

# SUMMARY REPORT OF RULE OF LAW AND ACCESS TO JUSTICE MAPPING

10 March 2014

This is a summary report on the results of a UNDP mapping of challenges and opportunities for strengthening the rule of law and access to justice in Myanmar, carried out between August and November 2013. The purpose of the mapping, in accordance with the April 2013 *Country Programme Action Plan* (CPAP), is to ensure that future UNDP rule of law and access to justice programming is not only relevant, but also sensitive to diverse local contexts. It is hoped that the report will also be useful to other actors working in coordination and collaboration with the UNDP.

## **I Methodology**

The UNDP is grateful for the support and assistance of Chief Ministers from each of Mandalay Region, Shan State, and Ayeyarwady Region, and to Nay Pyi Taw and State/Region level representatives of the Office of the Supreme Court of the Union (OSCU), the Union Attorney-General's Office (UAGO), the General Administration Department (GAD), and the Myanmar Police Force (MPF). In each of the noted States/Regions, the mapping team visited two townships and their respective district officials. Meetings with OSCU, UAGO and MPF officials at District and State/Region level typically involved groups of five to ten officials, beginning with an introductory meeting with the Chief Ministers. At township level, the team was warmly greeted by one to three judges, Law Officers, GAD officials, and police in their respective offices. A separate UNDP team met with 18 ward and village administrators and other local leaders and organizations.

The research was qualitative in nature, focusing on perceptions and experiences. The mapping relied on a purposive selection of research participants in a limited geographical area, with the aim of capturing as much diversity as possible within a limited time frame. For this reason, the findings are not statistically significant but do provide important indications of rule of law challenges and opportunities for addressing them, as well as suggested areas for future research.

Meetings with State officials revolved around three questions: What kinds of cases and issues are the focus of the institution within its jurisdiction? What are the institutional challenges for carrying out this work, particularly with regard to the national reform process? What, if any, are the needs of the institution for addressing these challenges? At the ward/village and township levels, three complementary questions organized discussions: What are the priority local justice concerns? How do people feel they can address these concerns? What are the perceived obstacles to accessing justice?

Three key areas of the findings are summarized below. They relate to: (i) the independence and accountability of justice institutions and the adequacy of procedures that are currently used; (ii) the accountability of administrative decisions and the adequacy of procedures currently used; and (iii) barriers faced by people in accessing justice.

## **II Independence and Accountability of Justice Institutions**

The views of administrative, justice, and security sector actors interviewed tend to converge around two common perceptions: that there is a lack of trust that negatively affects the relationship between State and citizens; and, second, that there is a need for greater legal awareness by the public. Both issues are seen as requiring efforts by the government to encourage the public to obey the law. The rule of law tends to be viewed synonymously with law and order.

With regard to the roles of the Judiciary, Law Officers, and Police, representatives of these institutions generally conveyed a greater sense of continuity than change during the last two years of the reform process. These officials also described common areas requiring attention and support, including the updating and reform of criminal law and procedure, and the related need to ensure adequate legal defence. Officials expressed openness to collaboration with the UNDP in strengthening the rule of law, particularly in the areas of human resources capacity enhancement, infrastructure and information technology.

### **Judiciary**

The mapping team explored several dimensions of judicial independence and accountability that are relevant for building public trust in the justice system. The independence of the judiciary was affirmed as a pillar of the reform process by all administrative, justice and security sector actors. Some officials noted in confidence that the nature of judicial independence depends to a significant extent on the specific individuals involved, both inside and external to the judiciary, and their commitment to change. They noted the importance of promoting dialogue that is sensitive to these dynamics and inclusive of all the relevant actors.

One concrete and relatively less sensitive example provided by higher-level officials of a shift toward greater independence is the absence of judges from the standard committee meetings to consider law and order at all administrative levels. The earlier participation of judges in these meetings was seen as potentially compromising their independence, and no longer encouraged. At a policy level, it is not uncommon in many countries for judges to participate in such coordination meetings or, for that matter, in public outreach exercises. At this early stage of the reform process, however, it appears that even these kinds of meetings are perceived as inappropriate. The mapping team took away from these comments an appreciation of official concern for respecting and strengthening judicial independence.

Judicial independence in Myanmar is arguably weakened by the constitutional centralization of control or influence over appointments and discipline in the Office of the President. This was not an area that the mapping team could properly explore, since it requires internal policy dialogue and assessments with participation and leadership by the three branches of government. However, the findings from meetings with civil society actors and lawyers suggest that public trust would be greatly enhanced by measures to demonstrably empower judges with formal protection from executive influence.

The mapping team was able to inquire specifically into aspects of judicial accountability that, in practice, can complement and strengthen independence and build public trust. These three areas of accountability include operational accountability (the judiciary's transparent use of resources and management of cases); decisional accountability (ensuring public access to judicial decisions); and behavioural accountability (ensuring that judges are empowered to demonstrate their integrity).

In terms of operational accountability, some judges noted the importance of informing the public about the work of the judiciary and explaining its use of institutional resources. These are areas in which they observed that misunderstandings arise. The organizational capacity for implementing such measures is supported to some extent by existing UNDP support for Information and Communications Technology at the OSCU (and UAGO). This technology can be used as a policy instrument to improve transparency and the provision of information to the public.

Decision-making accountability is the second aspect of accountability discussed with some judges, concretely with regard to two policies. First, judges expressed concern that the standard of court infrastructure must be raised, beginning with an expansion of the size of courtrooms. This relates directly to the judicial responsibility “to dispense justice in open court”, one of the three judicial principles stipulated in the Constitution. The mapping team was shown the inadequate space currently available for Courts at township level, sometimes a secondary structure connected to the main GAD office.

Second, some judges noted steps taken to permit easier public access to judicial decisions, although the mapping team was not able to evaluate the impact of these efforts. Better public access to hearings and decisions will assist in fulfilling one of the seven principled goals for the administration of justice set out in the 2010 *Union Judiciary Law*, which is “to educate the people to understand and abide by the law”. Some lawyers and civil society representatives expressed concern that judicial discretion and independence is, in practice, exercised at the expense of ensuring that ‘like cases are treated alike’, a defining feature of any common law system. To treat like cases alike, through equitable adjudicative processes and application of standards (such as sentencing guidelines), is a fundamental ingredient of equality before the law, as well as the basis for requiring judicial impartiality and integrity. The mapping team considers this an important area for further discussion with the Judiciary regarding possible areas of UNDP and donor support.

The third and final aspect of accountability relates to alleged corruption, which is the complaint heard most frequently by the mapping team in its conversations with both civil society actors and State officials. The main point is that judges must be empowered to demonstrate their integrity through public, clear and well-reasoned judgments, as well as transparent and independent mechanisms that enforce ethical standards. In the absence of such mechanisms, the lack of public trust – which reportedly causes most people to avoid the judicial system as much as possible – sustains an environment in which lawyers and court users alike may feel compelled to resort to corruption, rather than rely on the equal application of the law and the independent determination of the facts.

### **Law Officers**

The **Union Attorney-General’s Office** (UAGO) is playing an important leadership role in advancing the rule of law as the key advisor to the Government and Parliament, and in setting prosecutorial policy for all 14 states and regions. Law Officers play an important role in building public trust in the justice system by upholding fundamental rights of citizens and ensuring that justice is delivered. At the township level, Law Officers discussed with the mapping team their work in providing advice to the MPF regarding the formulation of criminal charges, their formal and informal advice-giving role, and their participation in public awareness-raising activities. The performance of these roles requires the empowerment of Law Officers with sufficient independence as well as accountability

mechanisms; for example, to ensure that evidence is lawfully obtained and, more generally, to ensure that prosecutorial powers are used appropriately.

The **UAGO** in Nay Pyi Taw is leading efforts to build the capacity of Law Officers and developing strategies for the development of the UAGO, an effort that the UNDP is privileged to be supporting. The mapping team appreciated frank discussions with Advocates-General at the State/Region level regarding important issues such as criminal legal defence. The mapping results clearly support the extension of UNDP cooperation from Nay Pyi Taw to the State/Region level.

The UAGO plays a critical role in upholding the rule of law, yet as in all countries, the Attorney General's Office, including prosecution services, is vulnerable to politicization. This vulnerability is reduced to some extent by an independent and accountable judiciary; for example, judges ought to dismiss cases in favour of the defendant where Law Officers have not acted in good faith. Law Officers also play a role in scrutinizing judicial decisions through the appeals and revision process. The justice system is also embedded in a cultural context in which the presumption of innocence, for example, may be obscured by the public's desire to see criminal behaviour repressed combined with the public's lack of familiarity with fair trial standards. Concerns about fair trial emerged in 2013 in relation to communal violence, reported in detail by UN Special Rapporteur, Tomas Quintana. The mapping findings point to the importance of efforts to raise public legal awareness, to support the institutional independence and accountability of the UAGO, and to cooperate in advancing its strategic goals and priorities at both union and State/Region level.

### ***Myanmar Police Force***

The mapping team was welcomed by officials of the Myanmar Police Force (MPF) at all levels. As with justice institutions, the MPF expressed its commitment to supporting the rule of law and welcomed collaboration with the UNDP in this regard. MPF officials focused particularly on their need for material resources and infrastructure, noting the challenge of reaching out to remote communities and maintaining an effective presence. The mapping team learned that the MPF is also an active participant in various inter-institutional coordination mechanisms together with other security and justice sector institutions, and that MPF officials regularly engaged with the public to raise awareness of relevant laws and penalties. The MPF affirmed that all of these efforts form part of community policing strategies that rely on cooperation with local residents, while also stressing the resource challenges that they face.

The MPF is undergoing a transformation into a police service to the community. The mapping team made a point of discussing MPF procedures with regard to women and children, and learned about progress made on sensitization particularly to children's rights through support from organizations such as Save the Children and other UN entities including UNICEF. During the period of the mapping, the UNODC was completing a lengthy period of substantive engagement with the MPF on its institutional structure, nature and composition. The importance of the UNODC role was noted by MPF officials, particularly in Shan State in relation to drug-related crime. Many MPF officials suggested the need for expanded international cooperation in strengthening police infrastructure, as well as crime prevention and prosecution resources.

### **III Accountability in Administrative Decision-making**

The second area of key findings relates to administrative law and its role in addressing larger governance challenges in Myanmar. This includes the challenge of making government more participatory and responsive to the public. The rule of law is essential for meeting these challenges, particularly in building public confidence that all are equal before the law, that the law and its institutions are accessible, that all government actors are bound by law, and that people have a way to seek the independent review of decisions by administrative authorities that fail impartially to uphold rights.

The UNDP mapping team is grateful to many GAD officials who generously shared their views in relation to public administration. The mapping team learned about the implementation of three new institutional arrangements designed to make government more accountable and responsive: the new electoral system for ward and village tract administrators, the newly-established Supporting Committees for ensuring community participation in local development, and the Farmland Management Committees, which are charged with implementing new statutory provisions that will allow farmers with registered certificates to not only inherit (as under the previous system), but also transfer, exchange, and encumber land (for loans, etc). The rule of law and access to justice are important for the success of each of these government policies and institutions. Each of these administrative systems is in the early phases of policy design and implementation.

The mapping team learned from GAD officials that the dramatic increase in public complaints during the recent period of President-led reform relates mainly to disputes over land. The statutory framework for addressing these issues is new, mainly relating the *Farmland Law* (2012) as well as the law on *Vacant, Fallow, and Virgin Land* (2012). The main body responsible for implementing the *Farmland Law* (and, to some extent, the *VDV Law*) is the Farmland Management Committee (FMC). The FMCs, from Village Tract to State/Region level (and of little relevance in urban wards), act as extensions of the centralized authority of the Ministry of Agriculture and Irrigation, supported administratively by the GAD and the Settlement and Land Records Department (SLRD) of the Ministry of Agriculture and Irrigation, which also answers directly to Nay Pyi Taw.

The mapping team was able to confirm in all six townships that, together with specific security challenges, land disputes constitute one of the most problematic administrative issues facing GAD officials, and that many complaints emerge from the activities of the FMCs. According to GAD officials, this is due to lack of information by farmers, a failure of individuals to follow procedures, or the influence of external actors. The result is that, rather than follow sequenced procedures in appealing against FMC decisions, complaints are made directly to executive authorities outside of the FMC process, or to members of parliament at the State/Region level or even in Nay Pyi Taw.

While it was beyond the capacity of the mapping team to carry out a focused study of land tenure issues – potentially the most complex and sensitive rule of law and governance issue in Myanmar – it did hear concerns from both State actors and from civil society that resonate with other empirical studies. The mapping team was made aware of a perceived lack of equal access and transparency that favours vested interests. These complaints are also echoed in the media, a new and welcome opening that contributes to transparency, but which State actors also warned was used to manipulate and distort the facts of individual cases. There are also important assessments of land tenure reform in Myanmar that precede the mapping exercise, from 2012 and early 2013, documenting the complexity of land issues and recommending comprehensive land tenure policies, better protection

for poor farmers who have difficulty accessing information and institutions, and the establishment of independent review mechanisms to ensure fairness and equality before the law.

Farmers have a reasonable expectation that their rights will be impartially adjudicated. This expectation is particularly important given the power of the FMC in relation to disputes (s. 22 of the *Farmland Law*). Failure to abide by FMC decisions can result in "conviction" under section 35 with fines and imprisonment (up to three years for unauthorized land deals with foreigners under s. 14 and s. 37 – a cognizable offence). The prosecutorial provisions in the 2012 *Farmland Law Regulations* (s. 100(a)) provide the only apparent route to the courts, but only for failing to abide by the Committee's decisions.

There is no provision under the existing statute for judicial or independent administrative review of FMC decisions. Decisions by State/Region Farmland Management Committees are final (s. 25(c)). Section 40 of the *Farmland Law* explicitly excludes referring any Committee cases to court so long as the Committee carries out its activities "in good faith" according to law. While in theory the Supreme Court has unrestricted writ jurisdiction, the mapping team was informed that in practice this route has never been effectively available to average farmers. When asked about the possibility of appeal from Farmland Management Committee decisions to the courts, senior public officials insisted on the finality of these decisions at the State/Region administrative level. The courts would only become involved, on this official view, if criminal offences were alleged in violation of FMC decisions subsequently registered by the SLRD.

These administrative decisions have enormous impact on livelihoods. The sensitivity of land disputes is heightened by the controversial history of alleged 'land-grabbing' during the previous regime. The issue therefore transcends land, *per se*, and represents more broadly the challenge of building public trust in governance and in the justice system as it applies to administrative bodies.

#### **IV Access to Justice**

The mapping team visited a total of 18 wards and villages, six from each of Mandalay Region, Shan State, and Ayeywarwady Region. A report on these findings, based on research conducted by Myanmar Marketing Research & Development Services (MMRD), is pending. However, in general terms, one of the important findings of the village and ward level research is the dynamic nature of the relationship between communities and authorities in some areas. There are at least three patterns in this regard, distinguishable by the relative influence of three kinds of authority. The first pattern consists of wards and villages in which State, civil society and political party leadership has little physical presence and where most justice concerns are addressed through traditional and religious authority. The second pattern refers to locations where forms of traditional and religious leadership remain, but in which residents regularly engage with State administrative authorities to address a range of justice concerns. The third pattern involves a relatively smaller number of wards and villages in which residents rely on traditional and State authorities, but in which emerging social and political leadership and organizations also play a role, as 'watchdogs', as facilitators of formal processes, or as advocates at various levels of public administration. Justice-seeking behaviour differs accordingly, and will be the subject of a more detailed report forthcoming from MMRD. Complementing these findings at the local level, a separate UNDP team met with a limited number of lawyers and civil society organizations in Mandalay City, Taunggyi, Lashio, and Patheingyi.

In general, few citizens have had direct involvement with justice and security institutions. Their perceptions are explored in the findings with regard to public trust, traditional and customary law, and a more specific issue – the legal protection of women and children – that also provides insights into the broader relationship between the State and civil society. A fourth area – land and property rights and disputes – was addressed above as a matter of administrative law. More detail on local perspectives related to land issues will be included in the anticipated MMRD report.

### *Public Trust*

Echoing the views of State officials, civil society actors consistently described a gap in public trust in the justice system. When asked to explain this lack of trust, local actors acknowledged a lack of legal awareness by the public. However, they placed more emphasis on the perception that the law works in the service of ruling and business interests, that the Government is not bound by the law, that rights of assembly and association are unduly and arbitrarily restricted, and that vulnerable groups such as women or poor farmers face direct and indirect costs that result in unequal protection of the law and access to justice. There is a common perception that formal institutions of the State should be avoided unless one has sufficient political and economic support. At the village and ward level, MMRD findings conveyed these perceptions in relation to a wide range of ‘justice concerns’, from personal security, to land and property, as well as access to basic social services and employment.

### ***Traditional and customary law***

According to local participants in the research as well as State officials, the vast majority of identified justice concerns for which people seek assistance are locally resolved. For other justice concerns, such as violence against women, it is rare that any third-party assistance is sought. Informal justice systems play a key role, whether rooted in traditions from time immemorial or customs that continue to evolve through ongoing interaction with the State (shaped to varying extents and in complex ways by statutory actors, norms and institutions). As with land issues, this is a complex area with considerable variation across geographic areas, differentiated particularly according to the level of urbanization or contact with urban areas. The mapping exercise did not set out to investigate informal justice systems, which would require a targeted focus as in the case of land issues, but rather to generally assess their significance for local communities (MMRD ward and village level findings are pending).

**Informal justice systems**, including longstanding cultural traditions, are favoured by local people for several reasons. Particularly in the Pa-O Self-Administered Zone, but also in parts of Shan State, the mapping team was able to learn first-hand about the importance of traditional norms, authorities, and practices. GAD and justice officials emphasized the importance that these traditions hold for local people. The mapping team learned that this legitimacy owes in part to the perception that local ways of addressing justice concerns are inexpensive, relatively quick, and predictable. Moreover, the authorities involved in applying these norms can more easily be held accountable than authorities in distant township or district headquarters. In contrast, the State justice system is perceived to be a last resort; avoided unless one is equipped with economic and political leverage.

Even when traditional systems are generally perceived as legitimate and effective, the guarantee of access to a formal and independent remedy is an important protection for individuals who may be disadvantaged. The next section describes one example of this: the vulnerability of women who are often discouraged, in part due to patriarchal traditions, from making public their victimization as a

result of sexual and gender-based violence. Efforts to strengthen local mechanisms, to give voice to women's concerns, participation and leadership, and to create mechanisms to bridge informal and formal systems, may be among the ingredients of a response to this issue. A second example was described above, relating to the adjudication of local land disputes. The work of the Farmland Management Committees includes participation by local authorities, including elders and traditional village heads. However, the mapping team was told by local actors that, at least in some areas, the perceived legitimacy of elders had been weakened by their collaboration with the Peace and Development Councils. The mapping team is not able to draw conclusions in this regard, but rather refers to this for the more limited purpose of avoiding any oversimplified assumptions about informal systems of authority.

### ***Women and children***

The mapping team inquired consistently into the way the legal process responds to the justice concerns of women and children, whether as victims or as alleged perpetrators of crimes. Meetings with civil society actors consistently pointed to a significant or high prevalence, depending on the geographical area, of sexual and gender-based violence and discrimination, including largely unreported domestic violence, abuse of power affecting commercial sex workers, and exploitation affecting girls. These justice concerns have been a focus of longstanding engagement between the UN and justice and security institutions. The efforts of UNICEF, Save the Children, and other agencies, were a welcome support to justice sector efforts to protect the rights of children. Particularly in discussions with the MPF, the mapping team learned about the lack of resources to address these issues with sensitivity, including the near absence of female police officials. The mapping team learned also about the presence of the Myanmar Women's Affairs Federation at various levels, including at the ward and village level, where most communities are aware of their presence and role.

These findings suggest the importance of tailoring legal aid and related development needs to the specific experiences and perceptions of women. The findings also reveal opportunities to empower women to use the law more generally, such as the UNDP's Self-Reliance Groups (SRGs) and the work of other civil society organizations that take a holistic approach to improving women's livelihoods through legal empowerment. This issue is described in more detail below in the recommendations.

### ***Fundamental rights***

The mapping team heard frequent concerns about restrictions on the rights to association and assembly – particularly from local actors aspiring to engage in public service through new forms of civil society organization. This is an area of frequently noted concern by the UN Special Rapporteur. It is also the subject of comment in the media, debate in parliament, and deliberation by Government actors.

These restrictions pose a serious challenge to justice sector development. Global experience amply demonstrates that when the role of civil society is arbitrarily restricted, public trust in the justice system has little opportunity to develop. Such trust can only arise from an open dialogue and respectful expression of criticism. It is evident from the mapping findings that restrictions on the public sphere (based on the regulation of assembly and association) continue to generate mistrust and form a barrier between the State and civil society.



Participants noted limitations, in particular, on the professional development and association of private lawyers. It is important to regulate the legal profession in the interests of clients, but this regulation must be protected from restrictions unrelated to professional ethics or competence. As with the need to develop a judicial service body, so too, lawyers must be represented by independent bodies free of partisan interests. This concern was expressed to the mapping team and is a subject of public debate and media attention.

The history of the legal profession in Myanmar is well documented. The importance of this conclusion for this report relates to the role that lawyers can play in representing criminal defendants and legally empowering disadvantaged groups. There are many different legal aid models, but they have in common the goal of ensuring competent, independent, and impartial representation of clients. Only an independently regulated legal profession can work towards this widely shared goal.

## **V Recommendations**

### ***Strengthening public awareness and voice***

All actors agreed on the importance of strengthening public awareness of laws and procedures, although this was framed differently by State and civil society actors: State actors emphasized the need to promote a law-abiding culture, while civil society leaders focused on empowering equal access to the enjoyment and protection of the law.

Efforts to strengthen public legal awareness should go hand-in-hand with training to support collaborative leadership and dialogue between State and civil society actors. This will optimize the impact of legal awareness and help mitigate any risk of building demand while failing to address the gap in trust and communication that exists.

General awareness-raising is needed as well as efforts that target specific justice issues. The latter permits more concrete engagement between justice and security sector actors and civil society, with a higher likelihood of producing concretely measurable results, including benefits derived from strengthened law and policy dialogue. These strategies can also contribute to strengthening fundamental rights through more constructive engagement between all stakeholders.

Awareness-raising strategies can be designed to strengthen the interaction between formal and informal justice systems, taking into account the concerns noted above regarding the protection of individual rights, particularly for women. There may be opportunities to strengthen and establish alternative dispute resolution mechanisms, including training of paralegals as well as lawyers.

### ***Strengthening institutional change capacity***

The UNDP has established strong working relationships with Planning Teams at both the OSCU and UAGO, including the development of training strategies with the UAGO. The mapping findings strongly support the continuation of these efforts and their expansion to the State and Region level.

This includes the identification of needs in the area of personnel, resources, and management systems. The feedback from Law Officers and judges tends to focus on resources (infrastructure) and, to a lesser extent, personnel (training). These needs are clearly also linked to the need for improved case management systems that ensure efficiency and inter-institutional coordination while also supporting independence and accountability.

The UNDP is already working in each of these three areas (personnel, resources, management systems) to some extent at the Nay Pyi Taw level. As with the internal self-assessment initiated in Nay Pyi Taw through the OSCU and UAGO Planning Teams, internally-led assessments are required at State and Region level. The participation of Planning Team members in the mapping was a first step in this direction. Any investment in personnel, resources, and management systems will have to cohere with clear institutional goals and criteria for ensuring institutional integrity and sustainability. This includes the challenge of developing criteria related to better justice outcomes that ensure performance effectiveness, accountability and integrity in the way personnel, resources, and management systems are designed.

### ***Strengthening access to justice***

UNDP experience and expertise supports a range of options for strengthening access to justice. These include efforts to build the capacity of private lawyers, establish legal aid mechanisms and expand community-based paralegal assistance, and support alternative approaches to dispute resolution, including linkages to informal justice systems at the local level. Private lawyers expressed to the mapping team the importance of building their capacity in order to enable them to meet the challenges of the reform era.

An effective legal aid model in Myanmar can strengthen the adversarial system and support consistent judicial decision-making. There are many questions that will shape the design of legal aid. The findings suggest that women victims of sexual and gender based violence merit consideration for legal aid not only in supporting prosecutions, but also in areas of family and property law.

The UNDP's support for clinical legal education (with partner BABSEA CLE) furthers these objectives. University linkages, in particular, can foster empirical inquiry to ground law and policy debate and also encourage and facilitate a public service orientation by the legal profession. Universities might also support participation by civil society in justice dialogue and monitor impact.

The piloting of access to justice initiatives might consider townships that face specific patterns of justice concerns and that have already-established civil society organizations and educational institutions that can facilitate and support implementation of legal empowerment and legal aid. The mapping team suggests considering areas undergoing urbanization, with both stable and transient populations, diverse ethnic and religious groups, and ongoing economic transformation. Among the areas visited by the mapping team, Lashio, Pyigyitagon, Pathein, Labutta, and Yegyí combine the noted characteristics; though other townships may be identified in cooperation with partners who have experience in the pilot States and Regions. Pilot projects should seek to expand access to justice in the areas where questions of equality, fairness, and equity in accessing justice arise most acutely. The work of community-based paralegals and legal aid lawyers in these areas can be facilitated through private law firms or through civil society organizations.

The mapping team recommends that the UNDP work simultaneously at the general and targeted level in pilot areas. Legal awareness raising at a general level is in demand by private lawyers and civil society leaders. More targeted legal assistance can be directed at certain categories of beneficiaries. In the noted townships, there are organizations dedicated to serving women who need legal protection, counselling, and referral to other services.

Merely formal access to the law is insufficient for disadvantaged and vulnerable groups. Serving the interests of justice (equality, fairness, equity) also requires attention to the capability and freedom of women and vulnerable persons to address their justice and safety concerns in light of barriers documented in the findings. The pilot model described above provides an ideal opportunity to explore holistically the challenge of access to justice for women. The UNDP is well-positioned to do this in areas where it has extensive experience in support of Self-Reliance Groups (SRGs), and in proposed pilot areas where partnerships with local organizations and other UN agencies (UNFPA, UNICEF, UNODC) may be feasible.