treaty, and 80% have ratified four or more. Inalienability means that human rights may not be taken away from people, and that people cannot give up their rights for any reason.
- **Indivisibility and interdependence:** Human rights are interrelated. All of them are equally important and improvement or deprivation of one right affects the other rights. There is no hierarchy within the human rights; no rights are more important than others. Thus, human rights need to be respected all together – civil and political rights as well as economic, social, and cultural rights.
- **Equality and non-discrimination:** These principles are enshrined in the first two articles of the Declaration stating that, “all human beings are born free and equal in dignity and rights” (Article 1). This right is related to every person “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status” (Article 2).⁴

For the first time in history, the UDHR names political, civil, economic, social, and cultural rights that all people should enjoy. All subsequent international human rights treaties are rooted in the Declaration. Yet, it is important to mention that despite the UDHR’s importance as a foundation for human rights standards, it imposes no legal obligations for UN member states. It is a declaration, not a binding treaty.

CASE STUDY

INTERNATIONAL HUMAN RIGHTS DAY – YANGON

2012 marked the first year that large public events were held openly in Yangon by the UN and Myanmar civil society. In 2013, local township authorities in Yangon approved a two-day campaign to commemorate the International Human Rights Day. The ‘Human Rights are Everybody’s Business’ event was supported by 23 civil society organizations and was attended by representatives from the United Nations, ASEAN, the Office of the President, Parliament, and various diplomatic missions.

The first day of the event centered on an open forum with over 300 participants to discuss pressing human rights issues in the country, and to develop recommendations to address critical challenges under key themes of human rights and peace; disability rights; women’s rights; child rights; LGBT rights; labor rights; land rights; and freedoms of expression, assembly, and association. Interactive panel discussions engaged participants in dialogue with UN and Parliament representatives, sharing concerns, human rights violations participants witness regularly, debating key issues and potential solutions, and increasing solidarity among the stakeholders in attendance.

⁴ Information about International standards of human rights are based on websites of the UN, especially of the Office of the High Commissioner for Human Rights (www.ohchr.org).

The second day of the event showcased an all-day celebration of diversity, equality, and human rights. Performances and information booths highlighted partner organizations' work, and used the arts to raise awareness and understanding of LGBT rights, anti-child trafficking, disability rights, and political rights. Many groups distributed educational materials such as books, posters, magazines, t-shirts, and CDs promoting human rights topics. **Over 500 attendees participated in the event** throughout the day, including NGO workers, human rights defenders and activists, donors, MPs, and 25 media groups, covering the event in print, broadcast TV, and online media outlets.

International Human Rights Day 2013 brought together Yangon's human rights community through an advocacy campaign that used many approaches. Public engagement on critical issues allowed civil society groups to share their work, raise awareness, and gain input from a sector of new supporters. Interactive dialogue served to educate participants on international human rights mechanisms, and incorporate their knowledge into planning. One participant expressed his gratitude for a human rights forum dedicated to Upper Myanmar, and he learned that human rights violations were a national problem rather than only a local issue. While the majority of attendees were not previously aware of the Universal Periodic Review (UPR) and other UN mechanisms to protect human rights, they left the event with solid interest and a commitment to learning how to bring cases to light for government officials and the general public. Attendees also looked forward to future activities, inclusive of civil society and vulnerable groups to prepare for the next UPR.

HUMAN RIGHTS AS PART OF THE LEGAL FRAMEWORK

Following the ratification of the UDHR, almost two decades passed before the UN agreed on their comprehensive binding treaties on human rights: the **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, both adopted in 1966. Both documents entered into force ten years later, in 1976. The division of these groups of rights was rather artificial, based on the political divide during the Cold War. Western countries put more emphasis on political and civil rights, such as freedom of expression, association, assembly, or political participation, while the Soviet Bloc stressed the importance of economic, social, and cultural rights that guarantee, for example, the access to health and educational services. As stated above, there is a broad consensus nowadays that both groups of rights are equally important.

ICCPR and ICESCR, including two optional protocols to ICCPR, together with the Universal Declaration of Human Rights, constitute the **International Bill of Human Rights**. This collection of documents enshrines all fundamental human rights. All other human right treaties are specifications and further development of rights included in the Bill. These rights include:

- The right to life, liberty, and security of person
- Freedom of association, expression, assembly, and movement
- The right to the highest attainable standard of health
- Freedom from arbitrary arrest or detention
- The right to a fair trial



- The right to just and favourable working conditions
- The right to adequate food, housing, and social security
- The right to education
- The right to equal protection of the law
- Freedom from arbitrary interference with privacy, family, home, or correspondence
- Freedom from torture and cruel, inhuman, or degrading treatment or punishment
- Freedom from slavery
- The right to a nationality
- Freedom of thought, conscience, and religion
- The right to vote and take part in the conduct of public affairs
- The right to participate in cultural life

Currently, there are nine binding core international human rights treaties:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	1965
ICCPR	International Covenant on Civil and Political Rights	1966
ICESCR	International Covenant on Economic, Social and Cultural Rights	1966
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	1979
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1984
CRC	Convention on the Rights of the Child	1989
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1990
CPED	International Convention for the Protection of All Persons from Enforced Disappearance	2006
CRPD	Convention on the Rights of Persons with Disabilities	2006

These are the most important human right treaties. But how does international law protect human rights? As soon as an UN member state becomes party to an international treaty – meaning after the member state’s ratification of the treaty – its government must establish national legislation and policies complying with the obligations defined by the treaty. In this way, the domestic legal system within each member state that provides a framework for protection of human rights is guaranteed under international law.

The state is not only responsible to incorporate the treaty’s content into the domestic laws and regulations, but it must ensure the implementation and enforcement of these laws. This means that the state is obliged to respect, actively protect, and fulfill the rights enshrined in the treaty. This includes both prevention of human rights violations, as well as remedy and recourse for people whose rights have been violated. From this point forward, the states can be held legally accountable for their adherence to, or violation of, human rights.

MONITORING THE ADHERENCE TO HUMAN RIGHTS – INTERNATIONAL COMPLAINT MECHANISMS

Globally, the most important body monitoring adherence to human rights is the United Nations. Additionally, there are regional institutions, such as the UN Office of the High Commissioner for Human Rights Regional Centre for South East Asia, and the ASEAN Intergovernmental Commission on Human Rights, tasked with monitoring states’ performance in their respect and promotion of human rights.

The **UN Office of the High Commissioner for Human Rights** leads UN activity on human rights issues. The post of UN High Commissioner for Human Rights was established by the General Assembly in 1993. The High Commissioner holds the principal position of promoting human rights and dealing with human rights activities within UN, while maintaining an open dialogue among all member states on human rights. Responsibilities of the High Commissioner include crisis management, prevention and early warning of abuses, assistance to states in periods of political transition, promotion of substantive rights to governments, and the coordination and rationalization of human rights programs.

Within the UN system, **charter-based and treaty-based bodies** monitor the compliance of states with human rights standards.

Charter-based bodies

The charter-based bodies are based on the **Charter of the United Nations**. They include the **Human Rights Council** (as a successor institution of the UN High Commission on Human Rights), which can use **Universal Periodic Review** and **Special Procedures** mechanisms.

The Human Rights Council was established in 2006 as an intergovernmental body composed of 47 elected UN member states. The Human Rights Council is a forum empowered to prevent abuses, inequality and discrimination, protect the most vulnerable, and expose perpetrators. The Council administers the **Universal Periodic Review** (UPR) process, looking at each UN member state every four years after they submit human reports on human rights situations. Civil society organizations and coalitions can also participate in the UPR process through consultations with their governments and by submitting their statements, which can prompt specific action or response from the Human Rights Council. These so-called **Special Procedures** address either specific country situations or thematic issues. Special Procedures' mandates call on mandate holders to monitor and report on human rights situations in specific countries (country mandates), or on specific human rights violations worldwide, (thematic mandates). There are currently 37 thematic mandates and 14 country mandates.

Treaty-based bodies

The **treaty-based bodies** address only those countries that have ratified the respective legal instrument (treaty). Treaty-based bodies consist of committees of independent experts monitoring how countries adhere to human rights treaties. There is a **Committee on Economic, Social and Cultural Rights** (CESCR), a **Committee on the Elimination of Racial Discrimination** (CERD), a **Commit-**

A List of Regional Organizations for Democracy and Human Rights in Asia:

- Alliance for Reform and Democracy in Asia (ARDA)
- ASEAN Commission on Women and Children (ACWC)
- ASEAN Intergovernmental Commission on Human Rights (AICHR)
- ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC)
- ASEAN Civil Society Conference / ASEAN People's Assembly (ACSC/APA)
- Asia Pacific Democracy Partnership (APDP)
- Asia Pacific Forum for National Human Rights (APF)
- Asia Pacific Forum on Women, Law and Development (APWLD)
- Asian Forum for Human Rights and Development (FORUM-ASIA)
- Asian Network for Free Elections (ANFREL)
- Asian NGO Network on National Human Rights Institutions (ANNI)
- Bali Democracy Forum (BDF)
- Council of Asian Liberals and Democrats (CALD)
- Global Movement of Moderates (GMM)
- Human Rights Resource Center for ASEAN (HRRCA)
- Institute for Peace and Democracy (IPD)
- Solidarity for Asian People's Advocacy (SAPA)
- Southeast Asia-US Partnership: Civil Societies Innovating Together (IKAT-US)
- South Asia Forum for Human Rights (SAFHR)
- World Forum for Democratization in Asia (WFDA)

<http://en.asaninst.org/issue-brief-no-32-regional-efforts-to-advance-democracy-and-human-rights-in-asia-apid-the-pg20-and-a-possible-ggain/>

tee on the Elimination of Discrimination Against Women (CEDAW), along with seven other such committees that address those countries that have ratified the legal instrument they each monitor. Each state that has signed the respective treaty must submit regular reports on the situation related to the rights protected by the treaty. Additionally, civil society actors (such as NGOs) can submit “shadow reports” in which they present their point of view.

In case domestic legal proceedings fail to address human rights abuses, complainants can appeal to these international level mechanisms. The international human rights system depends on active participation of civil society – NGOs, nonprofits, the academic community, and community activists – and the Universal Periodic Review and the treaty-based bodies protect civil society access to assume this role. Advocates and activists can provide these international and regional human rights mechanisms with reports of human rights violations. They are sometimes the only mechanism that will alert the international community to certain human rights issues.

As long as a country does not become a party to a treaty, its citizens and people living in the country cannot bring a court case related to the treaty, as it is not a mandatory part of the law. However, people still can advocate for action on that case itself, as well as for the signature of the treaty.

OTHER INTERNATIONAL HUMAN RIGHTS RELATED MECHANISMS

There are other human rights legal systems as well. For example, the **International Labour Organization (ILO)** conventions and standards specifically protect **labour rights**. The **International Humanitarian Law** seeks to limit the effects of armed conflicts, and is built upon the 1949 Geneva Conventions. Humanitarian law overlaps significantly with human rights law.

The international human rights legal mechanism with **international jurisdiction** is the **International Criminal Court (ICC, or the Court)**. It can prosecute cases of the gravest human rights abuses: war crimes, crimes against humanity, and genocide. It can bring cases to court when the states where these abuses happened are unable or unwilling to prosecute the cases themselves.

The Court has jurisdiction over the individuals accused of these crimes. This includes those directly responsible for committing the crimes, as well as others who may be held liable for the crimes, for example by aiding, abetting, or otherwise assisting in the commission of a crime, or through criminal negligence. The latter group also includes military commanders or other superiors whose responsibility is defined in the Statute.

The Court does not have universal jurisdiction. The Court may only exercise jurisdiction if:

- The accused is a national of a State Party or a State otherwise accepting the jurisdiction of the Court;
- The crime took place on the territory of a State Party or a State otherwise accepting the jurisdiction of the Court; or
- The United Nations Security Council has referred the situation to the Prosecutor, irrespective of the nationality of the accused or the location of the crime.⁵

⁵ International Criminal Court (<http://www.icc-cpi.int>).

REGIONAL HUMAN RIGHTS INSTRUMENTS

There are also regional human rights instruments, taking into account regional specifics and situations. In this context, we need to mention the **ASEAN Declaration of Human Rights (ADHR)** to which Myanmar is a member state. The Declaration, adopted in 2012, affirms the principles enshrined in previous human rights declarations, both regional (such as the ASEAN Charter) as well as international (such as the Universal Declaration of Human Rights). Yet, immediately after its adoption, many human rights experts and civil society organizations stressed that the Declaration undermines, rather than affirms, human rights standards.

A consortium of international and national human rights organizations (including Amnesty International, Human Rights Watch, as well as several Myanmar organizations) published a statement criticizing that the document restricts “the enjoyment of fundamental rights with government-imposed duties on individuals, subjecting the realization of human rights to regional and national contexts and broad and all-encompassing limitations on rights in the Declaration, including rights that should never be restricted.”⁶

A HUMAN RIGHTS-BASED APPROACH – MERGING HUMAN RIGHTS AND DEVELOPMENT

For a long time, human rights were viewed as a tool to promote citizens’ freedoms and protect people from political and social oppression. Yet in recent years, human rights have been gaining more and more attention in the fight against poverty and promotion of social and economic development. The UN, international development, and human rights actors speak about the human rights-based approach (HRBA) to development, and the promise it shows to improve quality of life for all people.

The shift towards a human rights-based approach from a needs-based approach brings a range of new perspectives to development efforts. Previously, the needs-based approach considered recipients (beneficiaries) as passive beings in development, receiving benefits from social change occurring around them. Under a rights-based approach, these beneficiaries are viewed as active participants and actors within social changes, as citizens and constituents. The approach does not only look at the symptoms of development obstacles but also analyses their causes.

Last but not least, it symbolizes a merging of two previously relatively distinct perspectives (human rights on one, development on the other side) creating a holistic approach to a sustainable improvement of human development and well-being.

⁶ Human Rights Watch: Civil Society Denounces Adoption of Flawed ASEAN Human Rights Declaration: AHRD falls far below international standards, Press Release, 19 November 2012, <http://www.hrw.org/news/2012/11/19/civil-society-denounces-adoption-flawed-asean-human-rights-declaration>.

3.2 HUMAN RIGHTS – LEGAL FRAMEWORK IN MYANMAR

OVERVIEW

Myanmar (known as Burma at the time) joined the UN as a member state in 1948. The country has signed three international human rights treaties: The **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, the **Convention on the Rights of a Child (CRC)** with the **Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (SCC-OP-SC)**, and the **Convention on the Rights of Persons with Disabilities (CRPD)**.

By signing these treaties, Myanmar is obliged to actively protect and promote the human rights enshrined in these conventions. This obligation signifies that the state has to amend and create a domestic legislative framework complying with the treaties, and that the state must implement and enforce the provisions set in the framework.

Myanmar has initiated its reform process after the Parliamentary Elections in 2010, with a series of new administrative and legal provisions already adopted. Nevertheless, the *Myanmar Rule of Law Assessment* shows that the government has generally not fulfilled its obligations under international law, having “performed no assessment regarding the compatibility of existing [Myanmar] law with its obligation under international law.”⁷ Additionally, there is a gap between the treaties that Myanmar signed and the implementation of rights protected by the treaties in practice.

Rule of law – cultural shift needed

*“Historically, the people in Myanmar have seen the law and law enforcement as the enemy. Reforms need to demonstrate to the people that the law will protect and not threaten them... While there is substantial talk about the need for rule of law and law reform, most people believe it means rule by law...”*⁸

The same report states that the governmental institutions in Myanmar remain generally fragile. The assessment suggests that the legal reform should address reforms of the 2008 Constitution, the judicial system, the parliament, a criminal defense and legal aid system, reconstitution of the Bar Association, rebuilding the legal education system, reconstitution of the Myanmar National Human Rights Commission, as well as signing and ratification of human right treaties, including ICCPR, ICESCR and CAT.⁹

HUMAN RIGHTS AND DEVELOPMENT MONITORING IN MYANMAR

The progress of the reforms, as well as general developments in the country, can be observed by Myanmar stakeholders through a range of methods and tools: e.g. monitoring at the grass-roots level, nation-wide in-country reports, independent media, etc. One possible way to effectively raise

⁷ New Perimeter, Perseus Strategies and the Jacob Blaustein Institute for the Advancement of Human Rights: Myanmar Rule of Law Assessment, p. 27, <http://www.burmalibrary.org/docs15/Myanmar-Rule-of-Law-Assessment-3-5-13.pdf>.

⁸ Myanmar Rule of Law Assessment, p. 8.

⁹ Myanmar Rule of Law Assessment, p. 2.

Advocating reform of the Myanmar National Human Rights Commission

On August 2, 2013, 38 civil society organizations, community-based organizations, and networks from Myanmar submitted recommendations and proposed amendments to the Myanmar National Human Rights Commission (MNHRC) draft law to Union Parliament Speaker Thura U Shwe Mann. These recommendations were based on the Paris Principles, which set the minimum international standards required for National Human Rights Institutions (NHRIs) to effectively fulfill their role, and would ensure the MNHRC's independence, effectiveness, and its full compliance with international law.

In addition to the submitted recommendations, a delegation of civil society actors met with nearly fifty members of Parliament and the secretary of the MNHRC to present the recommendations developed by the civil society groups, framed within a discussion on the Paris Principles. These civil society representatives gathered behind a core leadership team, and used their varied backgrounds to advocate their proposed changes to the draft law to the MPs who would vote on the establishment of the MHRC. The basis of their recommendations came from a consultation workshop organized to provide civil society feedback and input into the draft laws as part of a full democratic process.

In early July 2013, the draft enabling laws of the Myanmar National Human Rights Commission were announced to the public, leaving less than a month for civil society organizations to respond to the Parliament's invitation for comments. Beyond the short timeframe, this process was challenging to Myanmar CBOs/CSOs because it was brand new and many organizations were unfamiliar with the concepts of consultation and international standards for National Human Rights Institutes (NHRIs).

The **advocacy work for a more effective, accountable, and independent MNHRC started with a workshop** on MNHRC and the Paris Principles, adopted by the UN in 1993, which guide the status and functioning of national institutions for the protection and promotion of human rights. Expert advisors on NHRIs met with a wide range of civil society actors, including activists from media groups, women's rights groups, political activists, ethnic minority rights groups, and lawyer's networks, to learn the Paris Principles and use them to analyse and propose changes to the draft enabling law of the MNHRC.

Equality Myanmar, a leading organizing working on engagement with MNHRC, presented a thorough analysis of the draft, its preparation, and specific problematic sections. Participants reviewed and analysed the current draft MNHRC law to understand the different elements, characteristics, and functions of National Human Rights Institutions and the guiding standards of the Paris Principles; they also identified strategies and tools for local advocacy activities and cooperation among network groups. Participants discussed concerns from different perspectives and produced a set of recommendations for the Parliament bill committee, focusing on:

- the selection, appointment, and dismissal procedures for members;
- the operational independence and powers;
- funding;
- accountability and publication of findings and reports;
- engagement with civil society;
- inspection of detention centers and prisons; and,
- overall effectiveness.

The workshop allowed the participants to make active contributions in decisions, giving them “ownership” of the campaign; attending actions and events, joining in cultivating and lobbying power-holders, and taking on responsibility.

Overall, **the workshop led to increased dialogue and experience-sharing among different civil society sectors on the issue of civil society consultation and having a voice in improving the country’s NHRI.** Exposure to other national structures for human rights protection within the region helped promote a sense of direction and a path toward greater regional solidarity. Experiences and challenges from other institutions also highlighted the ongoing nature of any NHRI’s struggles to operate independently and accountably; improving the draft law will serve as one step in a much longer process. The workshop succeeded in providing a space for many civil society actors to voice their concerns on the current status of the MNHRC, and to develop joint action plans that had a greater chance of success in changing the law.

concerns and potential human rights violations is through the submission of “shadow reports” to UN human rights monitoring bodies, as we discussed in the previous chapter.

A range of international stakeholders can assess the human rights situation in Myanmar and advocate for its improvement. The highest-level institution is currently the mandate of the **UN Special Rapporteur on the Situation of Human Rights in Myanmar.** Ms. Yanghee Lee from the Republic of Korea replaced The Argentinian Tomás Ojea Quintana as a Special Rapporteur for Myanmar in May 2014. Mr. Quintana had conducted nine missions to the country between 2008–2014.

In addition to monitoring and analysing the human rights and development situation from an in-country perspective, there are instruments assessing Myanmar’s performance internationally. Here are examples of institutions comparing data on a global level:

Assessing Myanmar’s Performance and Progress in Human Rights and Development

- The UN Development Programme (UNDP) measures the level of human development with the Human Development Index (combining economic performance and social development): Myanmar ranks 149 out of 186 countries evaluated.
- The INGO Transparency International assesses countries’ corruption levels and places Myanmar at rank 157 out of 177 countries compared.
- The INGO Freedom House comparing freedom in the world considers Myanmar “Not Free,” with a score of 6 for political rights and of 5 for civil liberties on a scale ranging from 1 (best) to 7 (worst).
- The INGO Reporters Without Borders ranks freedom of expression in Myanmar 151 out of 179 countries.

3.3 SELECTED HUMAN RIGHTS – A CLOSE PERSPECTIVE

We have now learned about the general principles of human rights and the general human rights situation in Myanmar. Throughout the country, there are many human right defenders, civil society organizations, and other groups defending and promoting human rights in their field. During a needs assessment conducted with 50 groups in six target regions, People in Need identified rights of greatest interest and relevance for groups to advocate. The following chapter takes these findings into account and focuses on the following issues:

- Freedom of assembly and association
- Rights of marginalized people:
children’s rights, women’s rights, gender/LGBT rights, and land rights
- Participatory peace processes

FREEDOM OF ASSEMBLY AND ASSOCIATION

Freedom of assembly and freedom of association are two fundamental civil rights. They are sometimes considered to be two aspects of one issue – the Universal Declaration of Human Rights enshrines them jointly in article 20, stating, “everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.” In the international law, they are subject of the Covenant on Civil and Political Rights and of most other treaties – further developed in relation to the groups protected by the treaties (such as children, women, and persons with disabilities).

Together, these two civil society freedoms are relevant for most civil society actors across Myanmar without question. Civil society organizations are associations by definition, and frequently express their joint advocacy measures publicly as human rights defenders, exercising the right to peaceful assembly.

RIGHTS OF MARGINALIZED PEOPLE

Children’s rights, women’s rights, gender rights, and land rights were selected for inclusion in this toolkit due to their identification during PIN’s needs assessment among target civil society organizations. These rights are of the most widespread and immediate concern for many organizations serving the needs of vulnerable groups and their surrounding communities.

This category of rights of marginalized people is not limited to a single human right, but rather encompasses a broad range of civil, political, as well as economic, social, and cultural rights. Many of these rights are threatened by poverty and social exclusion that further marginalize vulnerable populations. We are aware that children and women are recognized as distinct human rights categories, demonstrated by the existence of international legal documents specifically addressing women and children.

There is no specific human rights treaty or other mechanism dealing with land rights. Nevertheless, people facing human rights violations resulting from land confiscation and eviction are mostly people already deprived of many of their rights, with children and women disproportionately affected in

these situations. Many of these people are left at the margins of society without protection and with limited access to justice. In Myanmar especially, the lack of a comprehensive legal framework for land rights intersects with violations of political, economic, and social rights for vulnerable groups. Therefore, we examine the perspectives of different marginalized groups, and will focus on their protection and development through practical advocacy approaches at the grass-roots level.

PARTICIPATORY PEACE PROCESSES

Participatory peace processes constitute a particular human rights topic in Myanmar. During PIN’s needs assessment, many groups identified – in addition to the rights described above – topics related to peace and ethnic rights as relevant for their advocacy work. Only during a debate at the first cross-regional meeting of the target groups did the idea receive the current title, participatory peace processes. In this toolkit, the participatory peace process includes consideration of political inclusion, and full and equal participation of ethnic groups in all aspects of Myanmar’s national peace process, to take full advantage of the opportunity to establish new political, legal, social, and economic arrangements to address underlying conflicts among groups and lay foundations for a more inclusive, representative society.

This is a topic of utmost importance in the context of Myanmar. This issue relates to a range of human rights, under international human rights law as well as humanitarian law, which will be ultimately affected by the outcomes of ongoing national ceasefire and peace negotiations between the government and armed ethnic groups and their respective political wings.

CASE STUDY

PEACE DAY

Thirty-four CBOs and NGOs interested in peace in Myanmar participated in **International Day of Peace** on September 21, 2013 to:

- Raise awareness on ending the ongoing conflicts, oppression, and violence throughout the country;
- Increase community cooperation in spreading the message of peace and nonviolence; and,
- Strengthen the collaboration among CBOs, NGOs, activists, volunteers, religious and ethnic groups, and media for promoting peace, equality, nondiscrimination, and rights.

With over **800 people in attendance**, Peace Day was recognized as one of the largest events held in Mandalay, bringing together children, youth, LGBT, women, government authorities, diverse ethnic and religious groups, independent and government media, and political parties including NDF, USDP, and NLD. The event was a strong networking opportunity for all organizations involved, and an opening for future dialogue and collaboration.

During the Peace Day event, organizers used a variety of tools to make activities engaging and interactive. Organization representatives conducted surveys and quizzes at the booths to engage attendees as participants for more effective messaging. T-shirts, posters, and other materials were distributed, and local performance groups portrayed issues such as child soldiers and national reconciliation through music, theater, comedy, and dance. Keynote speakers called upon the government to focus on developing the national education system and healthcare as opposed to continued military funding in order to move toward lasting peace. Six student winners of a public speaking competition spoke on the history of Peace Day and the meaning of peace in Myanmar

from their different perspectives. Audience members reacted positively to the students' speeches, as identifying with the youth perspective, and relating to the words and ideas used to describe the significance of peace.

Five **local religious leaders from Buddhism, Christianity, Islam, Hinduism, and Baha'ism** spoke about how in Myanmar and around the world, religion and faith have been misused to defend violence and prejudice, detached from the religions' core values of peace, unity, and compassion. These interfaith leaders expressed interest in holding future events to bridge different religious and ethnic groups and further combat discrimination through dialogue and understanding. There was a candle lighting ceremony led by the religious leaders followed by five prayers and two minutes of silence.

FREEDOM OF ASSOCIATION

International standards¹⁰

Within the international legal framework, the freedom of association is enshrined in Article 22 of the **International Covenant on Civil and Political Rights**: “everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.”

What is meant by “association” in these international standards? **Association** is a formation consisting of a certain number of persons following a purpose. The purpose might be public (directed towards the benefit of others) or mutual (aimed to benefit the members of the association). The purpose of the association is deliberate, limited only by the penal code. There is no standardized minimum number of persons needed to form an association, though in many Western countries an association must consist of 2–5 members to obtain legal registration and recognition. Registration is not an obligation set by international standards and should not be mandatory. Yet, there are advantages to being registered as a legal entity. For example, registered associations have the right to open bank accounts, own property, and file law suits – all of which are considered common benefits of legal entities in most countries. In addition, many associations will likely want to be registered in order to seek funding, since many donors support only legal entities.

States not only have the duty to refrain from interfering with freedom of association, they are also obligated to take active measures to protect this right, and ensure effective enjoyment of this right by all people. According to international standards, a government might limit the freedom of association only in relation to national security or public safety, public order, protection of public health or morals, protection of the rights, and freedoms of others. These reasons must be legitimate and follow international and domestic law. To limit freedom of association by manipulating any of these reasons and creating false threats are human rights violations and can lead to consequences.

Freedom of association in Myanmar¹¹

Myanmar has not yet ratified the International Covenant on Civil and Political Rights; yet, it has ratified the Convention on the Rights of a Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). While CEDAW does not explicitly refer

¹⁰ The sub-chapters about international standards of freedom of association and assembly are based on training for CSOs and lawyers engaged in CSOs counselling. The training was provided in March 2014 by the International Center for Not-for-Profit Law (ICNL).

¹¹ Sub-chapters on freedom of associations and assembly in Myanmar are based on a legal update meeting organized jointly by PIN and LRC in March 2014.

to freedom of association, CRC states “State Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.” Myanmar also implicitly affirms the principle of freedom of association as a State Party of the ASEAN Human Rights Declaration that states, “ASEAN Member States affirm all the civil and political rights in the Universal Declaration of Human Rights.” However, despite the implicit acknowledgement, without ratifying the International Covenant on Civil and Political Rights, Myanmar’s legal obligations under international law are murky.

Freedom of association in Myanmar is granted in Article 354 of the 2008 Constitution. However, this freedom is restricted in the current legislation. Previously, the 1988 Association Law imposed criminal penalties – up to five years in prison – for membership in an unregistered organization.

Since 2012, a new association law has been drafted. Civil society representatives and citizens were invited to discuss the draft in public consultations. It was the first legislative consultation process in Myanmar in decades, and it appeared to indicate a genuine reform process. However, in July 2013, the Public Affairs Management Committee of the Lower House of Parliament proposed a draft bill that was heavily criticized by civil society as it ignored inputs from the public consultation, and was effectively the same as the existing restrictive 1988 law.

Hundreds of civil society organizations began to advocate for an association law that complies with international standards. Many of these inputs were considered in a new version, the *Association Registration Law* draft, released in August 2013. Further improvements were made to the law based on consultations that followed.

The new Association Registration Law was adopted in July 2014. The new law provides voluntary registration procedures for local NGOs and contains no restrictions or criminal punishments, which is a major departure from the previous law. The law is a significant piece of legislative reform for the development of Myanmar’s civil society sector.¹² However, it still contains articles of concern for civil society, and working groups are still actively advocating for implementing regulations (by-laws) that would fully respect the freedom of association. One of the major issues of concern for CSOs is the ambiguity of certain clauses, namely Section 8(A) of Chapter 4 (The Chapter of Registration). This section states that associations can be registered ‘under the rules’ which do not affect the rules of law and national security. However this phrasing, ‘under the rules’, is not clarified and it is unclear what kind of rules would be enforced. This has resulted in the fear that rules would be imposed by officials which would infringe upon freedom of association. CSOs have reiterated that this wording runs contrary to international law promoting freedom of association and thus have called for the removal of this clause.¹³ Nevertheless, despite remaining concerns, the advocacy efforts of civil society in this case have clearly shown that advocacy at the national level for improved legislation can be somewhat successful.

The United Nations Special Rapporteur on the situation of human rights in Myanmar, Ms. Yanghee Lee, in her report on 23rd September 2014, notes that the draft law relating to registration of organizations is due to be adopted by Parliament. She reiterated the concerns raised relating to this bill and recommends further revision of the law in line with international human rights standards before its adoption into legislation.¹⁴

12 The Irrawaddy: Union Parliament Passed NGO Law, 1 July 2014, <http://www.irrawaddy.org/burma/union-parliament-passed-ngo-law.html>.

13 Eleven Myanmar: CSOs demand removal of ambiguous clauses in association registration law, http://www.elevenmyanmar.com/index.php?option=com_content&view=article&id=6933.

14 UN General Assembly: Situation of human rights in Myanmar, Report of the Special Rapporteur Yanghee Lee, 23 September 2014, A/69/398, <http://reliefweb.int/sites/reliefweb.int/files/resources/A-69-398%20SR%20Myanmar%20Report%20to%20the%20GA%2069th%20Session%202014.pdf>.

FREEDOM OF ASSEMBLY

International standards

As with freedom of association, the International Covenant on the Civil and Political Rights is the international treaty binding member states to respect and protect the freedom of assembly. Article 21 states “the right of peaceful assembly shall be recognized.” **Freedom of assembly** is the individual right to come together and collectively express, promote, pursue, and defend common interest. The same principle is explicitly affirmed in Article 24 of the ASEAN Human Rights Declaration that “every person has the right to freedom of peaceful assembly.” In Myanmar, protection of the right to freedom of assembly is limited by its non-ratification of the International Covenant on the Civil and Political Rights.

According to the international standards, no restrictions may be placed on the exercise of this right, other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals, or the protection of the rights and freedoms of others. However, these reasons are broad, and can be falsely manipulated to limit the rights of individuals to peaceful assembly.

Freedom of assembly in Myanmar

In Myanmar, the freedom of assembly was enshrined in the *Right to Peaceful Assembly and Peaceful Procession Act* from 2011. It was one of the first laws meant to allow exercising of civil rights after decades of dictatorship. Yet, civil society groups criticized the law for not being in line with international standards. Section 18 required that organizers of any assembly secure permission at least five days in advance. The fact that permission was required instead of notification was severely problematic. The law also requires that every individual who is going to participate must apply for permission. When the law was passed in 2012, the human rights organization Human Rights Watch stated “while ostensibly accepting the right of peaceful assembly, the new law makes the right subject to the overbroad control and the discretion of the authorities,” and urged the “parliament to repeal the law’s provisions that fail to meet international human rights standards, such as imprisonment as a penalty for permit violations.”¹⁵

Civil society mobilized against the law. A proposal to abolish Section 18 was submitted to the Lower House of Myanmar’s Parliament in June 2013. A few months later, the Parliament came up with two significant changes: reduction of the punishments by half, from one year to six months for violating the law, and permission for demonstration shall always be granted. Amendments to the Right to Peaceful Assembly and Peaceful Procession Act of 2011 were adopted by Parliament on 18 June and signed by the President on 24 June 2014. The requirement to apply five days in advance remains, although merely for “consent” rather than for “permission”.

The Special Rapporteur on the situation of human rights in Myanmar, Ms. Yanghee Lee, made her most recent report to the United Nations General Assembly on 23rd September 2014. In relation to the amendments above, she notes that it seems such consent would be issued as a matter of course unless the application had not been “submitted in accordance to the rules for consent”. Unfortunately, she states that the information required for the application is unduly burdensome and detailed eg. listing the chants that will be used and the approximate number of participants. Therefore the resulting

15 Human Rights Watch: Burma – New law on demonstrations falls short, March 15, 2012, <http://www.hrw.org/news/2012/03/15/burma-new-law-demonstrations-falls-short>.

consent is quite restrictive. Furthermore, the amended law retains a de facto authorization regime on the part of government authorities and there is no right of appeal should consent be withheld. Participation rules in a peaceful assembly and/or procession under Section 8 (e) and Chapter 5 of the law also remain unchanged which, as Ms. Lee explains, means there is scope for participants to be arrested and prosecuted on a variety of grounds. Moreover, the use of the word ‘citizen’ is problematic as it is exclusive and contrary to international law’s requirement of the inclusive term ‘everyone’. Ms. Lee went on to assert that the Act has been used to obstruct the activities of civil society and has led to increased numbers of political prisoners and disproportionately high sentences. Concerns have also been expressed by NGOs that the Act could be misused to arrest and charge solo-protesters and to charge activists in multiple townships with the same charge, leading to a series of cumulative sentences and therefore lengthy imprisonment.¹⁶

In relation to civil society, the Special Rapporteur recommends:

“It is vital that the Government create a safe and enabling environment for civil society, given their central role in democratization, national reconciliation, development and the promotion and protection of human rights. Thus, any administrative and legislative provisions that impede their legitimate and peaceful activities should be abolished. Complaints of violations against civil society actors should be investigated, and those found responsible for violations should be brought to justice.”¹⁷

The collaborative work of civil society and authorities, in initiating change in relation to Myanmar’s freedom of assembly law, is essential. In fact, there has been a recent forum for discussion of these issues. From the 14th to 16th October 2014, more than 650 representatives from 257 organizations and networks in Myanmar gathered in Yangon at the ‘Myanmar Civil Society Organizations Forum – Civil Societies’ Review on Myanmar’s Transition Process: Prospects for 2015 and Beyond’. The aim of the forum was to discuss a wide range of issues facing Myanmar, among them was a call to abolish or repeal oppressive laws which included the peaceful assembly and procession laws. They called for new laws in compliance with human rights and democratic standards.¹⁸ When comparing the process accompanying the adoption of both bills, a significant difference can be seen in the role of civil society’s participation. While civil society groups engaged to a great extent in advocacy to repeal a draft law restricting freedom of association, which led to many changes in the law’s development, there was only scattered involvement of the civic society and advocacy during the process related to the *Peaceful Gathering and Demonstration Law*. Even though we do not know the final version of the *Association Registration Law*, the joint civil society action demonstrates the power of advocacy to create social change and influence the restrictive legislation process.

¹⁶ Amnesty International: Stop using repressive law against peaceful protesters, <http://www.amnesty.org/en/library/asset/ASA16/025/2014/en/bc49270e-39ac-428d-b89d-c060a180e15e/asa160252014en.pdf>.

¹⁷ UN General Assembly: Situation of human rights in Myanmar – Report of the Special Rapporteur Yanghee Lee, 23 September 2014, A/69/398, <http://reliefweb.int/sites/reliefweb.int/files/resources/A-69-398%20SR%20Myanmar%20Report%20to%20the%20GA%2069th%20Session%202014.pdf>.

¹⁸ Burma Partnership: Over 650 Myanmar/Burma Civil Society Actors Speak Out on the Reality of the Transition, <http://www.burmapartnership.org/2014/10/over-650-myanmarburma-civil-society-actors-speak-out-on-the-reality-of-the-transition/>.

CHILDREN'S RIGHTS

International standards¹⁹

Within international human rights law, children's rights are enshrined in the **UN Convention on the Rights of the Child** (CRC, the Convention) and in two optional protocols, the **Optional Protocol on the Involvement of Children in Armed Conflict** (OP-CRC-AC) and the **Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography** (OP-CRC-SC). Myanmar has ratified the CRC and the OP-CRC-SC. The Convention is one of the treaties signed by most countries in the world – showing a global commitment from states to promote children's development and well-being, as well a commitment to tackle child rights violations.

The Convention encompasses several principles and groups of rights:

- **Guiding principles** (such as non-discrimination, adherence to the best interest of the child, and the right to participate):

The Convention addresses the obligations not only of governments, but all members of society. Children's rights will be respected only when all adults, such as parents, family and community members, teachers, and other professionals working with children, fully carry out their duties respecting children's rights. The main responsibility of children falls to the parents. States are obliged to prevent children to be separated from their parents unless the separation is in the child's best interest.

The Convention also protects children as rights holders – meaning that children are subjects of the rights, not their parents, guardians, or other members of society. Here, the principle of non-discrimination based on age applies. Children have a right to express their opinion and have their views respected and taken seriously. They have a say in matters affecting their life, and they can enjoy freedom of association, along with the freedom to not join an association.

- **Survival and development rights** include rights to adequate food, shelter, clean water, formal education, primary health care, leisure and recreation, and cultural activities.

Particularly in the context of widespread poverty, the focus needs to be directed towards the respect of economic, social, and cultural rights so that children can exercise their right for development.

The most important international development framework is manifested in the **Millennium Development Goals** (MDGs). These eight targets are the first comprehensive global development agreement of its kind, adopted by the UN General Assembly in 2000 with duration of 15 years to achieve target results. Although all development goals are interrelated within the MDGs and address children as members of society, three of them directly address children's well-being and development: MDG 2 aims to achieve universal primary education, MDG 4 strives to reduce child mortality, and MDG 5 promotes the improvement of maternal health.

Although the MDGs have been criticized by some development actors for several reasons, primarily because they were not developed in a participatory process and target groups had little to no input to the MDGs; the lack of even and just development progresses within countries; and the lack of human rights consideration as the basis for global poverty reduction, the commitment of the

¹⁹ Information about International Standards of Children's Rights are based on materials from UNICEF (www.unicef.org).

international community to the MDGs shows that addressing children’s well-being is one of most important issues to combat poverty and promote development.

- **Protection rights** encompass protection from child abuse, neglect, exploitation, and cruelty, including the right to special protection in times of war, and protection from abuse in the criminal justice system.

Each child’s parents and their surrounding community, followed by the state, must ensure their protection. The states shall first ratify the main principal international standards for the protection of children’s rights, and then implement these standards in their legislation, politics, procedures, and practices to meet their obligation to prevent and fight against the various problems of mistreatment, violence, and discrimination that can harm a child. States must also ensure care to children with special needs (disabled, refugees, prior victims of exploitation or trauma from conflicts, etc.) and provide them satisfactory and lasting solutions so that they may regain full recognition of their rights. In addition, the states must fight against the customary practices that lead to discrimination and mistreatment of children.

MILLENNIUM DEVELOPMENT GOALS

1. To eradicate extreme poverty and hunger
2. To achieve universal primary education
3. To promote gender equality and empowering women
4. To reduce child mortality rates
5. To improve maternal health
6. To combat HIV/AIDS, malaria, and other diseases
7. To ensure environmental sustainability
8. To develop a global partnership for development

Children’s rights in Myanmar

Myanmar ratified the **UN Convention on the Rights of the Child** in 1991, and enacted its national **Child Law** in 1993. The **Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography** (OP-CRC-CS) was ratified in 2012. Even though Myanmar is a country with one of the highest number of child soldiers in the world, its government has not signed the **Optional Protocol on the Involvement of Children in Armed Conflict**. Child rights violations occur on many levels, by both state and non-state actors. Myanmar’s most pressing problems are ongoing ethnic tensions, armed conflict, displacement, and widespread poverty.

Survival and development rights

Myanmar has taken many reform steps since 2010. The framework for children’s development was set in the **Country Programme Action Plan (CPAP) 2011–2015**, and adopted by a joint governmental initiative with UNICEF. Progress against this plan is documented in a mid-term review report from 2013. The document states that most of the MDGs will not be reached by 2015 due to the recent reform period being too short to achieve much impact.²⁰

According to the report, Myanmar will probably not achieve targets related to primary education (MDG 2). Even though public spending in the education and health sectors has increased significantly from 2012 to 2013 (by 30% and 78% respectively), it started at a very low base. The primary school

²⁰ Government of the Republic of the Union of Myanmar-UNICEF: Country Programme of Cooperation 2011–2015. Mid Term Review Report, p. 5, http://www.unicef.org/myanmar/GoM-UNICEF_MTR_Report.pdf.

enrollment is 84% significantly lower than the regional average enrollment of 94%. Only about half of primary school-age children complete primary education at the correct age, and only about a third of all children attend high school.²¹

Targets such as child and maternal mortality reduction (MDG 4 and 5) and environmental sustainability (MDG 7) will not be reached before 2015. Although the country has achieved most targets in combatting HIV, malaria, and tuberculosis (MDG 6), the prevalence of malaria and tuberculosis are still among the highest in the world.²² Child health indicators in Myanmar are generally below those of neighboring countries. Mortality for children under 5 years of age is currently 62 per 1,000 live births – the MDG target is 43. Basic healthcare faces constraints due to poor infrastructure, low governmental expenditure, and lack of materials, as well as qualified staff. AIDS-related deaths of 18,000 per year leave many orphans behind. Only 25% of pregnant women in Myanmar are tested for HIV during pregnancy – causing a high rate of mother-to-child transmission.²³ Data on water and sanitation are not reliable but available surveys indicate that hygiene standards are hardly improving.

Protection rights

The situation of child protection in the country is not well known due to general lack of data and information. The child protection system is still fragmented, and the legal framework needs revision. There is no overarching policy on child protection and no inclusive system to detect and respond to abuse and exploitation of children. Minimum standards on residential care have been drafted but are not yet adopted.

There is no policy on alternative care for children without parents or guardians, and very little management of how children enter and leave alternative care. This area of the child protection system is seen as one of the highest risk areas for children, as the unregulated proliferation of orphanage care across a range of actors puts children at extreme risk of trafficking, sexual abuse, violence, and illicit inter-country adoption.²⁴

In 2009, the Ministry of Social Welfare, Relief and Resettlement established **Township Committees of the Rights of the Child** (TCRC) in each township across the country. Additionally, **Community-Based Child Protection Groups** (CBCPGs) were established to support the case system. The institutions are partly functional (with, for example, 1,000 child protection cases documented and referred between 2009 and 2013), yet the system is costly and time intensive.

Myanmar's most pressing child protection issues include:

- Children in the streets; unaccompanied children
- Child labor, exploitation, and trafficking
- Violence at home and school
- Low birth registration (a quarter of children are not registered at birth, and lack national identity documentation that allow access to opportunities and services)
- Underage marriage
- Juvenile justice
- Children affected by armed conflict

21 Government of the Republic of the Union of Myanmar-UNICEF, p. 6.

22 Government of the Republic of the Union of Myanmar-UNICEF, p. 6.

23 Government of the Republic of the Union of Myanmar-UNICEF, p. 7.

24 Government of the Republic of the Union of Myanmar-UNICEF, p. 19.

In 2012, UN and the Government of Myanmar signed a Plan of Action to prevent the recruitment and use of children by armed groups, and to allow for the demobilization and reintegration of those children. Even though progress has been achieved since then, the Plan should be extended in order to continue the work, particularly in the context of the national ceasefire and peace processes. The issue of child soldiers was also stressed in the latest report of the former UN Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, who urged Myanmar to:

- Accelerate the identification and release of all children in the national armed forces and border guard forces by providing unimpeded access to its military sites by the Country Task Force;
- Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- The Special Rapporteur calls for joint action plans on child soldiers to also be drawn up with non-State armed groups.²⁵

WOMEN’S RIGHTS

International standards

Women’s rights are enshrined in the **Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW, 1979) and its **Optional Protocol**, added in 2000. CEDAW explicitly defines discrimination against women and sets up an agenda for national action to end such discrimination. CEDAW targets culture and tradition as influential forces shaping gender roles and family relations; it is the first human rights treaty to affirm the reproductive rights of women.

Women’s rights have been advocated internationally through World Conferences on Women. The most recent 4th World Conference on Women was held in Beijing in 1995. It asserted women’s rights as human rights:

“The fundamental transformation that took place in Beijing was the recognition of the need to shift the focus from women to the concept of gender, recognizing that the entire structure of society, and all relations between men and women within it, had to be re-evaluated. Only by such a fundamental restructuring of society and its institutions could women be fully empowered to take their rightful place as equal partners with men in all aspects of life. This change represented a strong reaffirmation that women’s rights were human rights and that gender equality was an issue of universal concern, benefiting all.”²⁶

In the aftermath of the Millennium Declaration of the September 2000 Millennium Summit, which established the Millennium Development Goals, gender issues were integrated into many of the subsequent MDGs, explicitly in MDG 3 (promote gender equality and empower women) and MDG 5 (reduce the maternal mortality ratio by three quarters). The UN system continues to give particular attention to the issue of violence against women.

²⁵ Human Rights Council: Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, March 2014, p. 20, <http://www.ohchr.org/en/countries/asiaregion/pages/mmindex.aspx>.

²⁶ UN Women: The Four Global Womens’ Conferences 1975 – 1995, Historical Perspective, <http://www.un.org/womenwatch/daw/followup/session/presskit/hist.htm>.

The United Nations Security Council also adopted **Resolution Number 1325**, demanding all member states to respect international humanitarian law and international human rights law as applied to the rights and protection of women and girls during and after armed conflicts.

The UN organization dedicated to gender equality and empowerment of women is called **UN Women**, established in 2010. UN Women’s efforts are based on the fundamental belief that every woman has the right to live a life free from violence, poverty, and discrimination, and that gender equality is a prerequisite to achieving global development.

Under the United Nations Declaration of Human Rights, women’s rights are enshrined as human rights, affirming equal justice and dignity for women, stating, “whenever a woman is treated as inferior to a man she is also being treated as somehow less human than a man.”²⁷ In places where violence and discrimination against women are pervasive in social, political, legal and cultural life, violations of women’s rights are systematic and seen as natural. These kinds of attitudes and cultural norms present challenges to advocacy for women’s rights and often require creative ways to appeal to stakeholders and gain their support.

Women’s rights can be framed in a number of ways to fully understand what practical actions can be taken to reduce discrimination and violence. One resource is the *CARE International Women’s Empowerment Framework*, which defines women’s empowerment as “the sum total of changes needed for a woman to realize her full human rights.”²⁸ Women’s rights are deeply affected by the changes in the following factors:

- **Agency:** Her own aspirations and capabilities; women themselves, including their skills, knowledge, confidence, and aspirations.
- **Structure:** The environment that surrounds and conditions her choices. The societal and social structures within which women live, including but not limited to cultures, traditions, faiths, and hierarchies based on social class, caste, ethnicity, and gender.
- **Relations:** The power relations through which she negotiates her path. The relationships through which women negotiate their lives, including those with their husbands, siblings, parents, neighbors and religious communities, government, along with other types of authorities.

CARE has defined the following 23 key dimensions of social change that have shown to be critical to women’s empowerment and improving women’s rights:

Agency	Structures	Relations
1. Self-Image; self-esteem	11. Marriage and kinship roles, norms, and processes	19. Consciousness of self and others as interdependent
2. Legal and rights awareness	12. Laws and practices of citizenship	20. Negotiation, accommodation habits
3. Information and skills	13. Information and access to services	21. Alliance and coalition habits
4. Education	14. Access to justice, enforceability of rights	22. Pursuit, acceptance of accountability
5. Employment/control of own labor	15. Market accessibility	23. New social forms: altered relationships and behaviors
6. Mobility in public space	16. Political representation	
7. Decision influence in household	17. State budgeting practices	
8. Group membership and activism	18. Civil society representation	
9. Material assets owned		
10. Body health and bodily integrity		

27 Amnesty International: Appendix II: Resources, Human rights education workshop for non-governmental organizations, 2005, p. 44.

28 CARE International: Women’s Empowerment Framework, 2012, <http://gender.care2share.wikispaces.net/Strategic+Impact+Inquiry>.

This framework is one example of using human rights as a starting point for social change actions, and provides specific practical aspects of women’s rights that can be affected through advocacy at the community and state levels. Closely tied to women’s rights, gender rights for LGBT people can also be framed the same way, to work for social change that ends violence and discrimination based on sexual orientation. The same elements of social change can be addressed to improve LGBT rights and reduce violence against LGBT individuals.

Women’s and gender rights in Myanmar

Myanmar ratified the CEDAW in 1997 with a reservation regarding Article 29, stating that it does not consider itself bound by the provision that “any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration.”²⁹

In order to promote and protect the rights of women and girls, the Government has established the Myanmar National Committee for Women’s Affairs in 1996 as a national mechanism to carry out the Beijing Declaration and Platform of Action. In addition, the Myanmar’s Women’s Affairs Federation had been established in 2003 to take effective measures in women’s affairs and implement the principles and guidelines laid down by the Myanmar National Committee for Women’s Affairs. According to the announcement of the committee, free legal assistance and advice to complainants has been provided.

This committee is comprised of members of the military and its followers. As it was founded by the junta, it therefore has no power to enforce international gender rights standards, and very little political will to do so. It does not have a mandate that allows for an efficient advocacy effort in order to improve the rights of women who belong to minority groups or who come from poor backgrounds or rural communities.

Many conservative elements of Myanmar society regard women as sex objects, with reproductive and subservient roles, and restricted expectations for women’s behavior. These expectations have excluded women from exercising their human rights and from full participation in civic, social, economic, political, and cultural opportunities.

Currently, some of the most pressing women’s rights issues in Myanmar are threats to women’s legal equality and freedom from the draft Interfaith Marriage Laws; eliminating gender-based violence and discrimination, especially sexual violence against women in conflict zones and domestic violence; and promoting women’s participation in the peace process. All of these issues link back to the Universal Declaration of Human Rights, and the principle that all humans possess the same universal and inalienable rights, and that none of these rights can be denied based on a person’s gender.

²⁹ United Nations Convention on the Elimination of All Forms of Discrimination Against Women, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

ADVOCATING LGBT RIGHTS – MANY TOOLS AND TECHNIQUES, ONE GOAL

Color Rainbow is a LGBT organization that promotes human rights awareness among LGBT people and the general public, using awareness and outreach programming, creative art, and multi-media platforms. They advocate for LGBT rights issues that affect the community and call for equality and non-discrimination. Color Rainbow serves as the only national CSO uniting LGBT groups in one network to advocate collectively for sexual orientation and gender identity (SOGI) rights, while representing the diversity within the LGBT community.

To promote LGBT rights in Myanmar, Color Rainbow has used a variety of advocacy tools and techniques over the past two years to gain support and change people's perspectives: **research and investigation, network building, action planning, special events, ICT and media, and mainstreaming.**

Research and investigation: In 2012, HREIB/CR initiated a **research project on the discrimination, abuse, and violence that is perpetrated against LGBT people** in Myanmar on the basis of sexual orientation and gender identity. The information from this project has formed an advocacy campaign to end abuse and harassment of LGBT people by law enforcement officials through the reform of existing laws, such as police use of force, and Section 377 of the penal code, which prohibits “carnal intercourse against the order of nature” and effectively criminalizes homosexuality.

Network building: Prior to the establishment of Color Rainbow, CSOs, CBOs, and individuals addressing LGBT rights existed but were fragmented and isolated, with many using a sexual health needs-based approach to their work rather than a human rights-based approach. In order to expand their knowledge on human rights issues and see the issue from human rights perspectives, like-minded LGBT health workers were invited to attend the workshop to share the challenges they faced in their communities and then discuss these challenges from human rights points of views. This workshop launched the establishment of Color Rainbow as a network organization, to use a rights-based approach with LGBT issues.

Action planning: Color Rainbow conducts activities based on an action plan that monitors and evaluates its work in four domains of change: **capacity development; building networks; fostering knowledge and awareness; and advocating for change to laws, policy, and practice.** Recent reforms taking place in Myanmar have allowed Myanmar civil society organizations to push for greater domain inside the country, based on the momentum that has been building from both local and international stakeholders.

Special Events: Myanmar had its first International Day Against Homophobia (IDAHO) and Transgender Day of Remembrance (TDoR) celebrations in 2012 and 2013. The May 17th IDAHO held events in 7 locations across Myanmar, marking the day when the WHO removed homosexuality from its clinical list of mental illnesses in 1990 as one of Color Rainbow's most successful campaign activities to date. The transgender beauty pageant, Miss Red Ribbon, held to promote HIV/AIDS awareness, was publicly broadcast in the same year. TDoR candlelight vigils were held November 20 to memorialize those who have been killed as a result of transphobia, the hatred or fear of transgender and gender non-conforming people, and acts to bring attention to the continued violence endured by the transgender community. These events generated public interest and promoted positive images of LGBT people to change perceptions during Myanmar's transition – a time when creating a foundation of empowerment and respect for human rights is increasingly possible.

ICT and Media: Production and distribution of educational LGBT multimedia resources is one of Color Rainbow’s successful strategies. The multimedia resources cover topics such as international LGBT news, sexual health education, and coming-out stories. At network meetings, members committed to collaboration on multimedia output through submission of content to Rainbow TV, Rainbow Magazine, and the Rainbow website. Rainbow TV and Rainbow Magazine promote transparency among members through reporting on network activities and producing cover stories of members’ local outreach projects and impact.

Mainstreaming: Overall, the activities are serving to empower LGBT activists while reducing incidents of violence and discrimination faced by the LGBT community. As a network using many tools and techniques, Color Rainbow aims to integrate LGBT Rights into the mainstream of human rights activism to highlight the importance of focusing on the LGBT demographic in the pursuit of building a national culture of human rights. The future presents a critical window of opportunity for developing this initiative; political space for LGBT activism is opening up and the demand and interest for LGBT resources is growing.

LAND RIGHTS

International standards

Unlike the other human rights listed in this chapter, there is no specific international treaty dealing solely with land rights. Nevertheless, the former Special Rapporteur on the Situation of Human Rights in Myanmar, Tomás Ojea Quintana, points out that forced evictions from farm land “constitute a gross violation of a range of human rights related to housing, health, education, livelihoods and security of person.”³⁰ These rights are enshrined in a variety of international human rights treaties, including the CEDAW and CRC, to which Myanmar is a party state.

Land rights in Myanmar

Land confiscation is one of the greatest causes of unrest and rights violations in Myanmar. The general lack of rule of law, including just legislation and an independent judiciary, along with the inflow of investment, has resulted in land confiscations on a massive scale. According to the Network for Human Rights Documentation – Myanmar’s *Report on the Human Right Situation in Burma July–December 2013*, land confiscation cases have dramatically increased in 2013, leading farmers and landowners to protest, demonstrate their outrage, and advocate for recognition of their rights. Land confiscation and forced displacement occurs in many ways in Myanmar, and is equally perpetrated by the military, the government, and by crony businesses, including private companies operating under the pretense of economic and social development. In Mon State alone, the Human Rights Foundation of Monland (HURFOM) reported, “over 20,000 acres of land were confiscated by the Burmese military and cronies of government in 2013.”³¹

In response to continued land rights violations, civil society and media outlets in Myanmar have criticized government actions that do nothing to combat human rights violations occurring in many areas that are not engaged in military conflict. Victims of land confiscation suffer additional direct

30 Human Rights Council: Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, March 2014, p. 8, <http://www.ohchr.org/en/countries/asiaregion/pages/mmindex.aspx>.

31 Network for Human Rights Documentation – Burma: Report on the Human Right Situation in Burma July-December 2013, p. 10, <http://nd-burma.org/reports/item/124-report-on-the-human-rights-situation-in-burma-july-december-2013.html>.

abuses as a direct result of the government’s “massive development projects with foreign investors, extracting natural resources for export.”³² In September 2013, the government promised to solve land confiscation issues within a year, discussing controversial military land grabs in Mandalay and Yangon, and the “actions might be taken against private companies and persons who obtained virgin lands from the government but have not used them for business” to address the 745 cases covering 512,205 acres of land.³³ Following this commitment, the Deputy Minister of Defence Major-General Kyaw Nyunt announced that the Tatmadaw has returned 208,371 acres of land to previous owners, with an additional 154,116 acres to be returned, also stating “there are no more land seizure programmes in the armed forces but instead land give-back programmes.”³⁴

The problem of land confiscation begins with the Constitution, which permits regional authorities to enact their own laws, rules, regulations, and policies. The 2008 Constitution reconfirms the state as the ultimate owner of all land in Myanmar; however, citizens are granted the right to settle and reside anywhere in the country and establishing private property and inheritance. All the citizens and organizations depend upon use-rights, the rights to use land, but do not own the land where they live or work. Antiquated laws such as the 1894 Land Acquisition Act give the government the right to take over any land, making local people extremely vulnerable to forced displacement without any recourse to remedy when their lands are confiscated for infrastructure, commercial, and military development projects.³⁵

There is no central law to govern land rights and ownership, and across the country, regional laws are used differently to address claims, settle disputes, and determine land rights. Separate laws for different kinds of land treat disputes differently, and do not connect different classes of land. As a result, land rights cases are treated differently throughout Myanmar, and what may be legal in one state can be illegal in another.

In 2012, the Government of Myanmar enacted two laws that have not stopped the tide of land confiscations and forced evictions, and have arguably made the situation worse. The **Farmland Law** created **private-use rights**, including rights to sell, exchange, donate, and lease land. The Farmland Law legalized land confiscation for activities ranging from the construction of factories, power lines, roads, railways, pipelines, amusement parks, to any other project that the government deems to be of “national interest.” It also established the system of registered land-use certificates to create a private land property market. Although the law states that Farmland Administration Bodies are to issue land-use certificates to farmers, and that Land Records Departments are responsible for registering land rights and collecting related fees, the process to obtain these land-use certificates is unclear. The law also limits farmers’ access to judicial remedy by establishing new agencies under the Agriculture and Irrigation Ministry that will have jurisdiction over land-related disputes rather than the courts.³⁶

The second law influencing the land-use rights is the **Vacant Lands, Fallow Lands and Virgin Lands Management Law**. The law gives the government the authority to designate lands vacant, fallow, or virgin – whether or not they are in productive use. Under this law, the government can use any lands deemed vacant, fallow, or virgin for domestic activities or for foreign investment with the agreement of the Myanmar Investment Commission. This law also allows the government to confiscate land if natural resources are found within the plot or if the land is needed for a project that

32 Network for Human Rights Documentation – Burma, p. 11.

33 Eleven Media Group: Govt plans to solve land confiscation issues within a year, 19 September 2013, http://elevenmyanmar.com/index.php?option=com_content&view=article&id=3454.

34 Eleven Media Group: Land grabs by the Tatmadaw a thing of the past—Deputy Minister of Defence, 6 February 2014, http://elevenmyanmar.com/index.php?option=com_content&view=article&id=4977.

35 Burma Environmental Working Group: Burma’s Environment – People, Problems, Policies, <http://www.bewg.org/reports/bepppp>.

36 Asian Human Rights Commission: BURMA – Draft land law denies basic rights to farmers, 1 Nov 2011, <http://www.scoop.co.nz/stories/WO1111/S00051/burma-draft-land-law-denies-basic-rights-to-farmers.htm>.

is “in the interest of the State.” The major lapse in this law is the lack of recognition of traditional or customary use of land, such as recognizing rotational agriculture as a form of productive use. As a result, thousands of people in village communities using these customary practices have been evicted from their lands and left homeless. There are great differences in the number of land confiscations reported by the government and the amount reported by independent media. In February 2014, state-run newspaper *New Light of Myanmar* reported that the government had recognized 745 incidents of land confiscation involving over 500,000 acres of land confiscated by the military over the last five decades, and had solved 688 of these cases.³⁷ On the same day, DVB reported Parliamentary Commission tasked with investigating reports of land confiscation reported 8,478 cases of filed land confiscation complaints, of which only 423 (5%) had been settled so far.³⁸

Land confiscations stem from disparity between the dysfunctional system of land registration, laws, and policies that give preferential treatment to infrastructure, commercial, and military interests over rural people and farmers, and customary land tenure arrangements that are still in place, especially in the ethnic states. Land registration and administration under the Farmland and Vacant Lands, Fallow Lands and Virgin Lands Management Laws reinforces a top-down decision making process without local participation. Rather than deter land rights violations, the current laws place more power in the hands of governmental officials and power-holders who sit on Farmland Administration Bodies and Farmland Management Committees, providing opportunities for corruption in favor of commercial interests. At the same time, customary tenure land management is not legally recognized under any Myanmar laws, even though it is still commonly used in rural areas. These dysfunctional institutions represented by military and government power-holders create corrupt environment without protections for land tenants to receive appropriate compensation when they are forcibly evicted and their lands confiscated for use in large-scale investment projects.

The Special Rapporteur on the Situation of Human Rights in Myanmar states “due to the absence of an independent judiciary and the rule of law, people are currently not able to challenge decisions on evictions or claim their rights to just compensation in a court of law. Furthermore, those trying to claim their rights through peacefully protesting forced evictions and land confiscations are being subjected to excessive use of force by the police and arbitrary arrest and detention and criminal prosecution.”³⁹

The Special Rapporteur’s report concludes that the land rights issues will remain one of the major challenges for the government the next few years, and proposes the following recommendations for the government to consider:

- Establish a system of individual titling and tenure for smallholders to protect people against land appropriation and forced eviction;
- Put in place a collective or communal tenure system for land, fisheries, and forests to protect the access of local communities to common goods;
- Ensure that people peacefully protesting forced evictions and land confiscations are not abused by the policed, detained, or prosecuted.⁴⁰

37 The *New Light of Myanmar*: 745 land grabbing cases happened in 5 decades as successive governments implemented projects in interests of country and people in accordance with rules, regulations, 21 February 2014, <http://www.burmalibrary.org/docs17/NLM2014-02-21.pdf>.

38 DVB: Govt urged to settle land grab claims by September, 21 Feb 14, <http://www.dvb.no/news/govt-urged-to-settle-land-grab-claims-by-september-burma-myanmar/37592>.

39 Human Rights Council: Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, page 8, <http://www.ohchr.org/en/countries/asiaregion/pages/mmindex.aspx>.

40 Report of the Special Rapporteur on the situation of human rights in Myanmar, p. 18.

PARTICIPATORY PEACE PROCESSES

International standards

Article 33 of the Charter of the United Nations states that “the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”⁴¹ Collectively, these ways of seeking a solution through means other than violence are the elements of **peace processes**.

‘**Peace process**’ can be defined in many ways, much like the word ‘peace.’ For the purpose of this manual, we will use the definition from Harold H. Saunders, founder of the International Institute for Sustained Dialogue, and former United States Assistant Secretary of State for Near East Affairs: “a *political process in which conflicts are resolved by peaceful means... [a] mixture of politics, diplomacy, changing relationships, negotiation, mediation, and dialogue in both official and unofficial arenas.*”⁴² Peace processes can take on many forms, and can be more than negotiations to end armed conflict. They can become opportunities for parties to the conflict, along with groups affected by the conflict, though they are not directly fighting, to form new political, constitutional, and economic arrangements that address the underlying conflict and lay the foundations for a more inclusive political settlement and society.⁴³

Participatory peace processes engage non-combatants and wide sectors of the public to participate in shaping the future of their society and country. Participatory peace processes are based on the principles of social integration captured in the United Nations General Assembly Resolutions A and B 53/243, adopted on 13 September 1999, who believe that “peace not only is the absence of conflict, but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation.”⁴⁴ Characteristics of participatory peace processes, noted by UK peace building NGO Conciliation Resources, include:

- **Involvement of other non-combatant political groups**, organized civil society, and marginalized populations such as women, youth, ethnic, indigenous minorities, and displaced people, who are able to influence the shape of the process, the agenda of issues addressed, the agreements reached and how they are implemented;
- **Dynamics enabling wider participation**, where governments and armed groups respond to the demands of non-combatant groups and open space and opportunities to include them at all stages of the process;
- **A distinct phase of inclusion** or broader participation after the main parties reach agreement on the terms of holding wider peace negotiations, or **separate levels of negotiations** throughout the full peace process that include non-combatant groups;
- **Transparency in the public sphere** about the process, content, structure, and decisions made in negotiations, enabling a wider range of people to participate, contribute suggestions, and follow development of the negotiations;

41 UN Peacemaker: Peacemaking Mandate, 2014, <http://peacemaker.un.org/peacemaking-mandate>.

42 Saunders, Harold H.: Pre-negotiation and Circum-negotiation – Arenas of the Multilevel Peace Process, Turbulent Peace, Washington, D.C., U.S. Institute of Peace 2001, p. 483.

43 Conciliation Resources: Public Participation in Peacemaking, Accord, An International Review of Peace Initiatives. London, November 2009, p. 2, <http://www.c-r.org/resources/public-participation-peacemaking-policy-brief>.

44 Department of Economic and Social Affairs of the United Nations Secretariat (DESA): Participatory Dialogue: Toward a Stable, Safe and Just Society for All, United Nations: New York, 2007, p. xii, [http://www.un.org/esa/socdev/publications/prtcprtry_dlg\(full_version\).pdf](http://www.un.org/esa/socdev/publications/prtcprtry_dlg(full_version).pdf).

- **Demonstration of the value of public debate and democratic processes** as the legitimate response to conflict, achieved through transparency to enable greater public acceptance of the process and buy-in to the agreement from a range of political and social groups;
- **A balance of power between negotiating parties** that prevents any one group from dominating the process and recognizes solutions reached through consensus offer the greatest hope for lasting peace;
- **Peace agreements that prove more durable** when facing implementation challenges due to stakeholder buy-in from all sides to the agreements, broad commitment, and political will to carry out the agreements, built through an inclusive, participatory peace process.⁴⁵

There are many ways to engage leaders, traditional negotiating parties, and civil society to create peace processes that are more transparent, inclusive, and participatory. These types of participatory peace processes have shown to be more effective in the long run, and peace negotiations with structured opportunities for broader public participation can:

- Expand the range of issues addressed, including the structural causes of conflict;
- Help to produce peace agreements seen as legitimate by broad sectors of the population;
- Build capacity for more inclusive political participation in future democratic governance;
- Foster a degree of political reconciliation that can lead to social reconciliation.⁴⁶

The goal of any transition from violent conflict is to create a more peaceful society that prevents a return to conflict. In the peace process experiences of many countries – South Africa, Guatemala, Northern Ireland, Sierra Leone – the society that has emerged from violent conflict has been more inclusive than before. Socially inclusive societies hold values of equality and nondiscrimination as their foundations. These values are demonstrated in practice by the ways in which a nation prevents, eliminates, or responds to discrimination or inequality – of any kind. The primary characteristic of a socially inclusive society is the ability of all citizens to claim all of their rights – those protected by the International Bill of Rights (see p. 39 of this manual) – at all times.⁴⁷

Participatory peace processes in Myanmar

Of many topics, PIN’s target groups identified one as most important for advocacy: a peace process that is inclusive and participatory. The outcomes of Myanmar’s ongoing peace process will impact the rights of all citizens in the country and will determine the priorities of the national, regional, and local governments for the coming years. This process will also lay groundwork for national reconciliation efforts and new structures to protect the human rights of all people living in Myanmar. As such, inclusive participation in the process following the end of armed hostilities will be crucial to Myanmar’s transition to democracy, and will need to have representation and input from all types of groups for the process to be open, transparent, and supportive of lasting peace in the country.

⁴⁵ Conciliation Resources, p. 2–3.

⁴⁶ Conciliation Resources, p. 2.

⁴⁷ DESA, p. 12.

Overview

In August 2011, the Myanmar government under President Thein Sein launched a new peace initiative to end the devastating 60-year civil war between the military government and ethnic groups. This effort promised national-level priority attention to core ethnic minority concerns of making peace, promoting equality, ending human rights abuses, providing economic opportunity, equitable resource sharing, eliminating requirements that ethnic armies become border guard forces, and strengthening regional autonomy.⁴⁸ By the end of 2011, four armed ethnic groups had signed preliminary ceasefire agreements, with an additional nine groups signing ceasefires in 2012, and one group signing a ceasefire in 2013. By 2014, all major active ethnic armed groups signed preliminary ceasefire agreements – except the Kachin Independence Organization/Army, and their allies the Arakan Army, All Myanmar Students’ Democratic Front and the Ta’ang National Liberation Army.⁴⁹ While these ceasefire agreements are fragile, they are significant steps toward addressing underlying political and human rights grievances held by ethnic minorities, and began a national level peace process with all parties agreeing to the same conditions and responsibilities to take part in negotiations.

Stakeholders to the peace process include representatives from the government, armed groups, ethnic coalitions, national and international mediators, peace talk facilitators, and monitoring teams. After preliminary ceasefires were signed, ongoing talks between stakeholders have continued toward a nation-wide ceasefire and full peace negotiations. The Myanmar Peace Center, a government body supporting the peace process, outlines the stakeholders below:⁵⁰

<p>Government</p> <ul style="list-style-type: none">  Union Level Peace Team  Myanmar Peace Center  Aung Min <p>Mediators</p> <ul style="list-style-type: none">  Myanmar Egress  Vahu Development Institute  Euro Burma Office  P-C-G  Peace Talk Creation Group 	<p>Armed Groups</p> <p> For full spreadsheet of profiles and statuses of active armed resistance groups after 2009</p> <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th colspan="2">Ceasefire</th> <th>Non-ceasefire</th> </tr> </thead> <tbody> <tr> <td> ABSDF</td> <td> NDAA</td> <td> AA</td> </tr> <tr> <td> ALP</td> <td> NMSP</td> <td> AA (Arakan Army)</td> </tr> <tr> <td> CNF</td> <td> NSCN-K</td> <td> KIO</td> </tr> <tr> <td> DKBA-5</td> <td> PNLO</td> <td> KUKI</td> </tr> <tr> <td> KNPP</td> <td> SSPP</td> <td> TNLA</td> </tr> <tr> <td> KNU</td> <td> RCSS</td> <td></td> </tr> <tr> <td> KPC</td> <td> UWSA</td> <td></td> </tr> </tbody> </table>	Ceasefire		Non-ceasefire	 ABSDF	 NDAA	 AA	 ALP	 NMSP	 AA (Arakan Army)	 CNF	 NSCN-K	 KIO	 DKBA-5	 PNLO	 KUKI	 KNPP	 SSPP	 TNLA	 KNU	 RCSS		 KPC	 UWSA		<p>International Mediators</p> <ul style="list-style-type: none">  Nippon Foundation Myanmar Peace Support Initiative (MPSI) Peace Donor Support Group (PDSG) Peace Support Fund (PSF) United States Institute of Peace (USIP) <p>Ethnic Coalitions</p> <ul style="list-style-type: none">  UNFC  NCCT <p>Peace Talk Facilitators</p> <ul style="list-style-type: none"> Karen Peace Support Team <p>Monitoring Teams</p> <ul style="list-style-type: none"> Mon State Peace Monitoring Committee Karenni Civil Societies Network (Karenni Peace Process Monitoring)
Ceasefire		Non-ceasefire																								
 ABSDF	 NDAA	 AA																								
 ALP	 NMSP	 AA (Arakan Army)																								
 CNF	 NSCN-K	 KIO																								
 DKBA-5	 PNLO	 KUKI																								
 KNPP	 SSPP	 TNLA																								
 KNU	 RCSS																									
 KPC	 UWSA																									

The government’s primary representative in peace negotiations with the various ethnic armed groups is the Union-Level Peacemaking Working Committee. In September 2011, the government issued a three-phase peace plan:

48 International Crisis Group: Myanmar – A New Peace Initiative, 30 November 2011, <http://www.crisisgroup.org/en/regions/asia/south-east-asia/myanmar/214-myanmar-a-new-peace-initiative.aspx>.
 49 Burma News International: Armed Ethnic Groups, <http://www.mmpeacemonitor.org/stakeholders/armed-ethnic-groups>.
 50 Burma News International: Stakeholders Overview, <http://www.mmpeacemonitor.org/stakeholders/stakeholders-overview>.

State Level Peace negotiation

- To cease fire from both sides
- To deploy troops only in agreed territories
- Prohibit the of carrying arms outside the designated territories
- Open liaison offices in areas agreed by both sides (no arms allowed)
- In order for the negotiation process to proceed to Union Level negotiation, each group will have to form an official delegation team and negotiate the place and time for Union Level negotiation.

Union Level Peace Negotiation

- To remain forever in the Union
- To accept the Three National Causes: non-disintegration of the Union, non-disintegration of national sovereignty, and perpetuation of national sovereignty
- To cooperate in economic and development tasks
- To cooperate in the elimination of narcotic drugs
- To set up political parties and enter elections
- To accept the 2008 Constitution and make necessary amendments via Parliament by majority consent
- To fully enter the legal fold for permanent peace and live, move, work in accord with the Constitution
- To coordinate existence of only a single armed force in accordance with the Constitution

Union Level Peace Agreement

- Sign agreement for eternal peace in the presence of the parliament represented by nationalities, political parties, and different walks of life.⁵¹

There is no single cohesive plan or entity that represents all ethnic groups; however, all ethnic groups believe that only negotiations based on the 1947 Panglong Agreement that address self-determination, federalism, and ethnic equality will resolve the ethnic conflict in Myanmar. Various ethnic groups are represented by two major coalitions in negotiations, including the United Nationalities Federal Council (UNFC) and the Nationwide Ceasefire Coordination Team. The UNFC was formed in February 2011, from previous ethnic alliances of the Committee for the Emergence of Federal Union, the National Democratic Front, and the Ethnic Nationalities Council. In September 2012, UNFC released the Six Points Ethnic Peace Roadmap, as an alternative to the government proposal:

- The armed ethnic nationality organizations, political parties, women and youth organizations, along with civil society organizations, will hold meetings to lay down points that will included in the Framework for Political Dialogue.
- Union government representatives and unified representatives for ethnic armed organizations will hold meetings to establish the Framework for Political Dialogue:
 - » Holding meetings in a place acceptable for both sides.
 - » Proceedings of the meetings are to be conducted in the presence of neutral international observers and the points agreed upon are to be promulgated jointly for public knowledge.
- After establishing the Framework for Political Dialogue by representatives of the government and the armed ethnic resistance organizations, conferences of the ethnic peoples are to be held in the states or divisions, as necessary, for clarification and approval.

51 Burma News International: Peace Process – Government Peace Plan, <http://www.mmpeacemonitor.org/peace-process/government-peace-plan>.

- To hold a national conference of the various nationalities participated by representatives of the ethnic armed organizations, political parties, civil society organizations, and women and youth organizations.
- A Union conference, with participation by an equal number of representatives from the ethnic forces, the democratic forces and the government is to be held in the form acceptable to the three forces, and based on Panglong Spirit; the agreements adopted by the conference are to be regarded as the “Union Accord.”
- The Union Accord is to be implemented in accordance within a precise time frame.⁵²

In November 2013, 17 ethnic armed groups established the Nationwide Ceasefire Coordination Team (NCCT) to represent member ethnic armed organizations in negotiations with the UPWC, based on the Eleven Point Common Position of Ethnic Resistance Organizations on Nationwide Ceasefire, and common demands among member groups:

- Amnesty/legalization of ethnic groups
- International mediators, monitoring bodies, public consultation
- Panglong terms and pan-ethnic dialogue
- Cultural protection
- Human rights and a special commission to ensure these rights are protected
- Environmental protection
- Resettlement/integration of refugees and soldiers⁵³

In December 2013, both the UPWC and the NCCT issue proposals for a nationwide ceasefire. Negotiations have been ongoing since January 2014, but have been complicated by renewed clashes between ethnic armed forces and the Tatmadaw in Kachin and Shan States and communal violence in Rakhine State. Despite these challenges, all sides continue dialogue and compromise to address the differences in the two plans. Efforts continue to negotiate preliminary ceasefire agreements with ethnic armed groups who have not yet signed on, and to involve their representatives in coalitions.

Civil society groups have played an important role in the peace process in many ways. They have been critical in advocating for greater representation of marginalized groups, inclusion of priority issues, and for public support of the process. They have served as facilitators to negotiations and as monitoring groups. They have also played a key role in changing perceptions of majority and minority ethnic groups in the country, and in building awareness to create a “visible shift in the general perception among the Bama or Burman population, including the military, that there cannot be peace and progress without the cooperation and participation of ethnic minorities.”⁵⁴ This change in attitude has also prompted “a gradual realization among the majority-Burman population about the need for greater representation of ethnic minorities in all branches of the government – legislative, executive and judiciary.”⁵⁵ These shifts can be the foundations to advocate for an inclusive, participatory peace process that will provide opportunity to create a more inclusive social fabric in Myanmar.

52 Burma News International: Stakeholders – UNFC, <http://www.mmpeacemonitor.org/stakeholders/unfc>.

53 Burma News International: Peace Process – Ethnic Peace Plan, <http://www.mmpeacemonitor.org/peace-process/ethnic-peace-plan>.

54 Kipgen, Nehginpao: Optimism on Myanmar’s transition, 19 March 2014, <http://mmtimes.com/index.php/opinion/9908-optimism-on-myanmar-s-transition.html>.

55 Kipgen, Nehginpao: Optimism on Myanmar’s transition, 19 March 2014, <http://www.mmtimes.com/index.php/opinion/9908-optimism-on-myanmar-s-transition.html>.

People in Need in the Czech Republic

(Člověk v Tísni)
Šafaříkova 635/24, 120 00
Prague 2
Czech Republic

+42 (0) 226 200 400
mail@clovekv tisni.cz

People in Need in Myanmar

135/B Taw Win Yeik Thar Street
Bahan Township
Yangon
Myanmar

+95 (0) 94 200 42 384
pin.mmr@gmail.com



© 2014 People in Need (Člověk v Tísni)

www.peopleinneed.cz