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Guide



2019

To Organizing and Working With
Community-Based Paralegals

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FOREWORD

BY VIVEK MARU

“Community paralegal” is a technical-sounding name for a radical role.

There is so much injustice in the world right now. Power and wealth are extremely concentrated. The French economist Thomas Piketty found that on some dimensions our current era is the most unequal on record. And there are more slaves today—about 30 million people—than at any other time in human history.

Authoritarianism and extreme nationalism have gained ground. We are seeing in many places an assault on basic liberties that previous generations shed blood to establish.

We are speeding towards global environmental collapse — in some cities and towns it hurts to breathe. And yet the people most affected by pollution have almost no say in what happens to the land and water.

Meanwhile law, which is meant to protect us from injustice, is often a source of injustice.

It would be reasonable, in the face of these realities, to withdraw. To till one’s plot, tend to one’s family, and try to survive whatever comes.

Community paralegals choose a different path. They engage. They study the rules on the books—the laws that are supposed to belong to all of us. It turns out that even inadequate, unfair laws often have provisions that can be useful in the pursuit of justice. It's like finding crevices in a rock face, where a few fingers, or a hand, or a toe, can fit. Grab hold, step upwards, search again. Paralegals keep climbing.

Over and over I have seen paralegals achieve practical remedies: helping farmers reverse a land grab or helping migrants facing discrimination to secure identity papers. These victories change lives. They also build courage.

Paralegals climb even further. They help people go from solving specific cases—understanding and using the law—towards shaping the law. They pursue changes that make laws and systems better for everyone.

This is hard work. It can be dangerous and exhausting. It can feel lonely, too. But I want to tell you that you are not alone. There are paralegals taking on injustice all over the world. In the Philippines, paralegals helped thousands of small-hold farmers obtain land rights under a national agrarian reform. Collectively, they drew on their experience to achieve structural improvements to the reform itself.

In India, paralegals and communities have secured environmental enforcement against powerful mines and factories that are poisoning water and land. The paralegals and the communities they serve are using data from hundreds of cases to argue for a fundamental shift in the regulatory framework—from (often corrupt) technocracy towards a system in which the insight and leadership of affected communities is central.

You, the community paralegals of Myanmar, are part of a global movement: to democratize law, and to create a fairer world. Thank you for your courage in the face of grave injustice. Thank you for not withdrawing, or giving up. Our climb continues, together.

01 INTRODUCTION

1.1 OBJECTIVES OF THE MANUAL

This manual is intended to be a learning aid and helpful reference guide for community-based paralegals and organisations running community-based paralegal programs.

It should be helpful to paralegal program management staff that supervise and support paralegal services, as well as to those who are interested in learning more about the operations of community-based paralegal programs. Moreover, this manual aims to contribute to developing mechanisms and materials to support sustainable community-based paralegal programs and provide support for a better understanding of the community-based paralegal model.

This manual has been prepared as a hands-on document for community-based paralegals to guide them with basic messages about paralegalism, tackling justice issues, and the delivery of quality services. It provides a framework to ensure that community-based paralegal services can be provided in an efficient and quality-assured manner.

This document is offered as a living document, allowing for periodic updates to reflect the needs of paralegals and paralegal programs.



1.2 WHO IS NAMATI AND WHAT DO WE DO?

Namati is dedicated to placing the power of law in the hands of people. Namati has been building a global movement of grassroots advocates who empower people to understand, use, and shape the law. These ‘barefoot lawyers/paralegals’ form a dynamic and creative frontline that can squeeze justice out of even broken systems.

In the past five years, Namati, partners, and paralegals have worked with over 65,000 clients to take on some of the greatest challenges of our time: protecting community lands, enforcing environmental law, and securing basic rights to healthcare and citizenship. In Myanmar, Namati has worked with paralegals and partners on land rights and community-based legal empowerment since 2013.

Namati tracks data at a granular level on every case we work on and uses that information to advocate for systemic changes, such as better policies for land governance in Myanmar, environmental regulation in India, and healthcare delivery in Mozambique. Namati is a truly global organisation, with offices located in Delhi, Freetown, Maputo, Nairobi, Washington DC, and Yangon.

1.3 ABOUT MYJUSTICE

MyJustice is an access-to-justice programme implemented by the British Council and funded by the European Union. It aims to equip the people of Myanmar with knowledge, confidence, and opportunities to resolve conflicts fairly, equitably, and justly. The programme works closely with local communities to achieve lasting impact on the way disputes are resolved and justice is delivered, especially for poor, vulnerable, and marginalised people.

1.3.1 PROGRAMME OBJECTIVES

Overall objective: To improve access to justice and legal aid for the poor and vulnerable, to develop the legal capacity of justice-sector professionals, and to strengthen selected rule-of-law institutions to better fulfill their mandates.

1.3.1.1 SPECIFIC OBJECTIVES

1. To improve access to both formal and informal justice systems, especially for vulnerable groups in six regions/states in Myanmar.
2. To strengthen the capacity of formal and informal justice service providers in Myanmar.

1.3.2 PROGRAMME VALUES

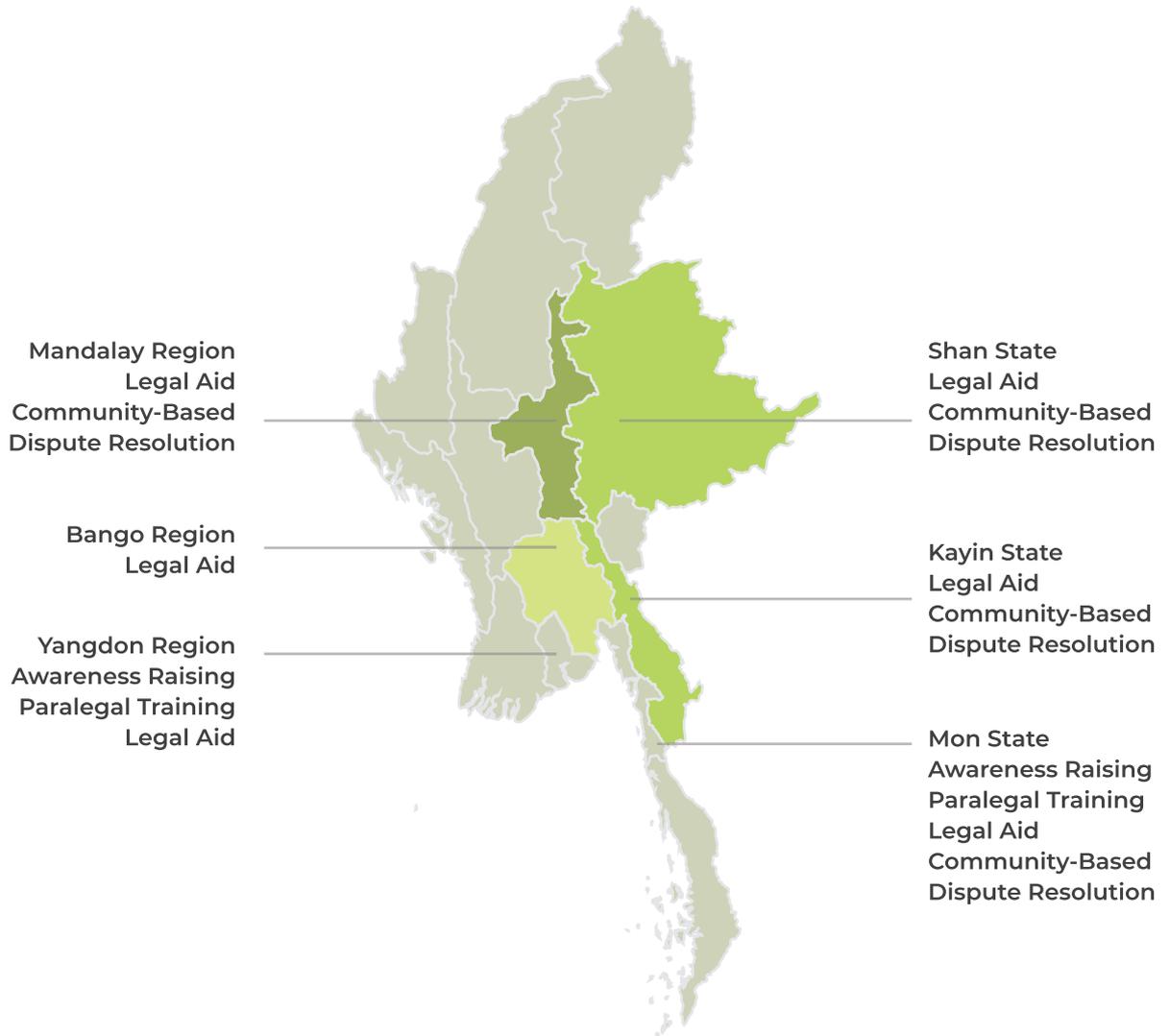
- People-centric: MyJustice keeps people at the centre of the programme and encourages learning, trust, and collaboration between communities, as well as between communities and institutions such as civil society organisations, legal professionals, and formal and informal justice institutions.
- Community-driven: MyJustice works with its partner organisations to empower communities so that they are equal partners in the process of identifying solutions to the challenges they face.
- Powered by evidence: MyJustice gathers evidence from the programme delivery process to understand what works and what does not in terms of access-to-justice programming in Myanmar. This evidence will be a significant contribution to the knowledge base of how justice is accessed and experienced in the unique socio-cultural and political context of Myanmar.

1.3.3 KEY RESULT AREAS

The programme aims to achieve success in four interconnected areas:



WHERE DO WE WORK?
6 STATES AND REGION | 46 TOWNSHIPS



More information about the MyJustice programme can be found at www.myjusticemyanmar.org.
 Access a variety of justice resources and publications at <https://www.myjusticemyanmar.org/publications>

MyJustice

peace, understanding, selfless, rules, coexistence, community, equality, fairness, happiness, non-corrupt, negotiation, truth, satisfaction, discipline, tolerance, right, wrong

Enhancing access to justice for the people of Myanmar

The Strand Masons, No. 26, 1st Floor (left), 500 Street, Kawakada Township, Yangon, Myanmar | tel: +95-9-953 821 211 and 2112 | myjustice@britishcouncil.org | www.myjusticemyanmar.org | https://www.facebook.com/myjusticemyanmar/

Resource Library

Access essential resources, including training materials, monitoring and evaluation tools, case management forms, academic research, and more.

SEARCH KEYWORD, AUTHOR, OR TITLE

SEARCH

1.4 BEYOND THIS MANUAL

Namati convenes the Global Legal Empowerment Network, which brings together over 1,300 organisations and 5,000 individuals dedicated to grassroots justice. The members of the network, from over 150 countries, meet online and in-person, learn from one another, and bring justice to communities in every part of the world. More information about innovative legal empowerment can be found at <https://namati.org/resources/>.

Join <https://namati.org/network/> to be a part of the movement for global legal empowerment.

<https://community.namati.org/search?q=community>

GLOBAL LEGAL EMPOWERMENT NETWORK
COMMUNITY DISCUSSIONS

- 

Community-based M&E, BY the community and FOR the community
■ Learning, Monitoring & Evaluation resourcelibrary
 Jul '15 - The **Community** Land Protection program is drafting a chapter of our global facilitator's guide focused on **community**-based M & E. We want to apply lessons from our o...
- 

A paralegal approach to negotiating large-scale land deals in Sierra Leone
■ Land Protection negotiation paralegals land
 May '17 - ...ments they were signing. Not only are these leases legally complicated, they are sometimes signed under pressure and are not always translated into a **community**'s local language. Since that time, we have witnessed some encouraging improvements in the land-leasing process. Hopeful changes in national policy an...
- 

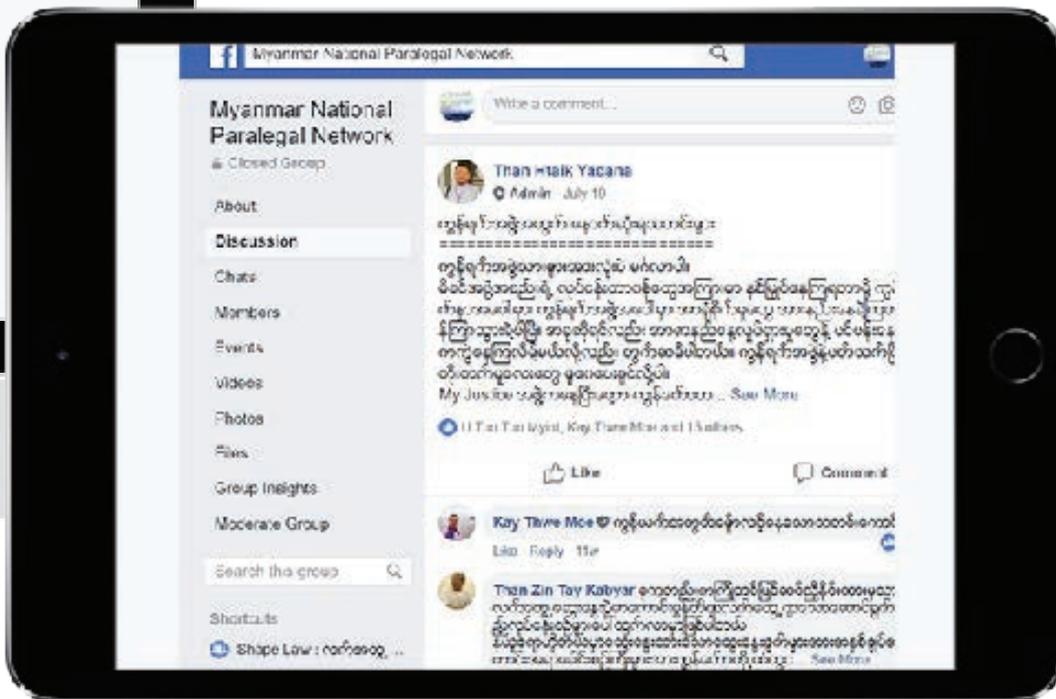
[Featured Resource] Community Land Protection Facilitators Guide / Guide des Facilitateurs de la Protection des Terres Communautaires
■ Community Discussions paralegals land
 Nov '18 - The latest Featured Resource is "**Community** Land Protection Facilitators Guide" which comes to us from the Namati **Community** Land Protection team and their partner organizations. Il existe une v...
- S** **How sociological instruments can contribute to the effective development of local communities**
■ Advocacy
 Oct '18 - ...s. Of these, 62 were fully implemented, implementation of 238 continues. Mr. Okhrimenko also spoke about local studies that were conducted to identify **community** legal needs and the challenges they encountered. The results of research on legal needs in relevant pilot communities have confirmed the hypothesis o...
- 

Learning from Liberia's experience w/ large scale rubber, in context of a proposed rubber plantation in Sierra Leone



In 2015, paralegals and organisations working with paralegals gathered and initiated the National Paralegal Network in Myanmar. The network was established with the vision of increasing access to justice for communities and helping to implement and build the rule of law in Myanmar through strengthening the professional skills of community-based paralegals in the network. Membership is open to all types of paralegals working in Myanmar.

More information about the networks and membership requirements can be found at its Facebook group: <https://goo.gl/QSi6dZ>.



02

WHAT ARE COMMUNITY- BASED PARALEGALS?

'Community-based paralegals', also known as 'grassroots legal advocates', use knowledge of law and skills, like mediation, organisation, education, and advocacy, to seek concrete solutions to instances of injustice. Community-based paralegals provide a bridge between the law and real life. They form a dynamic and creative frontline that can engage formal and traditional institutions alike.

Instead of treating their clients as victims requiring an expert service— 'I will solve this problem for you'— community paralegals focus on legal empowerment: 'We will solve this together, and when we're done you will be in a stronger position to tackle problems like these in the future'.

We will solve this together,
and when we're done you will be in stronger position
to tackle problems like these in the future.



1. Conventional paralegals are people, qualified by education, training, or work experience, who are employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work. In a sense, they can be thought of as lawyers' assistants.

Community-based paralegals are different from conventional paralegals¹ in that their primary role is not to assist lawyers but rather to work directly with the communities they serve. Paralegals use appropriate approaches, such as (i) awareness-raising education with (ii) mediation, (iii) organisation, (iv) facilitation, (v) documentation, (vi) advocacy, and (vii) monitoring to reflect the needs of the client, the community, and issues they face in different contexts and situations.

Community-based paralegals are from and stay within the community. They walk the pathway of legal empowerment with their clients, helping them to know, use, and shape law. They do not work for quick fixes or short-term solutions. They focus on the sustainable legal empowerment of their clients and the community.

Paralegals are not case brokers. They do not ask for payment from clients or the community. Paralegals are not willing to 'do anything' to resolve a case, such as bribing officials or using other questionable means. They follow the law and try to push local officials to do the same. Paralegals do not engage in corruption and advise clients not to pay bribes.



As of May 2018, the world population was estimated to have reached 7.6 billion people. The UN estimates that more than four billion people around the world live outside the protection of the law. There are certainly not enough lawyers, or even paralegals, to be able to address all the injustices these people face. If we are truly invested in a world where access to justice is universal, people themselves must become a capable, empowered, and transformative force.

Namati sees legal empowerment as a part of a larger democratic vision. It is about equipping every person to hold bad actors to account and to shape the rules and institutions that affect everyone. A legally empowered citizen can participate in governance on a daily basis by making use of laws whenever they wish.



Community-based paralegals are

the driving forces and front-line actors of legal empowerment.

Legal empowerment is a deeper version of DEMOCRACY.

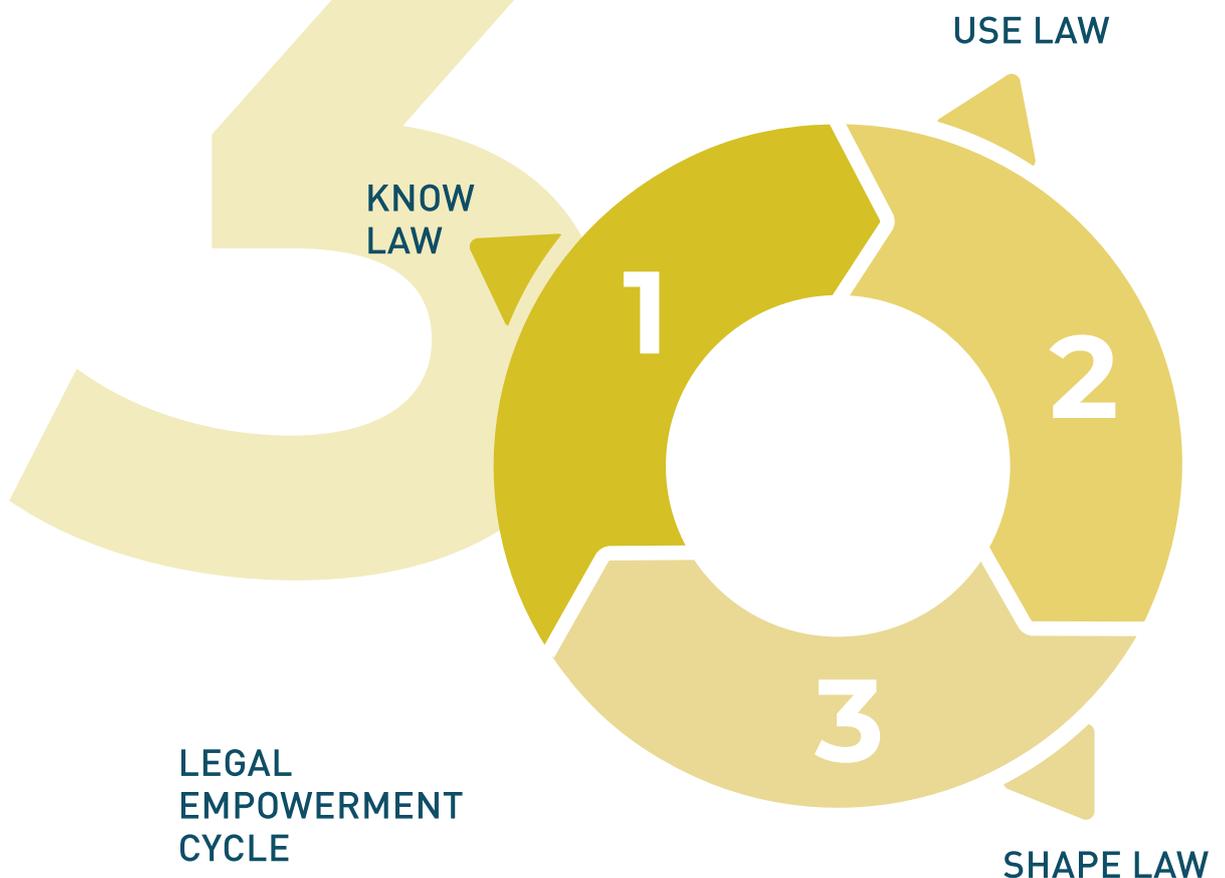
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Key basic criteria of a community-based paralegal

- Have and use basic knowledge and understanding of law in their work
- Have and use essential skills and experiences in helping their community and clients to get justice on cases with imbalance of power
- Have and use strong understanding of local context, customs, and naturally being attached to the community in their work.

WHAT DO COMMUNITY- BASED PARALEGALS DO?

Legal empowerment is the primary focus of community-based paralegals. Both individuals and communities can become legally empowered. Namati simplifies the term “legal empowerment” to: Know Law, Use Law, and Shape Law. None of these should be ignored in the process of legal empowerment.



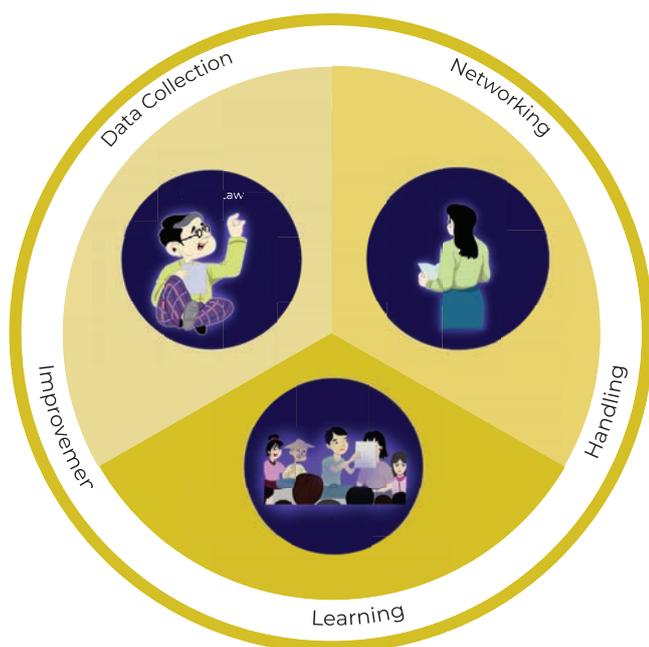
3.1 KNOW LAW

Paralegals help the community and their clients to know what the law is. They discuss and explain how these laws affect their daily lives. It is not just a one-time event of conducting an education session. Paralegals work to ensure that the community understands and has the ability to apply knowledge of the law in daily life.

This manual includes a sample training agenda in Section 8.

3.2 USE LAW

Paralegals guide their clients and community on how the law can be used to solve their concrete problems. Paralegals, their clients, and the community work together to use the law for issues and matters of justice. Empowering a client in the process of using law is about being very intentional with every interaction.



3.3 SHAPE LAW

Through their experience of using laws and engaging with government institutions, paralegals and clients will often notice gaps and failings in the law and the procedures by which it is enacted. The experiences and evidence gathered from their actual application are valuable for the improvement of the law, systems, and policies. As the clients and the community are empowered, they take part in the process of addressing systemic injustices rather than just individual grievances.

Community-based paralegals turn the wheel of legal empowerment by conducting the following five main activities:

1. Raising legal awareness and growing the movement of justice in the community
2. Consulting and case handling
3. Collecting data and gathering evidence for cases and systemic changes
4. Networking and coordinating with other stakeholders
5. Continuous learning and self-improvement

HOW PARALEGALS HELP PEOPLE TO KNOW LAW?

4.1 RAISING LEGAL AWARENESS AND GROWING THE JUSTICE MOVEMENT IN THE COMMUNITY

In paralegal work, community awareness-raising events can be used for many reasons: to introduce a paralegal and the services that paralegals provide; to allow dialogue or consensus-building around action for a community-level case; to educate people on specific laws and government processes. Both formal and informal legal-awareness-raising sessions can be facilitated within the community. It is the first step of legal empowerment: opening the eyes and mindset of community members to help them understand that the law can work for them and does not have to be a tool of oppression. This allows them to understand their rights and the responsibilities of government institutions according to the law.

Community education sessions should be planned based on community needs, including the choice of topic and the arrangement of logistics (date, time, and place). The specific goal of the community education session should be decided and agreed to in advance. Is it to inform/educate, to mobilise action, or to respond to a particular community-level case?

Before setting up the first few community education sessions in a targeted village, paralegals should talk to community leaders, other local community-based organisations or activists who have links to that community, and community members from the village.

0

The topics of the education session should be chosen based on:

- Common questions asked by local community members in the area;
- Common types of cases in the area;
- If any previous education by paralegals or others has been done there – sessions can build on what the community has already learned;
- Topics requested by the community and nearby villages.

Sometimes, repeat visits to the same community and building knowledge over time (as well as being available for case consultations and follow-ups) can be an effective way to do community education. Paralegals can plan shorter sessions (30 to 60 minutes) that take place every three weeks. Community education sessions do not always need to be workshops.

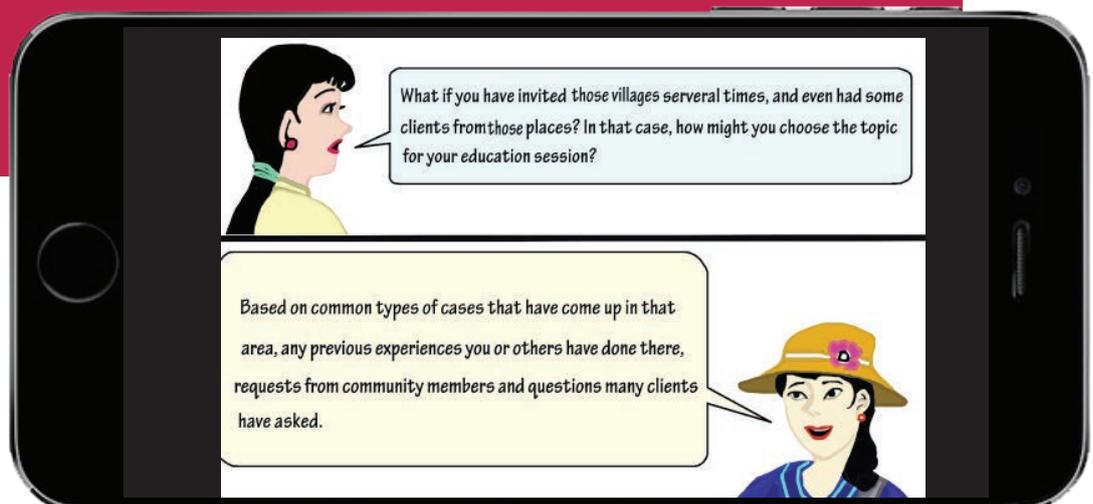
The decision of paralegals whether to hold a single two-hour education session or to hold several 30-minute sessions at regular intervals should be based on the needs, distances, and situation of the villages. Each paralegal knows his/her target area, community needs, and distances best. Paralegals can consult with their supervisors and seniors if advice is needed for planning community education sessions.

4



Questions to guide planning

- What is the goal of this particular community education session? What are the expected results?
- Is the topic relevant to the community?
- Is the information you plan to share immediately useful for the community members?
- Is the event planned at an appropriate day and time, when people will be free to come?
- Will you be able to stay after the session to do individual client consultations or case intake?
- Is the length of the session appropriate for keeping the attention of participants?
- Do you have a plan in place for inviting residents in the area to the session in advance?
- Who else should be involved in planning or delivering the workshop? Who else should be informed or invited?



Effective community legal awareness education sessions can be conducted using the following four simple steps:

4.1.1 IDENTIFICATION OF TOPICS AND PLANNING

Talk to key people within the community to identify the needs and issues.

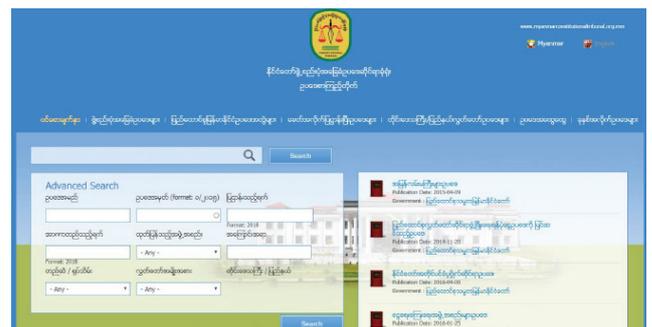
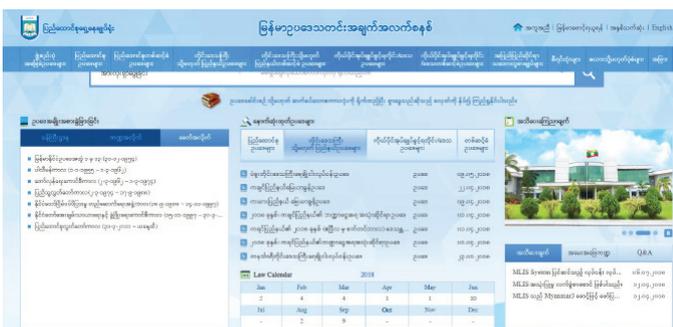
- This will give ideas about what the awareness-raising session topics should be and how the sessions should be conducted.
- This is not only to identify the needs but also to seek existing resources and contributions from the local community for awareness-raising arrangements.
- This will also help paralegals be clear about logistics needs, such as the venue, type of participants, date and time, and need of supporting materials.

4.1.2 REVIEW AND READ THROUGH REFERENCES, LAWS, AND POLICIES RELATED TO THAT ISSUE

The issue may be one with which the paralegal is already familiar and knows the relevant laws, policies, and procedures. In that case, the paralegal can move forward to the next step.

- If not, the paralegal needs to read and understand the relevant laws and policies linked to the issue and consult with their supervisors and a lawyer to make sure he/she is on the right track.
- Local resource libraries and official websites of relevant government institutions can be an option to get up-to-date legal information².
- Paralegals should also discuss with other paralegals who had similar experiences.
- Paralegals may find that there is no specific legal protection on the issue. In this case they can look for general coverage under the constitution and seek a possible link to policy actions under the process of shaping the law.

2. LannPya is one such app. This is an app developed by MyJustice with Koe Koe tech that provides information about the law and seeks to link people/paralegals with services. To download: <https://goo.gl/9QQU7R>



Key components of laws

- Title and Definitions
- Objectives
- Main Institutions and Management Bodies with their roles and limitations
- Prohibitions and Punishments
- Miscellaneous

4.1.3 SIMPLIFYING THE LEGAL TERMS AND KEY MESSAGES

- The language or presentation that is used to talk to a group of lawyers should not be used to talk to villagers who are hearing about the law for the first time. A paralegal needs to adapt the message based on the audience.
- Simplify messages and explain the content in a way that is relevant to the audience and is based on what they need to know. The content must also be explained in a way that the target audience, such as community members and villagers, can understand. Tailoring the message for the audience is an integral part of the community education session.
- Even when messages are made easier to understand they should still be accurate.
- Depending on the issues, type of participants, and time available, components of the related law may need to be divided into subtopics. Prepare for several education sessions to ensure that the audience can catch up on the key messages one after another.



Tips for conducting community legal awareness sessions



- Identify clear learning objectives for each session. What are the three or four main points paralegals want participants to know by the end of the session?
- Focusing on these key points and repeating them multiple times in different ways can strengthen learning. In contrast, including lots of additional detail can make it hard to identify or remember the key information.
- Focus more on the process. It's important to emphasize how someone would address an issue. This information will make the law more concrete for participants and helps them know how they can take action.
- Develop specific modules on priority topics. Plan to do multiple sessions on each topic in any given village. For example, an initial session on community forests might focus on an initial introduction of the mechanism while a second session goes into greater depth on how to create a management plan. This will allow participants to digest smaller amounts of information at a time and ensures that they are talking about priority topics more than once – reminding them about what they learned and increasing the likelihood that they take action.

4.1.4 USING INTERACTIVE AWARENESS-RAISING ARRANGEMENTS WITHIN THE COMMUNITY

- People attending a community meeting are more likely to appreciate and use the information presented if paralegals use dynamic teaching methods and stimulate participation from the community.
- There are a variety of methods to use for interactive education and training in community awareness sessions.
- Paralegals can use appropriate and relevant methods with the target audience.
- Some of the interactive training methods are listed here:



Whole group discussions



Small group discussions



Questions



Pair and group work



Brainstorming



Role-play



Simulations



Debates



Case studies



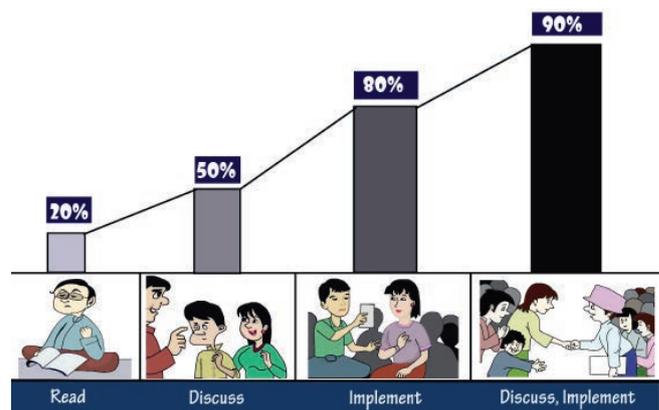
Drawing

Community legal awareness education events are often most effective when part of a longer-term campaign to address a particular injustice. Paralegals might use a meeting to educate a community about a justice issue that is frequently seen. The meeting would be just one part of a strategy that also involves, for example, on-going mediations, advocacy with ministries, and even litigation.

As a part of community legal awareness raising and growing community movement, paralegals:



- Assist the communities in target area to prioritise, identify, and pursue their legal rights
- Prepare training context materials or relevant basic legal documents or handouts for clients or members of the community in local language as needed;
- Educate the villagers and community members (individuals & groups) about laws, procedures, and the government administration of them;
- Facilitate and organize the community for collective action for the purpose of engaging in advocacy, awareness raising, and discussion sessions as needed.



4.1.5 FREQUENTLY ASKED QUESTIONS ABOUT COMMUNITY LEGAL AWARENESS-RAISING SESSIONS

1. How do paralegals structure the education session?

It is usually arranged in three parts. The first part is sharing a topic that has already been identified with key actors in the community. This part will take around 20 to 45 minutes based on the topic. The second part is an open discussion or questions and answers based on the interests of the participants. At this time, the discussion might go

beyond the topic as the participants take the opportunity to ask about other areas of concern. The last part is actually a breakout session or individual discussion. It usually happens at the end because it is an informal discussion or consultation on specific issues of the case of an individual or group of participants. The last part might not happen when the participants are not interested or have nothing to say to the paralegal.

2. How do paralegals facilitate and communicate during sessions?

Paralegals use flip-charts or books with cartoons, pamphlets, or any kind of paper documents whenever possible to help participants understand. It can also be a copy of an official map attached to the land usage rights certificate and the certificate itself, a mortgage agreement with a stamp, an instruction letter from a land-grab reinvestigation committee, and so on. True stories are used by paralegals to share good and bad experiences to draw the attention of the participants. Paralegals also choose relevant tone and wording to hit the hearts of the participants. They often use prompt questions to engage the participants. In the Q&A sessions, if no one asks questions, the supporter of the paralegal sitting in the group might raise questions on behalf of participants to get things started. Tip: it is a good idea if the paralegal has prepared for this in advance and his/her supporter knows the sort of questions to ask to start the process.

3. How do paralegals let people know when and where it is happening?

Paralegals rely on active client and relationship networks for logistics, invitations, and preparations. Preparation is key for paralegals, as is choosing the right topics, time, and venue for the participants. Paralegals usually know this based on information and support from local networks or former clients.

4. How do paralegals choose where to conduct the sessions?

This depends on the local situation, target audience, the information paralegals have received from local contacts, and their experience working in the area previously. Typical session locations will include: the house of a contact person from the

village, a monastery or other religious building, a designated community building, or under the trees on a farm.

It is important that any chosen location ensures inclusion and considers gender issues. The location should be such that all interested people know about it, feel comfortable to participate in the sessions, and can physically reach it. Sometimes, depending on the topic, awareness events might need to be held separately with some groups, for example women may not speak about violence in a mixed group.

5. Do paralegals do a follow-up with the community?

While there are often follow-up education sessions, there is rarely follow-up with the whole community or all participants. Paralegals often have follow-up relationships with some of the participants trying to apply what they have learned to their own cases. Paralegals can also do pre- and post-training questionnaires to see immediate changes and receive feedback. In cases where illiteracy is an issue, the pre- and post-training questions could be oral.

6. What do paralegals see as the goal of the sessions?

Paralegals aim to conduct the sessions not just to promote legal awareness, but also to introduce the importance of the issues, the need of collective action on some cases, and to introduce their services. It is also a way to wake the community up from its long sleep. It aims for the community to start knowing their legal rights on a chosen topic, understanding how these issues affect them, and how they can change the situation themselves with some support from paralegals. It is also an opportunity for two-way learning and trust building.

05 HOW PARALEGALS HELP PEOPLE TO KNOW LAW AND USE LAW?

Community members and potential clients often come to the paralegal with their problems. The level of legal awareness in community members and potential clients is varied. Their needs and expectations can also be varied. However, one thing they have in common is that they all have justice problems and want to solve them. At this stage, it is very important that the paralegal clearly understands the person or community, the nature of the problem, and the expectations. Similarly, the clients and community should also clearly understand what the paralegal can do for them and what they can do together. A paralegal can take the following steps in managing clients and cases:

1. Identifying and interviewing clients to understand the problem.
2. Identifying violations and legal hooks and understanding what legal provisions could help to solve the problem.
3. Connecting with legal professionals and other referral services if the topic is beyond the scope, understanding, or ability of the paralegal.
4. Pursuing a solution to the problem and solving the problem.



5.1 IDENTIFYING AND INTERVIEWING CLIENTS: UNDERSTANDING THE PROBLEM

The following table is an outline of what the paralegal, the person with the problem, or the client should do in the early stage of understanding the problem.

PARALEGAL

- Interview clients/community to understand the client's condition and the problem
- Explain relevant laws and procedures related to the matter
- Explain the rights and remedies that they can expect
- Explain the options that clients can choose and the costs of time, money, risks, and opportunities that the clients can have under each option
- Explain the services that the paralegals can provide and any limitations that they have
- Explain the role of paralegal and ethical standards that they have to abide by
- Explain the role of the clients
- Explore more reference information about the client and the case within the community
- Explain the limitations of the paralegal and share sources of other professionals, lawyers, and networks of legal aid and CSOs
- If paralegals are not certain of any information, they should communicate this clearly to clients and tell them they will find out and get back to them
- Paralegals should take a 'do no harm' approach
- Paralegals should respect the agency and decisions/choices of the client

PERSON/COMMUNITY WITH PROBLEM

- Share their background information
- Explain why they want to get the services of a paralegal and not a lawyer
- Share the history of the issue, the problems they have faced, and actions and responses that they have had
- Explain the impacts of the problem
- Explain the expected result that they want to achieve
- Explain the limitations that they have
- Share evidence and contacts they have gathered that are related to the case

Depending on the level of complexity and type of case, type of client, their capability, and the choices of the person with the problem, paralegals may or may not need to provide service for the case beyond the stage of consultation. In simple cases, even if the client wants to depend on the paralegal, paralegals may encourage them to try on their own with very light-touch legal consultation and support. It is best

if the community members or the clients can solve the problem on their own using the legal knowledge that they gain from the paralegals. This will have the maximum legal empowerment impact. However, the more complex the case and the more limited the capacity of the clients, the more paralegals will have to support. It is important that the clients still drive the case and are involved at every stage.

Tips for interviewing clients and people with the problem

- Do not forget to talk about and give attention to the availability, privacy, confidentiality, and security matters to avoid negative impacts.
- Do not forget to introduce each other and ensure everyone understands why they will have the conversation.
- Start with warm and friendly conversation to form a connection with the clients.
- Trust building is key to elicit complete and factual information about the problem from beginning to end.
- Open-ended general questions are useful to get a wide picture of the problem. It is important to not make or imply any judgement. For example, do not ask 'Isn't it wrong to leave your husband?' or 'Why do you want to jointly register land? Don't you trust your husband?'
- Paralegals should listen more than talk at this stage.
- Details on important points can be gathered using WH questions (what, where, when, why, how) depending on the flow of conversation.
- Pay attention to nonverbal cues, reflect on them, and be flexible throughout the conversation.
- Summarise key information presented during the conversation to confirm its completeness and accuracy.
- Documentation is important to understand the problem and find a solution, but methods of keeping records should reflect the environment and consent of the person with the problem.
- If clients do not have certain information relating to their case, paralegals should ask them where or who they can get this information from.

We introduce here two actual cases narrated by the clients themselves. Over the next several sections of the manual, we will hear how these cases unfolded in the clients' own words.



CASE SERIES (PART 1): CONTACTING THE PARALEGAL

Land Grab Story – Part I

We, U Lone Sai and Nan Ywunt, from Nant Maw Sount Village, approached the paralegal Daw Nan Marlar Thein at the end of a land laws legal awareness session. We explained that the military officer from the area said that our land had been taken by the military in 1991, so we are required to request permission in advance if we want to do farming on our land. We didn't know what we should do. I asked: How can the paralegal help us?

She said she needs to know more information about us and the issues we are facing. She asked me if this problem is faced only by us. I said that 47 other farmers from our village are also facing the same matter. She explained to me briefly about our rights and responsibilities based on related laws. She also introduced the services that she can provide by using the law. We decided to dig deeper about what we can do together by meeting again with other affected farmers. A few days later, we met again. This time together with nine other farmers as representatives of the affected farmers. The paralegal visited with us to see the physical condition of our lands in the context of the current problem. We told details about ourselves, our problems, challenges, and expectations.

Sand Mining Story – Part I

I, U Myint Shwe from Shar Pin Gone Village met with the paralegal U Htay Lwin at the home of my friend U Kyaw, his former client.

I told him about our village on the banks of the Ayawaddy river. Our village is under threat of being washed away. Twenty-eight houses had already been washed out by the river. They are now living in the compound of their neighbours, but the whole village cannot sleep well as we are worried.

It is getting worse this year because of the illegal sand mining business in the river near the village. I asked the sand mining boat to stop doing it, but they don't care. When we came with the village administrator, they moved to another place, but they still came back later.

The paralegal explained to me about the importance of strong evidence and facts to construct a case of environmental damages. Then, he came along with me to see the sand mining activity near our area. I took photo records to prove how it is close to our side of the river.

5.2 IDENTIFYING VIOLATIONS AND LEGAL HOOKS: UNDERSTANDING WHAT LEGAL PROVISIONS COULD BE HELPFUL TO SOLVE THE PROBLEM

When both paralegal and client have a common understanding of the problem and shared expectations of the case, the paralegal has to explain the relevant law, processes, institutions, mechanisms, and other available options. Then, the paralegal will work with the client to identify legal hooks and violations in their specific case. Depending on the complexity of the problem, they may need to spend time together to understand the violations and legal hooks.

In some cases, identification of legal hooks and violations can be simple. In other cases, they may need more clarity of information and frequent discussions with several people. These occasions are very important, as a paralegal is helping the client to use the knowledge of the law to understand the real problem. The paralegal and the client go through the cycle of legal empowerment together. Their relationship will not be top down because they are learning together.

Through
identifying
legal hooks and
violations, both
paralegals and
clients:



- Have a common understanding of the main problem, its source, and its depth
- Have a common understanding of the client's condition and expectations
- Have a proper understanding of the related laws, violations of law, institutions, and procedures
- Have a common understanding of the options that they can choose and the pros and cons of each
- Have a common understanding of the required documents and evidence
- Have a common understanding of who can do what in the subsequent steps
- Have a common understanding of the role of each side in the process

CASE SERIES (PART 2): WE KNOW THE LAW IS ON OUR SIDE



Land Grab Story – Part II

A week later, the paralegal came back to us. We visited the Land Records Department asking for land map information. We took time to review our existing documents, letters from the government and department officials, and other documents. We checked all of the actions with reference law sessions. The paralegals explained the Land Acquisition Act, particularly about the procedures of how to take land if the government needs it. She also gave us documents to read. These are my notes of laws and procedures in my native Shan language. I turn to my notes whenever I have to discuss my case because I don't remember all the details. We talk about the institutions responsible for solving our problem. We noticed that there are gaps in the process of acquiring land. It violated the law because we were not properly informed, and no one took our consent.

Sand Mining Story – Part II

The next day, the paralegal and I organised a meeting at our village. About seven active villagers gathered with us. The paralegal explained the Waterway Maintenance Law of 2006. The responsibilities of the Water Resource, River and Creek Maintenance Department is mentioned in Article 5. We also noted that the General Administrative Department can influence this matter.

Now we feel motivated as we are not alone. We have the paralegal standing together with us to guide us. Though we have limited knowledge and experiences, the paralegal helps us to understand more.

5.3 CASE INTAKE AND HANDLING TIPS

The Namati team from India has created a list of simple tips, termed CHILL, to help paralegals think about the priorities of their work with clients and cases. While you may have other concerns or constraints, this list will help you to think through selection criteria for cases. This will be particularly helpful when there is a much higher demand for help than you have time and resources to satisfy.

C - Community Partners or Clients - The case has community partners or clients. It is usually an individual or a group of affected people aggrieved by a common problem. This individual or group is committed to solving the problem jointly with the paralegal.

H - History - Primarily those cases are chosen where the affected individual or communities have sought some kind of resolution by themselves. This could have been through activists, civil society organisations, or any other means. Exceptions to this may be in situations of emergencies, disasters, or particularly complex or exceptional cases.

I - Impact - Cases that have a large impact in terms of the number of people affected or the number of people likely to be benefited are prioritised.

L - Location - The cases chosen are in the paralegal's vicinity or local area so that s/he can maintain contact with the affected communities through regular site visits and follow-up meetings.

L - Legal Hook - Cases that have a clear legal hook (such as those resulting from a violation of or non-compliance with law, administrative practice, or judicial orders) are prioritised over ones that do not have a direct legal clause supporting them. However, in some scenarios, cases that do not have a clear legal hook may be prioritised if the objective is to use the evidence collected through these cases to recommend new clauses or amendments to existing clauses.

C

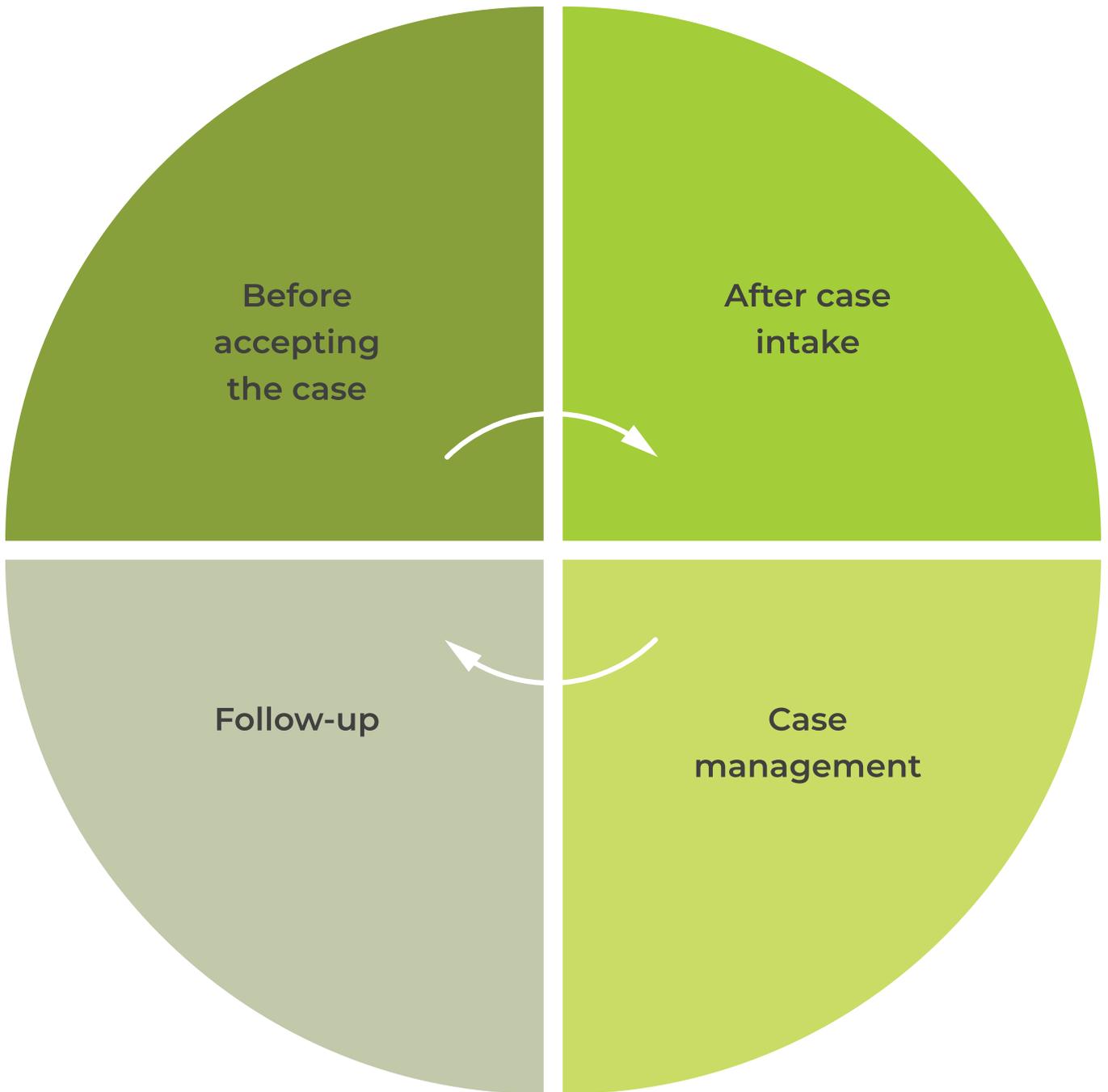
H

I

L

L





There are four well-established periods during the process of taking on, handling, and finishing a case. Different steps must be taken at each stage:



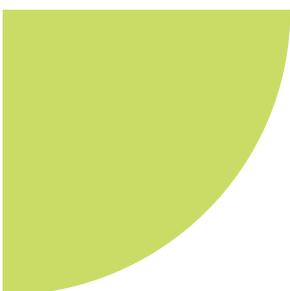
Before accepting the case

- Understand the limits of the law.
- Check that the case is within the capacity of the paralegal.
- Check if the case can be managed by the client itself with the guidance of the paralegal.
- Make sure the case is really true and you are satisfied that the issue is legitimate. Do not just help anyone without doing your own due diligence. We work for justice, not the interests of individuals.
- Ensure the commitment of the client to work together.
- Understand the needs and clear expectations of the clients.
- Make sure the client also understands the limitations.
- Understand and sketch out steps and options to be taken to meet the expectations of the client.



After case intake

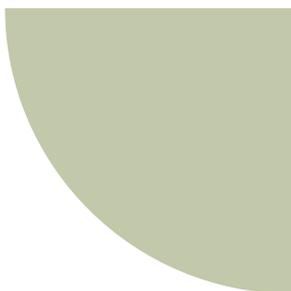
- Gather additional facts and look for strong evidence.
- Note prior experiences on the issues from yourself or others.
- Know if there are applicable laws or not.
- Look for alternative options regarding laws to use or institutions to engage.
- Identify and focus on key institutions/individuals to engage.
- Collaborate and network.
- Develop source of contacts.



Case management

- Use right laws, terms, and evidence in any verbal or written engagement.
- Use effective communication records and reports.
- Pay close attention to the impression you make on clients and local officials.
- Dress and speak appropriately.
- Take parallel actions when required. These can be directed to the local administration, courts, MPs, media, and so on. Remember the power of collective action.

- Make sure the client is also on the same page and follow through at every step.
- Focus on the client's expectations and see if the client has any changes.
- Do not allow your emotions to control you, even when a situation is stressful. You must put the clients' interests first and always be calm and professional.
- Be safe. This is a large topic. You must consider your own safety and that of your clients. This includes basic matters, such as wearing a helmet when you ride a motorbike, and political and local matters that you must carefully consider depending on your location and clients' circumstances. These conditions vary widely across the country and it is always good to discuss them with other paralegals and CSOs.
- Be patient, as cases can take a long time and rarely proceed smoothly.
- Document actions and responses. Typically, we want to track:
 1. What was the action and when did it take place?
 2. What institutions, if any, were engaged?
 3. What was outcome and when did it take place?
 4. What laws or legal hooks were invoked?



Follow-up

- Stay up to date with any changes to the mechanisms, institutions, and laws.
- Conduct a regular checkup of the situation on the ground and any changes to reflect on along with proper responses.
- Review progress of the case and challenges.
- Seek expert advice to overcome any challenges.
- Find an alternative path to move forward.



5.4 PURSUING A SOLUTION TO THE PROBLEM: SOLVING THE PROBLEM

At this stage, the clients and/or community partnering with the paralegal will discuss what to do next to solve their problem. Using their experience gained learning the problem, law, and identified violations, they will make appropriate choices of action. In pursuing a solution to their problem, paralegals can assist in:

- Writing complaint letters or other submissions;
- Navigating and advocating with authorities;
- Mediation or negotiation;
- Organizing collective cases;
- Taking court actions with the help of lawyers.

However, both the client and paralegal should define a clear level of responsibility and accountability to work together until the end of the case. Both commit that they will allocate enough time, pay careful attention, and seek a fair and just solution by using their skills, knowledge of law, and experiences.

Where possible, paralegals need to give the client an active role in building the case. Often, clients themselves are able to actively participate and even take a key role in some activities for pursuing solutions using the knowledge of the law. For example, the client can gather the data, documents, and evidence upon which a case or complaint rests. Guidance, encouragement, and light-touch support help clients stay on the right track as they take each step.

As they work on the case, paralegals need to remind themselves that they are not just working on a case but also turning the wheel of legal empowerment together with the client. They are using the law as they know their rights. How far they need to go and how long the cases take will depend on their capacity, the complexity of their casework, and other factors around them.

Especially in complex cases, paralegals and clients may need to engage different institutions, use diverse approaches, or even take parallel actions at the same time. In the process of taking actions, the paralegal will empower clients and the affected community to learn and work together and put the needs of the clients first.

All decisions must be well informed, so it is the responsibility of paralegals to ensure that the client fully understands the options, as well as the implications and consequences on both them and their community. This will allow the clients to have a sense of ownership of their choices and decisions, thus increasing self-esteem and confidence in taking action steps.

5.4.1 COMPLAINT LETTER WRITING TIPS

- Include important dates, times, locations, and the history of the case in short and simple sentences.
- Include the reasons and particulars of complaints, covering who did what to whom and why.
- Explain the situation using the notes compiled after the event occurred. Every point should refer to strong sources of evidence and the evidence should be attached.
- Include points for the complainant and actions that the complainant expects to see as a result of the complaint.
- Mention if the complainant wants legal action against the other party or just to get the remedies or both.
- Do not allow the letter to become emotional or threatening as these will most likely not elicit a favorable response.
- Do not allow the letter to focus on the gaps of laws/policy as it may mislead the reader to be confused in deciding the action for the case.
- Include contact information such as name, address, and phone number for further communication to resolve the issue.
- Do not send original documents, and keep a copy of the complaint letter for your records.
- If your complaint letter does not bring about the results that you hoped for, consider writing another letter with a firmer tone, or try writing to someone higher up the chain of command. Attach the first letter and mention that there was no response to it.
- The complaint letter should typically come from the client(s), not the paralegal, and clients should keep a copy of the letters for future reference.

5.4.2 SIMPLE MEDIATION STEPS AND TIPS

1

Step (1) Introduction

- Introduce both sides
- Set ground rules
- Remind about confidentiality
- Explain the benefits of mediation

2

Step (2) Listen to Stories from Both Sides

- Listen carefully to each person
- Summarise key points
- Acknowledge and confirm key messages
- Ensure everyone respects the ground rules
- Extract the challenges and problems from the stories of both sides

3

Step (3) Understand the Problems

- Listen to the problems and challenges
- Listen to workable solutions to the problems
- Listen to the requirements

4

Step (4) Seek Alternative Solutions to the Problems

- Point out possibilities for solving the problems
- List the challenges and problems that need to be addressed
- Summarise the requirements and conditions
- Brainstorm solutions to the problems

5

Step (5) Solve the Problems

- Analyse the brainstormed ideas to solve the problems
- Check applicability
- Ensure the agreements are respected by both sides
- Ensure the fairness of any mutual agreements
- Document the agreements

6

Step (6) Close and Depart

- Solicit feedback on the role of the mediator
- Explain follow-up actions
- Encourage the acknowledgement and maintenance of the agreements

Mediation Tips



- Seek the possibility and interest of using mediation when meeting with clients.
- If the case is very sensitive and emotional, conduct individual meetings as required before the face-to-face mediation discussion with both sides.
- Listen and build trust with both parties.
- Do not accept one-sided suggestions, processes, and timelines before understanding the basic facts of the case.
- Make sure to include true representatives from both sides. Do not let powerful individuals and lawyers become the decision makers.
- Avoid giving advice and suggestions that may hurt or favor one side.
- The role of the mediator is to help both parties make fair and mutually agreed decisions.
- Explain to both parties that they have the freedom to make their own choices, but have the responsibility to respect the conditions that they both mutually agree upon during the process of mediation.
- Explain to everyone that they need to respect confidentiality in the process of mediation.
- Explain that the discussion and result will be for the parties not for the paralegal.
- Encourage open discussions, but stress the importance of mutual respect.

Case Management Tips



- Provide legal awareness to the clients.
- Conduct appropriate field investigations to gather required data and information about clients and case situations.
- Consult clients on how to resolve cases by providing options for handling the issue.
- Explain appropriate case strategies and the advocacy process.
- Help clients to fill out forms, write complaint letters, interact with authorities, and make other follow-ups as needed by the client.
- Follow up on cases or conduct follow-up visits to concerned government departments and institutions in order to support clients to resolve the case.
- Take regular forward action on client empowerment and discuss options for next steps.
- Ensure the client is involved in each step of the process to promote greater ownership and learning from experiences.

CASE SERIES (PART 3): USING THE LAW GIVES ME POWER

Land Grab Story – Part III

We discussed with the paralegal that we would first try to use the land for farming. The next step was to have a legal title. We continued farming the land. Soon, we prepared a complaint letter that we signed and submitted to the central and regional land grabbing reinvestigation committee and also to the chief of the military. We waited for months but did not get any responses from the committees. Most of us are not able to read the Burmese language and written laws. We have limited ability to speak up when we have to communicate with government officials or institutions, so that makes it very difficult for us and mostly we rely on the paralegal's assistance. We then submitted a follow-up letter to the same institutions.

Fifteen days after the follow-up letter submission, we visited the township administrator and asked for an update on the progress. The township administrator said that they received an instruction letter from the district authorities to collect required facts about our case and to do a land assessment on the ground.

The administrator also said that he had already passed the instruction to the township's land record department. While they are waiting for the land assessment, other tenant farmers who are close with the military got lands for farming that were owned by the affected farmers in this case. These lands are close to the main road. The 42 clients and the paralegal together asked them to stop doing this and they stopped. The paralegal told one military officer that these lands are being investigated and we are awaiting the results of the land assessment, and that the case is still in process. We asked that the military official should collaborate in the investigation to solve this issue.

We are now sharing our experiences with others in a similar situation. We have noticed that we have changed the way we speak with officials and other people, but we do not know how to mention it. I am involved in the meetings with military and officials. Previously, I felt weak as a woman. Now that I am involved in this case together with other colleagues and the paralegal, I feel like I have power.



Sand Mining Story – Part III

We decided to take the first step of informing the township administrator and concerned department about this case. We presented the evidence that we gathered, as witnessed by the affected villagers and their neighbours. We included the clause mentioned in the waterway maintenance law and asked for an investigation to see if they are officially permitted to do sand mining in this area.

We waited about twenty days without getting a response, so we followed up again to the Water Resource Maintenance Department in Shwe Taung township. Using the connection of the paralegal, we also informed Shwe Taung Township, Lower House MP Daw Mya Kwar Nyo about this case

The investigation was conducted, and it was found that the business was not permitted in the area. Their permission was for another location. They were asked by the Department to stop doing it in our area.

However, the business did not stop. We reported it again to the responsible departments and finally it stopped.

Together with the paralegal we can stop sand mining and its effects on the village.

But we did not stop there. The paralegal helped us connect with a lawyer to push for damage claims in court. Though we initially faced denial, we were able to open a court case at the Shwe Taung Township court.

5.4.3 QUESTIONS TO GUIDE THE CASE HANDLING PROCESS

These questions are for paralegals to ask themselves. If you have all the answers to these questions, then you are in great shape to handle the case. Think of them as a checklist. If you do not have all the answers, then you have further preparatory work to conduct.

STARTING A CASE

- How much do you know about the client?
- What are the challenges and impacts of the problems?
- What facts and evidence do you have/need to gather?
- Who should you consult with?
- What laws, rules, and regulations should you reference?
- What is the violation of the law in this problem?
- What are the government institutions/departments in this case?
- How long do you need to take for preparation?
- How will the client support and participate in the process?
- How do you mobilize and empower the client?
- Who do you collaborate with?
- What is the role of clients?

COMPLAINTS / REQUESTS / SUBMISSIONS

- Which facts and information should you include in the letter?
- Who is the writer and with inputs from whom?

- Who signs the letter?
- Who is given copies of the submission? (Name, Position, Address)
- How many places should you submit the complaint to?
- How do you submit the complaint/request/submission letter? (Postal, in-person)
- What are the key points that you ask for?
- What is your follow-up plan after complaint submission?

MEETINGS / DISCUSSIONS / MEDIATIONS / NEGOTIATIONS

- Who do you invite/meet for mediation/negotiation?
- How do you arrange for the appointment?
- Which method do you use?
- Where do you meet?
- Who participates in the meeting?
- What is the purpose of the meeting?
- How long does the meeting take?
- What are the results from the meeting?
- What supporting documents do you need and from whom?
- What facts and information did you get from the meeting?
- What other guidance and support did you receive to facilitate the meeting?
- What do you need to invest in the meeting?
- What is the next step after meeting?

5.5 LINKING WITH LEGAL PROFESSIONALS AND REFERRAL SERVICES

Often paralegals realise at the beginning that the case is beyond the limit of their understanding or knowledge, thus they refer the community members to other legal service providers or lawyers. Paralegals must know their limits and capabilities, and they should be open and honest about it.

If they are confused, they need to consult with those who have experience with this kind of problem for clarification and advice. Paralegals have to consult with the community, their clients, and connected lawyers to decide the best approach for dealing with the issue.

If paralegals cannot help the clients/people with the problem, they should not just say No. Paralegals should make sure the clients understand the reasons why they cannot help, should explain these to the community, and properly refer the clients to other relevant services – lawyers or psycho-social services.

For cases that paralegals cannot handle, refer them instead of wasting time. If a paralegal thinks litigation is an appropriate tool to use for a complex case, refer such cases to professional lawyers linked with a legal aid service or to counselors linked to psycho-social and other services.

However, even when a case moves to court action with the support of a lawyer, paralegals may stay involved with the case during court proceedings. Paralegals provide valuable assistance to lawyers during the litigation process. They can still be a source of vital information for the lawyers and an effective liaison between the client and the lawyers. Paralegals continue to play a significant role until the final determination of the case, and even after that paralegals can continue to provide follow-up and counseling services to affected community members.

HOW PARALEGALS DOCUMENT CASES

Facts and information play an essential role in the work because paralegals and their clients can use data to identify issues and make decisions about what to do next with their case. Data can also help to proactively measure progress and address issues, challenges and advantages they have. With the support of strong evidence and data, they can gain trust, develop effective, respectful consultations, and secure the support of key decision makers and stakeholders. By combining the case data from many cases, CSOs can gain an insight into the workings of the system overall and present this data and information to law and policy makers to seek deeper and more systematic change.

However, the quality of paralegal case data is a constant challenge on the ground, especially when case forms or other report templates include many detailed sections. If the case form document is too long, it may not be regularly used by paralegals. On the other hand, if it is too brief, it may not be useful enough for practical application and to improve data quality.

In order to find that balance, Namati suggests a case documentation template for case data collection with three key components:

- a. Client information and case background;
- b. Logs of action in progress;
- c. Closing session with descriptions of results and lessons.

Moreover, having a consistent reference guide is very important to help all paralegals to interpret the sections and options in the exact same way. In general, paralegals can have two types of cases: a) individual cases and b) collective cases.

INDIVIDUAL CASES

An individual case is a paralegal assisting one individual client or household for a single justice issue. The focus of the paralegal is to help the individual client resolve issues with, for example, individual land use rights, violence against women, child abuse, or fair compensation for property damage.

COLLECTIVE CASES

A collective case is a case that involves more than one individual, such as a group of people affected by the same type of land or property/environment damage. For example, a collective case could cover the grabbing of a community's land by the same institution at the same time. In such cases, the effort of the paralegal can cover all of the affected people in the case. Similarly, the clients and key representatives could work together collectively, as the paralegal can help get them all on the same page.

The documentation on the case intake forms is designed to capture the specific case information and regularly update it in discussion with the client.

6.1 CLIENT INFORMATION AND CASE BACKGROUND

Initial information about the background of the case, client, and problems should be recorded in Part 1 of the case form. Then, the paralegal and clients can reflect on the points mentioned in the initial stage and gather more detailed information and evidence for the case, the clients, and related individuals.

Sample Case Form: Namati Myanmar Land Rights
Program Case Form Part A



Myanmar Case Form – Part A

Case Number

Paralegal Name/ Code _____ Township: _____
Case Accepted Date: ____/____/____ Closure Date: ____/____/____

Client Information	Client	State /Region	Case Type	How client learned of paralegal
	Name _____	<input type="checkbox"/> Ayeyawady <input type="checkbox"/> Bago <input type="checkbox"/> Chin <input type="checkbox"/> Kayah <input type="checkbox"/> Magway <input type="checkbox"/> Mon <input type="checkbox"/> Sagaing <input type="checkbox"/> East Shan <input type="checkbox"/> Southern Shan <input type="checkbox"/> Rakhine <input type="checkbox"/> Other: _____	<input type="checkbox"/> Land Title <input type="checkbox"/> Land Grab <input type="checkbox"/> Released Grabbed Land <input type="checkbox"/> Local Land Dispute <input type="checkbox"/> Damage to Crop/Land/Building <input type="checkbox"/> Change in Land Type <input type="checkbox"/> Other: _____	<input type="checkbox"/> Saw poster/leaflet <input type="checkbox"/> Community meeting <input type="checkbox"/> From former client <input type="checkbox"/> From Paralegal <input type="checkbox"/> Door to door outreach <input type="checkbox"/> Word of mouth <input type="checkbox"/> Observed by trainer at govt office <input type="checkbox"/> Is former / repeat client <input type="checkbox"/> Referred by another organization <input type="checkbox"/> Other: _____
	Village _____			
	Village tract _____			
Township _____				
Telephone _____				
Age _____				
Ethnicity		Marital Status	Education	Livelihood/Occupation
<input type="checkbox"/> Burmese <input type="checkbox"/> Shan <input type="checkbox"/> Rakhine <input type="checkbox"/> Chin <input type="checkbox"/> Kachin <input type="checkbox"/> Kayah	<input type="checkbox"/> Mon <input type="checkbox"/> Kroyah <input type="checkbox"/> Iaku <input type="checkbox"/> Akha <input type="checkbox"/> Wa <input type="checkbox"/> Pa-oh	<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Widow	<input type="checkbox"/> None <input type="checkbox"/> Primary <input type="checkbox"/> Secondary <input type="checkbox"/> Other: _____	<input type="checkbox"/> Farmer <input type="checkbox"/> Jan laborer <input type="checkbox"/> Student <input type="checkbox"/> Unemployed <input type="checkbox"/> Homemaker <input type="checkbox"/> Other: _____
Gender		Client speaks Burmese	Client has an NRC	Religion
<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Buddhist <input type="checkbox"/> Muslim <input type="checkbox"/> Christian	<input type="checkbox"/> Hindu <input type="checkbox"/> No religion <input type="checkbox"/> Other
Client Representatives	Name: _____	Telephone: _____	Age: _____	Education level: _____
	Name: _____	Telephone: _____	Age: _____	Education level: _____
	Name: _____	Telephone: _____	Age: _____	Education level: _____
	Name: _____	Telephone: _____	Age: _____	Education level: _____
	Name: _____	Telephone: _____	Age: _____	Education level: _____



Myanmar Case Form – Part A

Client's Description of the Problem	What is the problem? (tick all that apply)	Land Type(s) (Government class/tenure)	Land use	Is farm in target area?
	<input type="checkbox"/> My land / crop has been damaged <input type="checkbox"/> I can't access my land but don't have legal title <input type="checkbox"/> I am using my land as I want legal title <input type="checkbox"/> I am involved in a land dispute with someone in the community <input type="checkbox"/> I can't access my land <input type="checkbox"/> I want to use forest land <input type="checkbox"/> I am using my land / I want to change legal status of my land <input type="checkbox"/> Other _____	<input type="checkbox"/> Farm land <input type="checkbox"/> Village commonland <input type="checkbox"/> Allodial land <input type="checkbox"/> Forest land (reserved / protected forest) <input type="checkbox"/> Vacant / Virgin land <input type="checkbox"/> Grazing land <input type="checkbox"/> Waste land <input type="checkbox"/> Garden Land <input type="checkbox"/> Other _____	<input type="checkbox"/> Agriculture (rice) <input type="checkbox"/> Agriculture (Non rice) <input type="checkbox"/> Housing <input type="checkbox"/> Other buildings <input type="checkbox"/> Infrastructure <input type="checkbox"/> Fish pond <input type="checkbox"/> Vacant land <input type="checkbox"/> Scrubland <input type="checkbox"/> Forest land <input type="checkbox"/> Low ed vacant land	<input type="checkbox"/> Yes <input type="checkbox"/> No
				Access to other land <input type="checkbox"/> Yes <input type="checkbox"/> No
				# of other acres owned _____
	Total # of acres applied for in this case: _____		Start date of plantation: _____/_____/_____	
	Subber Type (if land grab case)	Who is currently using the land (if land grab case)	if Released Grabbed Land case:	
	<input type="checkbox"/> Military <input type="checkbox"/> Ethnic Military <input type="checkbox"/> Government (Ministry of Agriculture) <input type="checkbox"/> Government (Ministry of Industry) <input type="checkbox"/> Government (Ministry of Home Affairs) <input type="checkbox"/> Government (Ministry of Construction) <input type="checkbox"/> Government (Other) <input type="checkbox"/> Companies associated with Military <input type="checkbox"/> Other Companies <input type="checkbox"/> Powerful Individual <input type="checkbox"/> Other Year of Land Grab: _____	<input type="checkbox"/> Used themselves <input type="checkbox"/> Rent to others <input type="checkbox"/> Rent to original owners <input type="checkbox"/> Transferred to another <input type="checkbox"/> None <input type="checkbox"/> Other _____	Land released by: _____ Year Released: _____	

Myanmar Case Form – Part A

What has been done so far to address the problem? (tick all that apply)		What evidence do clients have? (tick all that apply)
Actions Taken	<input type="checkbox"/> None	<input type="checkbox"/> Tax Receipt
	<input type="checkbox"/> Filed Objection ()	<input type="checkbox"/> Farmer Record Book
	<input type="checkbox"/> Applied, but denied registration ()	<input type="checkbox"/> Letters from Government
	<input type="checkbox"/> Submitted Complaint Letter ()	<input type="checkbox"/> Bank/Loan Book
	<input type="checkbox"/> Applied / Application in process ()	<input type="checkbox"/> Neighbors' recommendation
	<input type="checkbox"/> Others people/org helped ()	<input type="checkbox"/> Copy of Land Mark from SLRD
	()	<input type="checkbox"/> Recommendation from Government
	<input type="checkbox"/> Accepted Compensation ()	<input type="checkbox"/> Contract of purchasing/selling deals
	<input type="checkbox"/> Not accepted Compensation ()	<input type="checkbox"/> Photos record
	<input type="checkbox"/> Other: ()	<input type="checkbox"/> Other: _____
Summary of Case and Previous Action		

Documenting case information, related law, procedures, and requirements help paralegals and clients to consider their options and make decisions on what to do next. If needed they can seek more evidence and required information on the case. Clients and paralegals can also reflect on their past actions and learn from other cases with similar experiences.

6.2 LOGS OF ACTION IN PROGRESS

Paralegals need to update the case progress in the document regularly as the they and their clients take action.

- Organizing facts and evidence
- Organizing and mobilizing the affected community for collective action
- Writing complaint letters or other submissions

- Sharing updates on progress and conditions among them
- Meeting and following up with authorities and concerned parties
- Mediation and negotiation
- Documenting cases and engagement with media

All activities concerning the case should be recorded in the Action Log. Each Action Log entry should include the date and a summary of events that took place. E.g. 'Delivered a letter to the township administrative office to present the problem of village administrator selection' or 'Client visited the office to ask about progress'. The Action Log should be detailed enough that another paralegal or person can understand the entire case by reading it.

Sample Case Form: Namati Myanmar Land Rights
Program Case Form Part B (Action Logs)

Myanmar Case Form – Part C



Actions Taken	Institution engaged	Level	Result/Response
Date: ____/____/____ <input type="checkbox"/> Submitted letter of complaint <input type="checkbox"/> Follow up letter <input type="checkbox"/> Called to check on case status <input type="checkbox"/> Participated in investigation <input type="checkbox"/> Phone call <input type="checkbox"/> Visit to office/meeting Notes:	<input type="checkbox"/> Reinvestigation Committee <input type="checkbox"/> Farmland Management Com. <input type="checkbox"/> Farmer/fellow/ Village land management committee <input type="checkbox"/> NLRD <input type="checkbox"/> GAD <input type="checkbox"/> Parliament / MPs <input type="checkbox"/> Ministry of Agriculture <input type="checkbox"/> Ministry of Environment Conservation and Forestry <input type="checkbox"/> Political Party Other: _____	<input type="checkbox"/> Village <input type="checkbox"/> Village tract <input type="checkbox"/> Township <input type="checkbox"/> District <input type="checkbox"/> State/ Region <input type="checkbox"/> National	Date: ____/____/____ <input type="checkbox"/> Reject case <input type="checkbox"/> Order of true signature <input type="checkbox"/> Recommend release of land <input type="checkbox"/> Referred to another government institution <input type="checkbox"/> No action <input type="checkbox"/> Other: _____ Notes:
Date: ____/____/____ <input type="checkbox"/> Submitted letter of complaint <input type="checkbox"/> Follow up letter <input type="checkbox"/> Called to check on case status <input type="checkbox"/> Participated in investigation <input type="checkbox"/> Phone call <input type="checkbox"/> Visit to office/meeting Notes:	<input type="checkbox"/> Reinvestigation Committee <input type="checkbox"/> Farmland Management Com. <input type="checkbox"/> Farmer/fellow/ Village land management committee <input type="checkbox"/> NLRD <input type="checkbox"/> GAD <input type="checkbox"/> Parliament / MPs <input type="checkbox"/> Ministry of Agriculture <input type="checkbox"/> Ministry of Environment Conservation and Forestry <input type="checkbox"/> Political Party Other: _____	<input type="checkbox"/> Village <input type="checkbox"/> Village tract <input type="checkbox"/> Township <input type="checkbox"/> District <input type="checkbox"/> State/ Region <input type="checkbox"/> National	Date: ____/____/____ <input type="checkbox"/> Reject case <input type="checkbox"/> Order of true signature <input type="checkbox"/> Recommend release of land <input type="checkbox"/> Referred to another government institution <input type="checkbox"/> No action <input type="checkbox"/> Other: _____ Notes:
Date: ____/____/____ <input type="checkbox"/> Submitted letter of complaint <input type="checkbox"/> Follow up letter <input type="checkbox"/> Called to check on case status <input type="checkbox"/> Participated in investigation <input type="checkbox"/> Phone call <input type="checkbox"/> Visit to office/meeting Notes:	<input type="checkbox"/> Reinvestigation Committee <input type="checkbox"/> Farmland Management Com. <input type="checkbox"/> Farmer/fellow/ Village land management committee <input type="checkbox"/> NLRD <input type="checkbox"/> GAD <input type="checkbox"/> Parliament / MPs <input type="checkbox"/> Ministry of Agriculture <input type="checkbox"/> Ministry of Environment Conservation and Forestry <input type="checkbox"/> Political Party Other: _____	<input type="checkbox"/> Village <input type="checkbox"/> Village tract <input type="checkbox"/> Township <input type="checkbox"/> District <input type="checkbox"/> State/ Region <input type="checkbox"/> National	Date: ____/____/____ <input type="checkbox"/> Reject case <input type="checkbox"/> Order of true signature <input type="checkbox"/> Recommend release of land <input type="checkbox"/> Referred to another government institution <input type="checkbox"/> No action <input type="checkbox"/> Other: _____ Notes:

Thorough record keeping is crucial for effective case management. Each entry should also include an estimate of time and money spent on a given task. Record important dates and facts of the case and serialise potential case strategies. The case file should also include photocopies of any supporting documents like tax receipts, letters to government authorities, and photos filed in order in the case binder.

When making referrals, always document the transaction in writing, and always consult with supervisors and seniors.

Always keep a copy of the case file for your own reference even when a referral is made. When a referral is made outside the organisation send a referral letter explaining the case and what the institution or person is expected to do. It is important to keep information confidential. When clients give you information you have to make sure they give you permission before you share it with others. Stay in touch with the clients and continue to update the Action Log of the case file.

6.3 CLOSING SECTION WITH DESCRIPTIONS OF RESULTS AND LESSONS

When a case has been closed, paralegals take note of why the case was closed by writing reflections of the key activities, laws, and institutions used to solve the problem along with highlights of the case,

client empowerment, challenges, and perceptions on the achievement of justice, etc. These closing notes are important for further review of case management strategies and analysis.

Sample Case Form: Namati Myanmar Land Rights Program Case Form Part C (Closing Case)

Myanmar Case Form – Part C

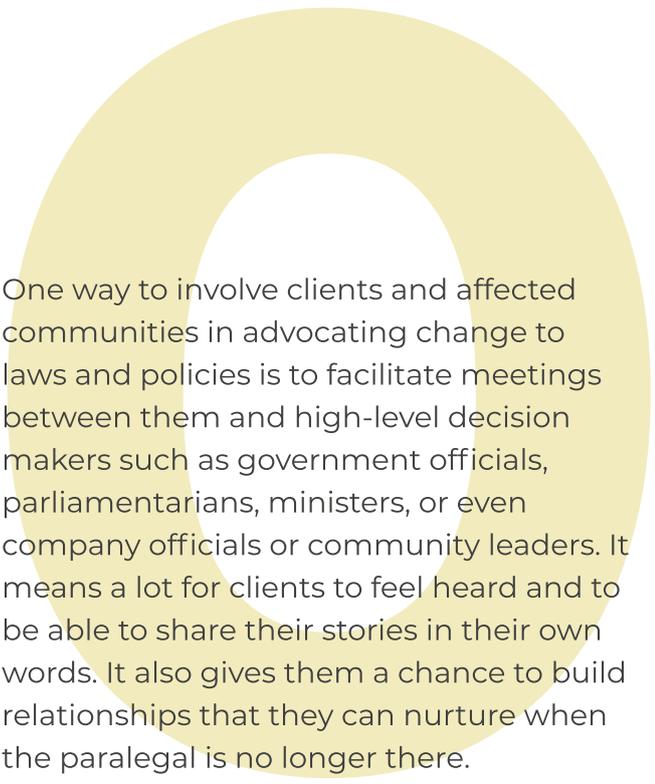


How many active clients did the case have?		Unofficial Fees Paid	Official Fees Paid
An active client is anyone who took part in at least three actions of the case (we consulted, visited government office, etc.)		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Male _____		Amount: _____ kyats	Amount: _____ kyats
Female _____		Paid to: _____	Paid to: _____
Which laws did you use?		Did the clients get what they were legally entitled to?	Did clients get everything they had documents for?
<input type="checkbox"/> Farmland Law 2012 (-----) <input type="checkbox"/> Farmland Rules (-----) <input type="checkbox"/> Vacant fallow and virgin land Law 2012 (-----) <input type="checkbox"/> Vacant fallow and virgin land Rules (-----) <input type="checkbox"/> Forest Land Law 1995 (-----) <input type="checkbox"/> Forest Land Rules (-----) <input type="checkbox"/> Land Acquisition Act 1994 (-----) <input type="checkbox"/> Customary Practice (-----) <input type="checkbox"/> Peasant right protection law 2013 (-----) <input type="checkbox"/> Upper Burma Land and Revenue Manual Act (-----) <input type="checkbox"/> Lower Burma Land and Revenue Manual Act (-----) <input type="checkbox"/> Instructions (-----) Date (---/---/---) <input type="checkbox"/> Other:		<input type="checkbox"/> More than <input type="checkbox"/> All <input type="checkbox"/> More than half <input type="checkbox"/> Half <input type="checkbox"/> Less than half <input type="checkbox"/> None <input type="checkbox"/> Not determinable	<input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
Reason for Ending Case (check all that apply)		What kind of remedy has been achieved?	
<input type="checkbox"/> Successfully titled land. Date received (___/___/___) (Issued by Dept: _____) <input type="checkbox"/> Completed other admin process (_____ <input type="checkbox"/> Mediated outside and agreed to close the case (_____ <input type="checkbox"/> Agreed and accept decision of government (local land dispute) <input type="checkbox"/> Received released land of (_____) Acres <input type="checkbox"/> Compensation received, (_____) Kyats <input type="checkbox"/> Dealt by Government Authority <input type="checkbox"/> Client withdrew case (_____ <input type="checkbox"/> Client no longer responding <input type="checkbox"/> Other (_____)		<input type="checkbox"/> Received title _____ <input type="checkbox"/> Use rights were recognized _____ <input type="checkbox"/> Compensation for land amount: _____ kyats _____ <input type="checkbox"/> Compensation other land amount: _____ Acres _____ <input type="checkbox"/> Compensation village land amount: _____ House Plot _____ <input type="checkbox"/> Compensation for loss of use amount: _____ kyats _____ <input type="checkbox"/> Compensation for crop damage amount: _____ kyats _____ <input type="checkbox"/> Other: _____	

HOW PARALEGALS HELP PEOPLE SHAPE LAW AND CONTRIBUTE TO SYSTEMIC CHANGE

Empowerment does not end when the case at hand closes. Clients should also be empowered to take part in the process of addressing systemic injustices rather than just individual grievances. By seeking systemic changes based on grassroots experience, we can eliminate the underlying conditions that make paralegals necessary in the first place.

The practical case experiences of paralegals and clients using the law and following the official mechanisms and processes are a valuable source of information for all the stakeholders within the system, including users, implementers, and the policy decision makers. The goal is to make positive changes to the law by implementing regulations, systems, and processes which are used by local officials. The participation of the paralegal and the affected community in the continuous improvement of the law and governance system is the application of a deeper version of democracy and brings fair and just laws and effective systems to the lives of the people.



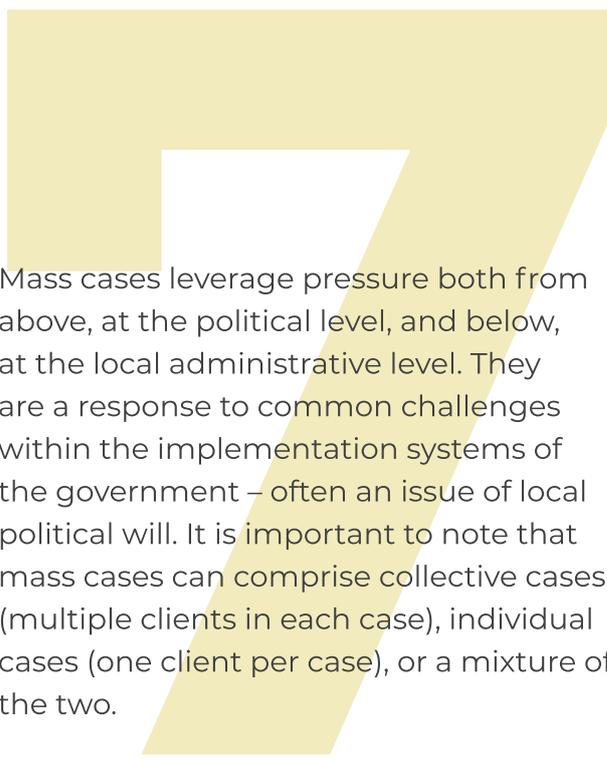
One way to involve clients and affected communities in advocating change to laws and policies is to facilitate meetings between them and high-level decision makers such as government officials, parliamentarians, ministers, or even company officials or community leaders. It means a lot for clients to feel heard and to be able to share their stories in their own words. It also gives them a chance to build relationships that they can nurture when the paralegal is no longer there.

More details on the processes of creating systemic change can be found in Section 8.7.

7.1 MASS CASES

7.1.1 WHAT ARE MASS CASES?

Mass cases are an innovative response borrowed from the concept of class actions in law. A mass case brings together multiple cases of a similar type in one geographical area which have been blocked or have not been proceeding as they should within the system. These cases are then collectively presented to the government at a higher level than should be needed to resolve them. This presentation makes it clear that the issue is not one of law but rather an implementation problem at the level at which the case should be solved.



Mass cases leverage pressure both from above, at the political level, and below, at the local administrative level. They are a response to common challenges within the implementation systems of the government – often an issue of local political will. It is important to note that mass cases can comprise collective cases (multiple clients in each case), individual cases (one client per case), or a mixture of the two.

In some ways, mass cases can be divided into two types. The first type seeks to solve all cases directly. The second type seeks to unblock some element within the system so cases can be judged one-by-one on their own merits.

The difference between policy work and mass cases is that policy work seeks to change or alter the functioning of the laws, rules, or regulations of the system. A mass case does not seek these changes but is simply trying to create enough pressure within the system to overcome the blocks to the proper implementation of the existing laws, rules, or regulations. Resolving mass cases may have the effect of making similar cases easier to resolve by setting an example and making other cases in the same location easier to resolve by seizing upon the momentum of previously frozen systems.

7.1.2 A SUCCESSFUL EXAMPLE FROM EASTERN SHAN, MYANMAR

MASS CASES

A SUCCESSFUL EXAMPLE FROM EASTERN SHAN, MYANMAR

SUMMARY

The mass case detailed below was successfully concluded in Eastern Shan, Myanmar, in July 2018 and was led by Thanlwin Thitsar, a local CSO and partner of Namati's.

Over a number of years, starting in 2015, Thanlwin Thitsar's paralegals opened many land registration cases, including joint land registration cases. If all the paperwork is correct and there are no complicating factors, such as land grabbing or competing claims, these cases should be resolved in four months according to the law. However, in two townships and two sub-townships many cases simply did not make any progress over a number of years. While it is hard to conclude definitively why this happened, there were certainly several factors at play, including a lack of government staff or resources to conduct the work, competing priorities, some local corruption issues, and discrimination faced by ethnic minorities who live in that area.

In order to overcome this growing backlog, Thanlwin Thitsar opened a mass case with the support of Namati. 299 land registration cases were compiled from cases opened by

twelve paralegals across two townships and two sub-townships in Eastern Shan. Each of the cases had been open for at least one year and some for more than three years. Paralegals continued to apply pressure at the local administrative level which should have handled these cases. Thanlwin Thitsar leveraged their excellent working relationships with many MPs and state-level ministers. They used these contacts to set up a public meeting in Taunggyi, the state capital. The meeting was attended by the State Ministers for Agriculture, the General Administration Department, and Planning and Finance. Several state- and national-level MPs also attended the meeting.

At the end of the meeting, which covered several topics, Thanlwin Thitsar presented the State Minister for Agriculture with the file containing the 299 cases. In the public eye, the Minister passed the matter on to the state head of the department responsible for land registration who was also at the meeting. Thanlwin Thitsar followed up with this official and informed paralegals to push once again at the local level on all the cases. Over the next six months, 245 of the cases were resolved. These 245 cases directly affected some 2,750 individuals who lived within those households and covered a land area of more than 800 acres. Paralegals report that the effect of this change went beyond their cases and that other previously blocked cases were now also resolved.

REASONS FOR SUCCESS

1. Thanlwin Thitsar had already built good relationships with MPs (from both the ruling National League for Democracy & the military-backed Union Solidarity and Development Party), ministers, and different levels of department officials.
2. Using these relationships, Thanlwin Thitsar hosted a meeting at the state level where they introduced a number of concerns and policy requests.
3. Each paralegal was clearly focused on working with clients on their cases and made sure that all the proper procedures were followed and paperwork filed. This meant that the government could not reject or dismiss the cases based on any technicalities.
4. Paralegals kept in touch with clients and ensured that the pressure was applied continuously at the local level.

5. Paralegals and clients moved very quickly once a new strategic opportunity had opened up after the meeting with the State Agriculture Minister.

The key contributing factor to the success of the mass case was the opportunity to meet the officials who had power over the local officials that administered such cases. It is interesting to note that the meeting with these senior officials was primarily about a series of policy recommendations that resulted from action-oriented research conducted by Thanlwin Thitsar and Namati. What made this meeting particularly opportune was that it brought together many different departments and was public.

DETAILED STEP-BY-STEP EXPLANATION OF THE MASS CASE PROCESS

Step 1

The 12 paralegals opened many land registration cases in their targeted communities. However, these cases were not making any progress despite the legal ruling that they should be resolved within four months.

Step 2

Namati Myanmar suggested the approach of bundling many cases together in order to seek a political solution to the problem at a higher level. This included preparing a mass case form to help Thanlwin Thitsar to keep track of their actions.

Step 3

Thanlwin Thitsar and paralegals collected and bundled together 299 pending land registration cases (Form- 7) from two townships and two sub-townships in Eastern Shan State. One criterion that was used was that cases had to have been open for more than one year – this ensured that the government had already had ample time to resolve these cases. Using the format prepared by Namati, Thanlwin Thitsar set the date for the opening of this mass case as 11 October 2017.

Lesson learned: Prior to this approach, paralegals each pushed their land registration cases themselves and conducted their own follow-up activities with clients. Thanlwin Thitsar now realises that it is easier to follow up with the local township government after combining all pending cases together. A clerk is more likely to respond when there is a bundle of 20+ cases than when there are just a few.

Step 4

Between opening the case and the end of October 2017, Thanlwin Thitsar's team and paralegals visited all the village farmland administrative committees where there were cases and checked the condition of the applications. The team discovered many reasons and excuses for why the cases had been delayed. These included: Assigned staff of the Department of Agriculture Land Management and Statistics had not measured the land yet (a key step in the process); some cases were stuck at township and district level, at the Department of Agriculture Land Management and Statistics pending approval; some cases were still at the village level, with the Farmland Administrative Committee, because they had been told by the townships not to pass on any new cases to them as the system had a significant backlog.

Lesson learned: Two of Thanlwin Thitsar's staff were assigned to handle this mass case. They learned that it is important to put pressure on the local officers of the Department of Agriculture Land Management and Statistics to move the case files from the administrative level to another more quickly instead of stacking the documents up on their desks for a long time.

Step 5

The team collected all cases in which the land had not yet been measured and informed the township office of the Department of Agriculture Land Management and Statistics to come and measure the land on the ground. After several follow-ups the township level checked the pending cases and sent staff to measure the land. At the same time, they checked the situation at the township's General Administrative Department (one of the members of the Farmland Administrative Committee), which said many cases were also stuck in their offices. Local officials all complained that they had been waiting for internal processes and instructions from higher levels.

Step 6

Each paralegal followed up with their particular Farmland Administrative Committee to proceed with the application process, and sometimes they brought the clients to the township's office of the Department of Agriculture Land Management and Statistics.

Owing to their busy schedule and travel expenses, farmers cannot reach higher levels of government departments which are often located far away in the district seats and state capitals. This then becomes a key function of paralegals who can travel because they are representing many cases at the same time.

Step 7

On 8 November 2017, Thanlwin Thitsar hosted an advocacy meeting at the state level in order to present a policy paper they had written to the state-level government. This was related to the environmental impact of local small-scale mining. The attendees included the state-level:

- Planning and Finance Minister
- Agriculture, Livestock and Irrigation Minister
- Natural Resources and Environmental Conservation
- Department of Agriculture Land Management and Statistics
- Department of Agriculture
- Chairman of Farmers and Labour Affairs in Shan State (MP of Kalaw Township)
- Officers at various levels (Department of Agriculture Land Management and Statistics and General Administrative Department)
- MPs

After the main body of the meeting where they presented and discussed their policy brief, Thanlwin Thitsar presented the mass case and explained the difficulties to the different levels of government. As a result, the Agriculture Minister committed to follow up on the pending land registration cases with the different levels of the Farmland Administrative Committee in Shan State. Furthermore, the head of the state-level Department of Agriculture Land Management and Statistics also agreed to instruct his department to proceed with the cases according to the law.

Lesson learned: Relationships are important in this line of work. Thanlwin Thitsar must continue to gain their confidence in order to talk to ministers and other government authorities and to find opportunities to explain their work to the ministers. They need to be strategically patient until the right moment presents itself. They also need to use social media to make enquiries and ask for updates on the cases. Thanlwin Thitsar noted that the department officers are not willing to attend meetings organised by CSOs unless people senior to them in rank also attend.

Step 8

In 2018, Thanlwin Thitsar met with the new district-level Department of Agriculture Land Management and Statistics head. Thanlwin Thitsar advocated to continue resolving the pending land registration cases. The new officer also promised to pass the message to the township-level departments. He also passed on the information that the cases were not stuck under the Department of Agriculture Land Management and Statistics, but rather the district and township General Administrative Department. Therefore, Thanlwin Thitsar instructed all paralegals to follow up with their township General Administrative Departments.

Lesson learned: The General Administrative Department and Department of Agriculture Land Management and Statistics officers are moved every two years, therefore the paralegals must be committed to building relationships with each new official by meeting them and speaking to them frequently.

Step 9

Paralegals went to the township and sub-township General Administrative Department offices and then the Department of Agriculture Land Management and Statistics offices to check where cases were being held. Cases began to be successfully resolved in May and June 2018. The township Department of Agriculture Land Management and Statistics informed the paralegals that nearly 300 land registration certificates were being produced.

Step 10

Paralegals went to the villages in their targeted areas and informed the Village farmland administrative committees to pick up those certificates at the township office of the Department of Agriculture Land Management and Statistics. The paralegals gave the number of successful land registration cases to Thanlwin Thitsar after collecting the information from different village-level farmland administrative committees. A total of 245 cases were resolved; of these 16 were joint land registration cases and one female client received the certificate in her name. The village farmland administrative committees took one month to collect and to distribute the certificates to the farmers. The paralegals also told the clients to do follow-ups in their villages.

Lesson learned: It is just as important to follow up at the village level as it is higher up. Without the cooperation of the village leader, the committee's clients would still be unable to claim their rights.

Step 11

After being notified by the village farmland administrative committees, the clients went there to collect the certificates. The paralegals gave them the message: Do not pay extra money to the village farmland administrative committees, but expect the official registration cost of 500 Kyat. So, the village farmland administrative committees did not ask for the usual 'extra fees' from the clients.

Lesson learned: In the past, the farmers were asked to pay extra fees by village farmland administrative committees upon being issued the land use certificate. But today, farmland administrative committees show more respect and recognition to the paralegals and also more transparency than before. Therefore, no more extra fees.

Step 12

To date:

	No. of Cases	Clients	Total Acres
Opened	299	559	1048.81
Successfully resolved	245	457	807.83
Remaining pending	54	102	232.98

Thanlwin Thitsar and the paralegals are still working together on the remaining pending cases and are connecting with the government departments.

CLIENT STORIES

1: LIVING IN A TRICKY WORLD

Sometimes, people don't know some unexpected things are happening around them. They just believe nothing could happen to them if they are living the right way. However, sometimes they forget that they are not living alone. They live within society and they need to be aware of rules and regulations and what is happening around them. If not, could we say we didn't know about something and escape from this harmful situation?

Especially when we are dealing with the law, it is equal for everyone and does not favor the rich or poor, educated or uneducated, those who are aware of it or those who are ignorant of it. For example, one man could be punished if he breaks the law even if he says he doesn't know how to read or wasn't aware of it. We, Namati, have found a very interesting and inspiring story from one of our Shan target areas. It is set in the Taunggyi Township in a village called Htee Khar. Villagers from Htee Khar had never faced any land issue challenges before. The total household population is around 83. The villagers voted as citizens during the democratic transitions and elections. The village is underdeveloped since they are not even recognised by the government as an official village and have no basic public services such as healthcare, school, or electricity.

When the paralegals targeted the area of this village, something changed in the village. The village started to become aware of it being unrecognised and in the forest land. They learned in the paralegal's community education session that their land is unofficial and that they are living in the forest land. They don't officially own their land, and somebody could invade their land at any moment. They also don't have official land registration certificates to show as evidence and protect their ancestral land. They know that they are living on that land, but do not own it, and are therefore living in an unsafe situation. So, with the help of paralegals, they started to apply for their land to be released – the village land was for living and farmland for growing crops. They applied for 500 acres with 412 farmers. Among them are ten active clients who are involved in the process of submitting letters, visiting government departments, and participating in discussions with paralegals.

They began the process in January 2018. After three months, in April, one active client had a chance to visit a government department since the paralegal needed to make sure the right information was given and good relations were built with the government department. The client who visited the government department for the first time said, 'This is my first time visiting the government department and I see that they don't really represent us. They told me different things when I went alone and when I went with the paralegal. I feel sad when they say that we are contributing to their workload and making them busy. I also struggle to understand the way they talk.'

The clients also said they had learned from the paralegals, who explained things well. They are now aware of how the processes work and the Forest Department seems to have released their land since they had some evidence and testimonies from neighbours. In April, Forest Department staff visited the land and asked some questions about their awareness of the situation. However, the paralegals and clients had another plan. If they couldn't get the farmland and could only get village land, they would apply for their farmland as community forest land and still continue to grow their crops. They preferred to have their own individual plots of land, but the plan was a backup in case things did not go the way they hoped. When the paralegal went to the department, it seemed they were going to get the land since the village could be released from the forest land. A client said, 'We have seen some people working hard for us and we also want to work with them for our own benefit. Again, we now know the laws of farm and forest land and are happy to share our knowledge with others like us who need help. We can now visit the government department without paralegals since we have experience from working with them. The big thing we realised is that we always have to open our eyes and be aware of what is happening around us and follow the rules of society to protect our land.'

2. A STRONG FARMER WOMAN

In Pan Woe Village Track, Ho Tint Village, the government had a castor project in 2006 and 10 acres of Daw Shwe's land was taken by the government. Daw Shwe's family had lived on the land since the time of their ancestors, but they didn't have any official documentation for it.

In 2014, the government released the land, but some businessmen started to occupy the land as they tried to get farmland registration certificates.

According to the Farmland Law of 2012, it became a local land dispute case under the Farmland Management Committee. If there is a one-sided disagreement with the decision at the village level, township level, or district level, final decision-making power is in the hands of the State/Division-level Farmland Management Committee. In this case, the original farmer, Daw Shwe, didn't have registrar Form 7 for her land, but the businessman had Form 7 even though he hadn't grown anything there before.

Village- and township-level committees decided in favor of the businessman, who had never used the land before but held Form 7 as evidence. Daw Shwe only had her neighbour's testimony and evidence of farming on the land. She failed up to the district level, and there was a continuous process of submitting the complaint letter again and proceeding to the final step of state/division level.

When she met with the paralegal, she said, 'Before I felt hopeless and sad because my health situation was getting worse. I have faced a lot of sorrow from hearing some discouraging words from my neighbour. Now, I will never give up my land since I have invested all my time and money in getting through to this step.'

Fighting against this injustice for over four years, Daw Shwe became a strong woman and has worked with her Ethnic Committee to get suggestions and submit many letters of complaint to the relevant government department. Day after day, she also sees her land grow in value since it is beside the main road where the businessman is trying to build a petrol station for his business.

After knowing the paralegal, she continued working with him, and after submitting a letter to the Vice President she saw a change in the situation. She said she received an acceptance letter from the Vice President's office. The office is responsible for monitoring and checking the work of different levels. It checks whether their decisions are fair and their entire decision-making process.

A determined woman, she is trying to find her own network to help her write the letter, in addition to working alone on her case since her son and husband are away working in other areas.

She is now very eager to follow through with her case until she gets the result she expects. She said, 'This is a first-time experience for me. Before, I even agreed to give half of my land to the businessman. But he did not listen to me and still took all my land. He did not care about me. I have been waiting for so long.' She understands that she has to fight for justice and work for her land.

She now knows important points of land law and believes the law could protect her rights. She now has friends and a paralegal who gave her courage and work with her throughout the process. She said, 'I would like to demonstrate that farmers can also fight for their rights even when the situation is unfair to them and they are not afraid of powerful people.'

ASSESSING LEGAL EMPOWERMENT IMPACT

It is important to systematically follow up and check on the legal empowerment impact of work. This is best done some time after the end of a case, so you are checking what information is retained and what beliefs and behaviours are modified in the long-run rather than just in the immediate aftermath of the case. Namati collects the data by systematically following up on a number of randomly selected cases about six months after the case has ended.

The form we use to collect this data is included below. If possible, it is best if the paralegal who conducted the case is not present when you hold the interview with the clients. Some key tests of legal empowerment impact are whether the clients know the law and understand how their case was resolved, if this has increased their confidence in dealing with the government, and if they are able to support others who now face a similar situation to theirs.

CLIENT EMPOWERMENT % OF CLIENTS WHO CAN;

Can describe the relevant law/process 75%



Have a good understanding of the case process 54%



Reported helping others 100%



*Client empowerment data is based on interviews conducted since 2017. Additional data will be included as interviews from 2018 are entered in Salesforce.

Sample: Client Follow-up Template

Case Number: _____

Client Follow-up Interview

Name of Interviewer:		Date of case intake:	
Date of Interview:		Date of case resolution <i>(if applicable)</i> :	
Paralegal name:		Township: Village tract:	
Client name:		Number of farmers involved in case:	
Case Status:		Number of acres involved:	

Section 1: Interview with Client

1. Case background

(a) Tell us about your case — what was the problem you faced, how did you work with the paralegal, and what happened?

(b) Why did you approach the paralegal for assistance?

2. Client learning

(a) Can you describe the process of your case?

Case Number: _____ 125-02/18-001 _____

(b) Which laws did you use in your case?

(c) Which government institutions are responsible for addressing the problem you faced?

(d) What did you learn from your experience with the case?

3. Client's perception of justice

(a) How satisfied are you with the outcome of your case? What have been the most important impacts of the outcome of the case on your life?

(b) Is the process through which your case had been handled by the government just?

Case Number: _____ 125-02/18-001 _____

4. *Client empowerment*

(a) *Have you helped anyone else?*

(b) *Would you be able to handle a similar or related issue on your own in the future? Why or why not?*

(c) *Can you describe any changes in how you interact with government?*

5. *Client Satisfaction with paralegal services*

(a) *How satisfied are you with how the paralegal helped you with your case?*

Case Number: _____125-02/18-001_____

(b) Do you have any suggestions for how paralegals could better support clients?

THANK YOU VERY MUCH FOR YOUR TIME
(End of interview)

Any additional notes or observations from interview:

Case Number: _____ 125-02/18-001 _____

Section 2: Analysis of the Interview
(to be completed after the interview)

1. Accuracy of the case form:

- Fully accurate
- Some small problems
- Major problems

If major problems, please describe:

2. Completeness of case form:

- Complete
- Missing several aspects

If missing information, please describe what is incomplete:

3. Client's Understanding of relevant law(s):

- Excellent
- Good
- Some
- Very limited

4. Client's understanding of how their case was resolved:

- Excellent
- Good
- Some
- Limited

5. Is the client happy with the outcome:

- Very happy
- Somewhat happy
- Neutral
- Somewhat unhappy
- Very unhappy

6. Client's perception of the outcome as just:

- Fully just
- Somewhat just
- Somewhat unjust
- Very unjust

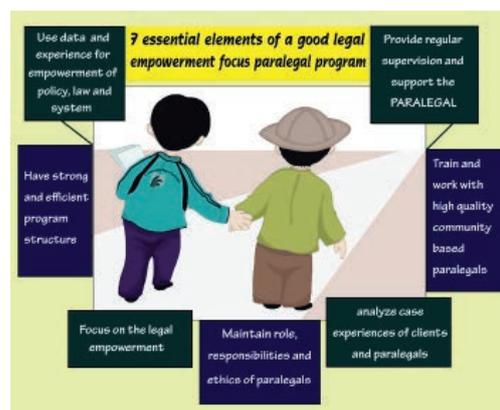
7. Perception of the process as just:

- Fully just
- Somewhat just
- Somewhat unjust
- Very unjust

8. Did the client help others:

- Shared information
- Assisted them in seeking the solution
- No

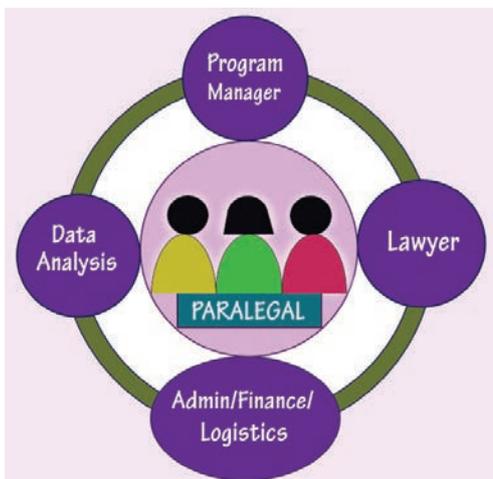
HOW DO CIVIL SOCIETY GROUPS SETUP, TRAIN, DEPLOY, AND SUPPORT PARALEGALS?



8.1 SEVEN ESSENTIAL ELEMENTS OF A LEGAL-EMPOWERMENT-FOCUSED PARALEGAL PROGRAM

1. Train and work with high-quality, community-based paralegals
2. Focus on legal empowerment
3. Have a strong and efficient program structure (See details in another diagram of program structure)
4. Maintain clear roles, responsibilities, and ethics of paralegals
5. Provide regular supervision and support to the paralegals
6. Collect and analyse case experiences of clients and paralegals systematically
7. Use data and case experiences from the clients, paralegals and the program for evidence-based advocacy in order to improve policy, laws, and systems.

Identifying potential candidates who are really interested to dive into the field of legal empowerment, have strong enough capacity, and a commitment to learn and provide paralegal service in their community is an early step for every paralegal program.



8.2 SELECTION AND RECRUITMENT OF PARALEGALS

It is best to consult elders and members of the community when seeking potential paralegals. The civil society organisations need to first spread the message about community-based paralegalism and facilitate the discussion about who can be potential paralegals within their community. The civil society organisations should highlight the message that it is not looking for someone who is seeking a job, but rather looking for an ordinary citizen who has the spirit of paralegalism in their community. The following basic criteria can be used to facilitate the discussion identifying the list of potential paralegals:

- **Desire:** Those with a strong desire and willingness to help others and who are always ready to assist with issues of justice within their community.
- **Morale:** Those with a strong spirit of seeking fair and just solutions and keen to learn and apply related laws and procedures whenever barriers or threats are ahead of them.
- **Endeavor:** Those who put in significant effort, energy, and time doing things in an active manner.
- **Wisdom:** Those with thoughtful perspectives on their actions and consequences.

Any community member who has fulfilled the basic criteria above has great potential to become a paralegal for their respective community. Starting with the basics and recommendations from the community will help long-term sustainability of community paralegals. Based on the initial pool list of community members, the civil society organisation can move forward with a more detailed recruitment process, such as written and oral tests, to identify and recruit the best ones for the community.

The following ten points can be used as a checklist and rating in recruiting those who may serve as a community-based paralegal for the long run in their area:

1. **Passion to serve the community and fight for justice** – is a key motivating factor for a paralegal, as this passion will drive individuals to keep working towards what they want to do and what they are currently doing. Thus, it is always good to check the background of the potential paralegal: how they have served the community or stood for justice in their community.
2. **Willing and able to learn/use law and strengthen their skills** – is an important point to check on in the selection process. If the potential paralegal has the ability and a strong desire to learn and use the law, an educational qualification is not the only priority, as the recruitment is for a community-based paralegal serving in their same community.
3. **Understanding of local context** – is also a strong factor to consider as paralegals need to use their knowledge about the area and the community with respect to the local culture and systems. A candidate from the targeted community should have no problem with it.
4. **Prior experience of interacting with stakeholders, including government officials** – will become a great indicator of potential, as paralegals also play the role of a hub linking the community and government service providers.
5. **Experience of community awareness raising** – will be an advantage as paralegals will also need to educate their community on their legal rights as a part of the legal empowerment movement. It will also help to know the level of confidence the potential paralegal has when speaking in public within their community.
6. **Has the ability to travel to all areas where they need to work** – is also required as a paralegal will need to be physically and mentally fit in serving their community. This might include them having their own transportation.

7. **Ability to work/communicate with others** – will allow the potential candidate to forge smooth relationships with different types of people in different situations based on the same perspectives on justice.
8. **Gender and inclusion** – should be considered in the selection of paralegals. You should aim to have half of all paralegals as women with one-third as a minimum. Female paralegals will strengthen the role of women and contribute to the efforts of empowering all in the spirit of gender equality. The level of engagement would depend on this issue(s) involved. For example, if you are working on LGBT issues then paralegals would need to come from those communities. Context matters and you will need to recruit paralegals from all the communities you work with.
9. **Ability to speak, read, and write in official government Burmese language and local languages** – is important since potential paralegals will need to use both languages while serving as a paralegal.
10. **Maturity and steadiness** – are to ensure that the paralegal needs to help solve issues with levels of complexity with enough confidence, trust, and management of stress.

8.3 TRAINING

Capacity development is an essential component for the paralegal and paralegal program. In order to provide effective paralegal services to the community, it is also very important that the existing capacities of every individual are acknowledged and polished through the continuous and systematic approach to the capacity development of the selected paralegals. Training workshops is one of the methods for capacity development of paralegals.

The period of training should not be too long or too short. It is fine to be between three days and a week, depending on the objectives of the programs, needs of training participants, availability of time, and resources of the organisations. Topics of the training should not be too many or heavy. Use of simple language with key messages and interactive and participatory methods are essential to help the community paralegals catch up and understand the topics so that they are able to apply these understandings in their work within their communities.

The training can be categorised into three different types:

- i) Initial capacity development training
- ii) Refresher training
- iii) On-the-job training

8.3.1 INITIAL CAPACITY-BUILDING TRAINING

Initial capacity-building training should cover the following three areas:

CONCEPTS OF LEGAL EMPOWERMENT AND COMMUNITY-BASED PARALEGALISM

- What is a community paralegal?
- What is their role in community legal empowerment?
- What does the paralegal do in general and in the program?
- What are the strengths, limitations, and ethical conduct of paralegals?

BASIC LEGAL KNOWLEDGE

- The legal system in Myanmar and source of laws
- Key laws and standards specifically linked to their focus area of work in practice
- Key institutions and mechanisms linked to their focus area of work in practice

SKILL DEVELOPMENT

- How to conduct community education and facilitate community discussions?
- How to conduct interviews?
- How to organize facts, collect data, and why
- How to manage cases and work with clients
- How to write complaint letters
- How to practice mediation and negotiation
- How to collaborate with other stakeholders and networks

Sample: basic paralegal training agenda

Basic Paralegal Training Agenda

Time		Particular (Day 1)
From	To	
09:00	09:15	Registration and Opening
09:15	09:30	Introduction to Namati and participants)
09:30	10:15	Identifying key land issues & justice problems
10:15	10:30	Tea Break
10:30	12:00	Introducing paralegalism, paralegal programs and objectives
12:00	12:45	Lunch Break
12:45	1:45	Roles of paralegals
1:45	3:15	Paralegal ethics and code of conducts
3:15	3:30	Tea Break
3:30	4:30	Legal System in Myanmar
4:30	5:15	Key institutions to engage with land issues
5:15	5:30	Wrap up

Time		Particular (Day 3)
From	To	
09:00	10:30	Introduction to Facilitation Skills
10:30	10:45	Tea Break
10:45	12:15	Introduction to Data and case form (Part 1)
12:15	01:00	Lunch Break
01:00	02:00	Introduction to Data and case form (Part 2)
02:00	02:45	Introduction to letters and report writing
02:45	03:00	Tea Break
03:00	03:45	Collaboration with Stakeholders and Lawyers
03:45	04:45	Planning for community mobilization and legal awareness raising
04:45	05:45	Time Management and Planning
05:45		Reflection and Closing Dinner

Time		Particular (Day 2)
From	To	
09:00	09:15	Reflection of Day 1
09:15	10:00	Key land types and laws in Myanmar
10:00	10:15	Tea Break
10:15	11:00	Law, Rule, Process and Procedures related to Farm Land
11:00	12:30	Law, Rule, Process and Procedures related to Vacant Fallow Virgin Land
12:30	01:15	Lunch Break
01:15	02:45	Law Rules, Process and Procedures related to Forest Land
02:45	03:00	Tea Break
03:00	04:00	Identifying problems and interviewing clients
04:00	05:00	Introduction to Mediation Skills
05:00	05:30	Wrap up

8.3.2 REFRESHER TRAINING

The very first refresher training should be organised three months after the initial capacity development training. Between the initial capacity development and the first refresher training, the paralegal will start work in their community to gain experience with close coaching support from seniors or supervisors. The organisations should also be regularly in touch with the paralegals to understand their practical challenges and assist them on the ground.

The refresher training should be organised by reflecting on the actual needs and challenges faced by the paralegals. The overarching structure of the refresher training will still be: i) revision and review of paralegal/paralegal programming concepts; ii) laws and updates; iii) skills development. The training sessions should be designed to have more focus on the actual needs and specific details of the issues faced by the participants.

In the later refresher training, the training sessions can include three categories: (i) updates about new laws, rules, procedures, and mechanisms; (ii) case handling strategies and approaches on the most challenging/common issues, troubleshooting, and general skill-building; (iii) practical experience sharing and peer learning. Under the section on sharing experiences and lessons, paralegals should discuss their approaches tested to solve different kind of cases, share an understanding of the land registration system and other issues with the implementation of laws and policies in practice.

This training focuses on paralegal skill building, equipping paralegals to better handle complex cases over time, and continually enhancing their capacity to educate communities, interface with government officials, and create links between the community and government. Paralegals themselves take the lead on the experience sharing training sessions with the support of main training facilitators from the organisation. Interactive training methods are to be used at almost all training sessions to make sure that the paralegals learn from each other and understand the different local circumstances across the country.

Sample refresher training agenda

Time	Topic (Day 1)
9:00- 9:30	Introduction
9:30- 10:30	Advocacy Planning
10:30-10:45	Team Break
10:45- 12:00	RIA/SIA (Rule & Regulations and Procedures)
12:00- 1:00	Lunch
1:00- 3:00	Role and Responsibilities of New Farmland Reinvestment Committees
3:00-3:15	Tea Break
3:30- 4:45	Case Analysis & Data Checking
4:45-5:00	Wrap up

Time	Topic (Day 2)
9:00- 9:15	Recap from Day 1
9:15- 10:30	Land Disputes & Judiciary System (Part I)
10:30-10:45	Team Break
10:45- 12:00	Land Disputes & Judiciary System (Part II)
12:00- 1:00	Lunch
1:00- 2:00	Program Overview & Evaluation
2:00-3:00	Attitude & Behavior Change in Innovations in Legal Empowerment
3:00- 3:15	Tea break
3:15- 4:00	Qualitative Data in Community Legal Empowerment
4:00-5:00	Discussion: New Data Collection Form <i>(feedback, comments and further improvement)</i>

Time	Topic (Day 3)
9:00- 10:10	Legal Advices & Case Consultation (Part I) <i>(Land Type: Farm Land)</i>
10:00-10:15	Coffee Break
10:30-12:00	Legal Advices & Case Consultation (Part II) <i>(Land Type: Vacant, Fallow and Virgin Land)</i>
12:00- 1:00	Lunch
1:00- 2:30	Legal Advices & Case Consultation (Part III) <i>(Land Type: Forest Land)</i>
2:30- 3:30	Legal Advices & Case Consultation (Part IV) <i>(Land Type: Alluvial Land/Grazing)</i>
3:30- 3:45	Tea Break
3:45- 4:45	Legal Advices & Case Consultation (Part IV) <i>(Land Type: Common Village Land)</i>
4:45-5:00	Wrap up and Thanks

8.3.3 ON-THE-JOB TRAINING

Paralegals should receive capacity-building and skill-development training not only as classroom-based activities, but also through regular meeting discussions, remote supervision, and consultation assistance from the organisation. Ongoing coaching and mentoring support from the project team, lawyers, and social activists should be provided through weekly phone consultation calls, monthly updates and resource sharing, and supervision visits. The regular consultation, supervision, and support help paralegals to ensure that they are on the right track, using appropriate laws, strategies, and actions in solving the

justice issues of the farmers on the ground. In addition to this, paralegals should also receive systematic legal advice and support on case handling strategies from the lawyers through phone and in-person supervision visits. The following section on how to supervise and give constructive feedback and support to paralegals explores this in greater depth.



8.4 HOW TO PROVIDE SUPERVISION AND SUPPORT TO PARALEGALS?

Paralegal supervision and support is one of the key components of an effective paralegal project, providing sound advice and emotional support to the front-line workers. Supervision is essential to improve case management, reflecting on and learning from practice, personal support, and professional development. Supervision and support is a bridge between the individual paralegals and the organisation.

Well-structured supervision and support to the paralegals helps them as they work on the resolution of cases and also keeps them focused on ensuring clients become legally empowered - as opposed to paralegals becoming focus only on resolving the case. It also helps paralegals and their clients to build and uphold mutual understanding and respect, and to understand the importance of accountability for the actions they take together.

The supervision and support arrangement also helps paralegals to see their service gaps and improve their capacity, performance, and the effectiveness of their work with clients and cases. It also ensures that paralegals are abiding by the ethics, so that the services and activities they provide are based on justice and human rights principles.

8.4.1 PHONE CONSULTATION

Every paralegal should receive consultation phone calls from the seniors and supervisors of their organisation at least once every other week. It is a chance to consult about client cases and operational issues. Paralegals should also notify clients, seniors, and supervisors of any change in contact telephone number and address. Paralegals should also receive feedback on their case records and reports from their supervisors at least once in two months. In addition to the regular phone consultation system, paralegals should also be encouraged to make calls to their seniors and supervisors whenever they need assistance.

Sample: Paralegal weekly phone check-in call template:

Paralegal Weekly Check-in Call Notes

ဥပမာ ဝေဖရာ အထောက်အကူပြုသူများနှင့် အပတ်စဉ် ဆွေးနွေးမှု ဝန်ထုတ်ဝမ်း

Date ရက်စွဲ	Time အချိန် (မု - ထိ)	Phone # ဖုန်းနံပါတ်	
Caller's Name ဖုန်းခေါ်ဆိုသူ		Receiver's Name ဖုန်းခံလက်ခံသူ	

1. Discussion on 3 key activities of last week : Community Legal Awareness , Management strategies on new, pending and close cases

ပြီးခဲ့သည့် အပတ်တွင် ဦးစားပေး လုပ်ဆောင်ခဲ့သည့် လုပ်ဆောင်မှု (၃) ချက် အပေါ်ဆွေးနွေးခြင်း - ပညာပေးပွဲများ ပြုလုပ်မှု ဆောင်ရွက်ခဲ့မှု အမှုကိစ္စများ ဆောင်ရွက်ခဲ့မှု - အမှုသစ်/ အမှုဟောင်း/ အမှုပိတ်သိမ်းနိုင်ခဲ့ခြင်း - စီနီခေါ်မှုများနှင့် အသုံးပြုခဲ့သည့် နည်းဗျူဟာများ

2. Discussion on priority activities of this week (Case Number & Case Types)

ယခုအပတ် အထူးဦးစားပေး လုပ်ဆောင်နေသည့် လုပ်ဆောင်မှုများ အပေါ်ဆွေးနွေးခြင်း - အမှုတွဲ အမှတ်စဉ် အမှုအမျိုးအစားများ)

3. Discussion on planning of upcoming activities (new/pending/close cases)

လာမည့် အပတ်တွင် ဆက်လက်ဆောင်ရွက်မှု အစီအစဉ်များဆွေးနွေးခြင်း - အမှုအသစ် လက်ခံ / ဆောင်ရွက်ဆဲ အမှုဟောင်း / အမှုပိတ်သိမ်းခြင်း ဟို့ ဆောင်ရွက်နိုင်ရန်အတွက် ဆွေးနွေးမှုများ

Group အုပ်စု	Name of Paralegals receiving Check-in Calls ဖုန်းခေါ်ဆိုသည့် အထောက်အကူပြုသူများ			
1 ၁				
2 ၂				
3 ၃				
4 ၄				
5 ၅				

8.4.2 SUPERVISION VISITS

Supervision visits to paralegals should be conducted by the organisation on a quarterly basis to support and monitor if paralegals are on the right track. The supervision visits can be conducted depending on the needs of paralegals and on the schedules of visiting team members and the paralegals. It is an opportunity for paralegals to have face-to-face discussions with their clients.

Supervision visits are conducted to find out progress of the paralegal work, overall

paralegal performance, strengths and areas of improvement of the paralegal, and the project as well. It is also to provide support for the application of skills and knowledge learned and practiced at the paralegal training. Moreover, the visiting members will provide assistance on the operations system, such as how the paralegals keep records and prepare reports. During the visits, supervision team members could also have the chance to learn details from paralegals about the different approaches of handling cases and the replication of effective strategies with other paralegals.

8.4.1.1 PARALEGAL SUPERVISION VISIT TIPS

VISITING PARALEGAL AREAS

When to visit paralegal areas?

- Visit as often as possible.
- Visit unannounced and when you're not expected.

Before supervision visit

- Conduct overview of individual paralegal cases (case types, case status, etc.)
- List at least three cases, each from different case types, to discuss with the paralegal regarding the progress/activities related to the case and meetings with the clients.

DURING SUPERVISION VISIT

1. Checking general organisation

- Are the paralegals keeping their files well-organised?
- Are their notes, manuals, resource materials from training sessions, etc., all kept in an organised fashion?

2. Reviewing case files

- Choose some of the cases—cases which the paralegals are presently working on—and ask to see the case files (the intake form plus any other related documents).
- Are the developments in each case noted in the Action Log? Our supervision depends on proper documentation. We should be able to look at the case and understand all that has happened to date.

- Ensure the intake form is properly filled out, with the appropriate case type checked, and names and other details properly filled out.
- Make sure all relevant documents are attached to the case file. This includes files the client provided to support their land claim, complaint letters, and copies of any responses from government.
- Review the strategy the paralegal is using in these cases. Ask questions about what the issues are in the case, the approach paralegals followed, the choices they made, and about the strategy going forward. Provide input and feedback.

3. Observing paralegals interacting with clients, conducting community education sessions, and doing their other daily work. Some questions to consider when reviewing cases and observing paralegals at work:

Working With Clients

- Are they asking the right questions?
- Are they too trusting of the clients that approach them?
- Do they treat all people with respect? Do they refrain from judgment in both tone and words?
- Do they identify specifically what clients want and need?
- Are they creative and flexible in finding solutions to justice problems, or do they stick to a standard approach for any given case type?
- Do they adequately follow up with clients after a case is finished?
- Are they taking an empowerment-oriented approach? That is, are their clients left with more power and more knowledge than before they approached

the paralegals? Or are the paralegals acting as experts providing a service?

- Are they showing adequate concern for the health and safety of anyone in the case who may be vulnerable?

4. Observe community education meetings

- Join paralegals at some community meetings or outreach activities unannounced – this is to put the paralegals on the alert that they need to be conducting them appropriately at all times.
- Observe the paralegals in their work at the meeting – supervision team members can come in to help only when absolutely necessary.
- Help the paralegals in developing preparatory notes for meetings – make sure paralegals are prepared before the session itself.
- Hold periodic meetings with community contact people to get to know how the paralegals are doing in the target area when you are not with them. These conversations also help you to know people's perception of the paralegal and services provided.

Working With institutions

- Are they interacting with and engaging government institutions effectively?
- Are they effective advocates?
- Do they conduct advocacy with diplomacy, maturity, and a careful and thorough understanding of the facts?

Paralegal Ethics

- Are they showing adequate respect for client confidentiality?
- Are they handling money responsibly?
- Are they following the other “guiding principles” from the project?

Safety

- Do they follow the safety procedures when riding motor vehicles?
- Do they take general safety awareness and precautions in an emergency situation.

Closing Cases

- You should be consulted when a case is about to be closed, especially those cases that are closed for reasons other than being resolved successfully – ask the paralegals to consult with you.

Generally

- Place emphasis on the thoroughness of case handling, even if there are only a few, rather than handling a lot of cases with less effectiveness.

5. Other updates and reports

- Ask for weekly updates by phone from each paralegal - say every Monday. This will help you get correct and regular updates on cases that individual paralegals are handling. If you do not receive a call from the paralegal, ensure you are calling to check-in on every paralegal at least once every week.
- Each paralegal should submit a report by the 5th of every month (covering the previous month), in the requisite format. You should collect each of these and make copies if possible. Leave one copy at the paralegal center itself and bring a copy back to the organisation.

Interactions with paralegals should be two-way conversations (multiple voices, perspectives or discourses engaging and interacting with each other) rather than one-way instruction. Supervisors may have more knowledge of the law or more experience with project

management, while the paralegals often have more knowledge of their clients, their communities, local customary law, etc. The work will be strongest if we listen to and respect the paralegals' insights. The organisation and the paralegals should recognise this path together.

Some general questions to consider during the supervision visit:



- Do the paralegals need additional training in a legal area or skill related to carrying out their responsibilities (which you can provide)?
- Do they require a greater degree of specialised legal assistance or consultation (which you or a lawyer might provide)?
- Do they lack basic skills related to the job (that you cannot compensate for)?
- Are the guidelines for a procedure unclear, ambiguous, or poorly defined (and can you improve these)?
- Are there features of the environment that make it difficult for paralegals to carry out their job as envisioned (e.g. lack of infrastructure support, difficulty in reaching clients)?
- Are they exploiting their position for profit or other advantages within the community?

8.4.1.2 PARALEGAL SUPERVISION VISIT REPORTING

Thorough record keeping is crucial for effective supervision and effective paralegal management. It is important that reports of every supervision visit are prepared and shared among the team members of the project and organisation. Preparation of the supervision visit report and sharing to the rest of the team should happen within five working days after return from the visit. The report will help in synchronizing the understanding of everyone about the situation on the ground. It could also help to draw the attention of the rest of the team for necessary follow-up actions related to the concerns of paralegals or the cases in the area. In order to reduce the burden of report preparation, and also saving the time of readers, the report should be prepared with a maximum of two or three pages according to the following template.

Sample: supervision report template

Paralegal Supervision Visit Report Template
ဥပဒေရေးရာ အထောက်အကူပြုသူများအား ကြီးကြပ်ပံ့ပိုးမှု ခရီးစဉ် အစီရင်ခံစာ နမူနာ ဝှစ်

သွားရောက်သည့် ရက်စွဲ Date of Visit: _____

နေရာ (မြို့နယ်) Location (Township): _____

ဥပဒေ အထောက်အကူပြုအမည် Paralegal Visited: _____

ကြီးကြပ်ပံ့ပိုးမှုအဖွဲ့ Supervision Team: _____

လေ့လာတွေ့ရှိမှု အနှစ်ချုပ်ခြေခံချက်
Overall Assessment

စာကြောင်းရှေ့ တစ်ကြောင်း၊ နှစ်ကြောင်းခန့် ခရီးစဉ်အပေါ် မြှင့်သုံးသပ်ချက်က ဘာလဲ။
Write one to two sentences to summarize the overall conclusions of the supervision visit.

အမှုများ၏ အနှစ်ချုပ်
Summary of Cases

လွန်ခဲ့သည့် ၄ ပတ် အတွင်း လက်ခံခဲ့သည့် အမှုသစ် အရေအတွက်
How many new cases in the past 4 weeks? _____

လတ်တလောကာလ အတွင်း အများဆုံး ကိုင်တွယ် လက်ခံဆောင်ရွက်ရသည့် အမှုအမျိုးအစားများက ဘာတွေလဲ
What case types are the most common in recent weeks? _____

အမှု၏ ထူးခြားချက်များ
Case Highlights

ခရီးစဉ်အတွင်း လေ့လာခဲ့သည့် အမှုများအနက်မှ (ဆောင်ရွက်ဆဲ / ပိတ်သိမ်း) ကောက်နုတ်ချက်၊ မူလပြဿနာ ၊ လုပ်ဆောင်ခဲ့သည့် အဆင့်များ၊ နည်းလမ်းများ၊ အခက်အခဲများ၊ တိုးတက်မှုများ နှင့် ရလဒ်များ။

ကြီးကြပ်ပံ့ပိုးမှုအဖွဲ့မှ အကြံပြုခဲ့သည့်အချက်များ၊ လုပ်ကိုင်ဆောင်ရွက်မှု အတွေ့အကြုံမှ ရလဒ်ကိုသည့် သင်ခန်းစာများ က ဘာတွေလဲ။

Out of all the cases covered by consultations during the visit, choose two or three cases (ongoing or closed) that the paralegal and supervision team discussed in detail. Please describe the client's original issue, the steps and strategy used by the paralegal during the case, any challenges, and any progress or outcomes. Please include any advice given to the paralegal by the supervision team for this case. Also note any lessons learned, especially related to the paralegal's approach and handling of the case.

အမှု ကိုင်တွယ်ဖြေရှင်းမှု နည်းလမ်းများ အနှစ်ချုပ်

Summary of Case Handling Strategies

ဆွေးနွေးမှုများကို ခြေခံကာ ဥပဒေအထောက်အကူပြုမှု ကိုင်တွယ် ဖြေရှင်းရာတွင် အသုံးပြုသည့် နည်းလမ်းများ၊ အနက်မှ ထိရောက်မှုရှိသည့် နည်းလမ်း နှင့် ထိရောက်မှုနည်းပါးသည့် နည်းလမ်းများ ကဘာတွေလဲ။

Based on case discussions and consultations, provide a brief summary of strategies that the paralegal has used in cases and either found to be effective or not effective in resolving land issues.

ဥပဒေအထောက်အကူပြုသူ တစ်ဦးချင်းစီအကြောင်း

Individual Paralegal

ခရီးစဉ်အတွင်း တွေ့ရှိရသည့် အားသာချက်၊ အားနည်းချက်များ ကဘာတွေလဲ။

What are the strengths and weaknesses of the paralegal visited during this trip?

အသေးစိတ်ဖော်ပြချက်များ - You may include sub-sections on:

- အချက်အလက်များ ကောက်ယူခြင်းစွက်ခြင်း၊ မှတ်တမ်းရေးသားခြင်းဆိုင်ရာ
- Review of data collection form, action logs, and monthly reports

အမှုသည်များနှင့် အမှုသည် ဖြစ်နိုင်ခြေရှိသည့် သူများနှင့် ထိတွေ့ လုပ်ဆောင်မှုဆိုင်ရာ

-Paralegal's interactions with clients or potential clients

အစိုးရတာဝန်ရှိသူ/ အဖွဲ့အစည်းများနှင့် ထိတွေ့ လုပ်ဆောင်မှုဆိုင်ရာ

-Paralegal's interactions with government officials/institutions

လူထုအတွင်း ပညာပေးဆွေးနွေးမှု အတွက်ပြင်ဆင်ခြင်းနှင့် ပညာပေးခြင်းဆိုင်ရာ

-Any community education sessions observed or preparation discussed

အခြားသော အချက်များနှင့် အချက်အလက်များကို သုံးသပ် ခွဲခြမ်းစိတ်ဖြာမှုဆိုင်ရာ

-Other aspects of the paralegal's work the review of data collection

ပိုမိုတိုးတက်ကောင်းမွန်လာအောင် ပြုလုပ်သင့်သည့် အကြံပြုချက်များက ဘာတွေလဲ။

Make recommendations for how this paralegal could be supported to perform better.

လုပ်ငန်းဆောင်ရွက်မှုဆိုင်ရာ ခြုံငုံသုံးသပ်အကြံပြုချက်

Overall Recommendations on Program Operations

ဥပဒေရေးရာ အထောက်အကူပြုသူ တစ်ဦးချင်းစီ၏ အားသာချက်၊ အားနည်းချက်များအပြင် ဥပဒေရေးရာ အထောက်အကူပြုသူ၏ လုပ်ဆောင်ချက်များအား အခက်အခဲဖြစ်စေသည့်အချက်များ ကို ကျော်လွှားနိုင် စေရန် လုပ်ဆောင်သင့်သည့် အချက်များက ဘာတွေလဲ။ (ဆက်စပ် ပတ်သက်သည့် အကြောင်းအရာ အားလုံး)

Apart from the paralegal's own strengths and weaknesses, what could improve the paralegal's work and help him/her address challenges identified during the supervision visit? (These recommendations may relate to relationships with authorities, allowances, supervision practices, communication and the paralegal, or other issues related to our program.)

ရှေ့ဆက် လုပ်ဆောင်ရမည့်အချက်များ

Action Items (To-dos)

- ဥပဒေရေးရာ အထောက်အကူပြုသူကိုယ်တိုင်
- ကြီးကြပ်ပံ့ပိုးသူအဖွဲ့
- မိခင် အဖွဲ့အစည်း
- မိတ်ဖက် အဖွဲ့အစည်း

List any follow-up tasks of the paralegal, Namati, or

The case mapping guidance document should be a live document as it needs to be updated as the team gains new experiences or when new legal issues are raised. The guide not only provides an important written reference for the paralegal handling the case, but it also documents the advice for institutional memory. This guide should be shared and discussed with all paralegals periodically so that the advice and lessons from one paralegal area can be applied to another.

8.4.4 REGULAR RESOURCE SHARING

With the purpose of sharing regular updates and resources, organisations should establish a monthly resource sharing system. Every paralegal needs to receive a package of resources on a monthly basis. A key person should be assigned for the timely collection of monthly resources from each of the team members and paralegals.

A key person should be linked to the organisation's admin and logistics office staff so that the office staff can take the responsibility of submitting the monthly printed copies of resources to every paralegal on the set date of every month or every other month. Resources included in these monthly packets could be copies of new laws and regulations, newspaper articles about key issues linked to the specific area of paralegal work in Myanmar, guidance documents written by the organisation, reminders or tips about data collection, and many other types of documents.

8.4.5 MONTHLY AND QUARTERLY FEEDBACK

Both supervisors, project staff, and the organisations should welcome input from the paralegals and also provide feedback to the paralegals on a monthly and quarterly basis. Feedback is essential to improve the capacity of individuals and also for the services of the paralegal program. It is needed to provide individual paralegals feedback on data collection, case management based on the observation from supervision/site visits, facts from the case information submitted by the paralegals, and their monthly reports.

Namati-CPRCG Paralegal Monthly Report Format

Paralegal Name:

Month:

State/Division and Township:

Summary of Cases (Enter a number in each box)

Case Type	New Cases Opened	Cases Pending	Cases Resolved/ Closed
Farmland – New Application			
Farmland – File Objection at SLRD			
Farmland – Follow-up on Existing			
Change name - inheritance			
Change name - sale			
Change type of plantation/crop			
Apply to build infrastructure			
Vacant/Fallow Land			
Community Forest			
Village Common Land			
Other			

Highlight one new or pending case (Write 1-2 paragraphs)

Highlight one resolved or closed case (Write 1-2 paragraphs)

Summary of community meeting(s) (Write 1-2 paragraphs per meeting)

Other activities (Write 1-2 paragraph summary of each activity)

Challenges

Recommendations

Monthly reports made by the paralegals should be prepared and written to reflect the key activities, highlights of the cases, achievement and challenges, and anything else worth noting. Having a standard paralegal monthly reporting template with submission guidelines will allow the organisations to regularly review and discuss case management strategies, analysis on the progress status of the cases, and tracking cases.

This can be done through bi-monthly phone calls, in-person meetings, and regular supervision visits. It is very important to ensure that every paralegal receives monthly and quarterly feedback and is given the chance to discuss their individual issues and receive moral and ethical support.

Sample: Paralegal Monthly Report Tips and Reminder Document

ဥပဒေအထောက်အကူပြုသူ၏ လစဉ် အစီရင်ခံစာ - အကြံပေးချက်များနှင့် သတိပြုရန်အချက်များ

- ဥပဒေအထောက်အကူပြုသူ တစ်ယောက်ချင်းစီသည် အစီရင်ခံစာတစ်ခုကို တစ်လတစ်ကြိမ် ရေးသင့်ပါသည်။ လစဉ်အစီရင်ခံစာသည် သင်၏အလုပ်အပေါ်တွင် ဆင်ခြင်သုံး သပ်ရန် ဖြစ်သကဲ့သို့ နောက်ဆက်တွဲ အမှုတွဲများကို ဆက်လက်ဆောင်ရွက်ရာ တွင်လည်း များစွာအထောက်အကူပေးသည်။
- အစီရင်ခံစာကို လတစ်လ၏ ပထမအပတ် (၅)ရက်မြောက်နေ့တွင် ပြီးပြည့်စုံစွာ ရေးသားပြီး ပေးပို့ရ ပါမည်။
- အစီရင်ခံစာအား ရေးသားတင်ပြရာ၌ လက်ရေးမှ ဖြင့်ရေးသားနိုင်ပါသည်။
- အစီရင်ခံစာတွင် နေ့စွဲဖော်ပြရာ၌ ရက်၊ လ၊ ခုနစ် ဖြင့် သေချာစွာ ရေးသားဖော်ပြရပါမည်။
(ဥပမာ - ၁ ရက်၊ နိုဝင်ဘာလ ၂၀၁၅ ခုနစ် မှ ၃၀ ရက်၊ နိုဝင်ဘာလ ၂၀၁၅ ခုနစ်)
- စတင်သော၊ ဆောင်ရွက်ဆဲနှင့် ပြီးပြတ်သော အမှုအရေအတွက်များကို ဖော်ပြရာတွင် အမှုအမျိုးအစား အလိုက် တိကျ မှန်ကန်စွာ ရေးသားဖော်ပြရပါမည်။
(ဥပမာ - စတင်သောအမှုဆိုသည်မှာ မိမိဖော်ပြသည့်လ၏ အသစ်စတင်သောအမှု ၊ ဆောင်ရွက်ဆဲအမှုဆိုသည်မှာ မိမိလက်ရှိဆောင်ရွက်နေသောလ၏ အမှု နှင့် ပြီးခဲ့သောလများ၏ မပြီးပြတ်သေးသော အမှု၊ ပြီးပြတ်သောအမှုဆိုသည်မှာ လုပ်ဆောင်ခဲ့သော ပြီးပြတ်သွားသောအမှုများ)
- အမှုတွဲများကို ရွေးချယ်ကောက်နှုတ်ဖော်ပြရာတွင် အထူးသဖြင့် ခက်ခဲသော၊ သမားရိုးကျ ယဟုတ်သော (သို့မဟုတ်) စံနမူနာ ဖြစ်သော အမှုများကို ရွေးချယ် ရပါမည်။ (မိမိဖော်ပြသော အမှုတွဲ၏ အမှတ်အသားကိုတွဲ၍ ဖော်ပြပါက အမှုဖြစ်စဉ်အား သုံးသပ်ကြည့် ရှုနိုင်ပါသည်။)
- အမှုတွဲများအကြောင်း အကျဉ်းချုံးဖော်ပြရာတွင် အဓိကအားဖြင့် အောက်ပါအချက်များဖြင့် ဖော်ပြ သင့်သည်။
 - What (မည်သည့်အကြောင်းအရာ)
 - Who (မည်သူသည်)
 - Whom (မည်သူကို)
 - Where (မည်သည့်နေရာတွင်)

- When (မည်သည့်အချိန်က)
- Why (ဘာကြောင့်)
- How (ဘယ်လို)

အပိုင်တစ်ခုစီတွင် ဖော်ပြရန် နမူနာ၊ ရွေးချယ်နိုင်သော မေးခွန်းများ

စိတ်ဝင်စားဖွယ်ကောင်းသည့် အမှုတွဲအသစ်တစ်ခု (သို့မဟုတ်) ဆောင်ရွက်ဆဲ အမှုတွဲတစ်ခု

- ယခုလတွင်အမှုသစ်မည်မျှရှိသနည်း။မည်သည့်အမှုတွဲအမျိုးအစားဖြစ်သနည်း။
အမှုတွဲအမှတ်စဉ်အားဖော်ပြပါ။ အမှုသည် သည်မည်သည့် လုပ်ရှားဆောင်ရွက်ချက်များ ကို ဥပဒေအထောက်အကူပြုသူထံ အကူအညီတောင်းခံခြင်း မပြုမီ ပြုလုပ်ဆောင်ရွက်ခဲ့သနည်း။
- ဤအမှုတွဲတွင် မည်သည့် လုပ်ရှားဆောင်ရွက်ချက်များက သင့်ကို ကြန့်ကြာစေသနည်း။ သင့် အစီအစဉ် များကို လုပ်ဆောင်ရန် လုပ်ရှားဆောင်ရွက်ချက်များသည် မည်သည့်နည်း။
- ဤအမှုတွဲအကြောင်းနှင့် ပတ်သက်၍ အသစ် (သို့မဟုတ်) ပုံမှန်မဟုတ် သည်များ ရှိသနည်း။ ရှိခဲ့လျှင် မည်သည့်နည်း။

စိတ်ဝင်စားဖွယ်ကောင်းသည့် ဖြေရှင်းပြီး (သို့မဟုတ်) ပိတ်သိမ်းပြီး အမှုတွဲတစ်ခု

- ယခုလတွင်ပိတ်သိမ်းမှုမည်မျှရှိသနည်း။မည်သည့်အမှုအမျိုးအစားဖြစ်သနည်း။
အမှုတွဲအမှတ်စဉ်အားဖော်ပြပါ။ အမှုသည် သည်မည်သည့် လုပ်ရှားဆောင်ရွက်ချက်များကို ဥပဒေအထောက်အကူပြုသူထံ အကူအညီတောင်းခံခြင်းမပြုမီ ပြုလုပ်ဆောင်ရွက်ခဲ့ သနည်း။
- အမှုတွဲအား ဆောင်ရွက်နေစဉ်အတွင်း လုပ်ရှားဆောင်ရွက်ချက်များသည် မည်သည့်နည်း။
- အမှုတွဲ ပိတ်သိမ်းရန် သင် မည်သို့ ဖြေရှင်း (သို့မဟုတ်) ဆုံးဖြတ်ခဲ့သနည်း။
- ဤအမှုတွဲ ကိုင်တွယ်ခြင်းမှ သင် မည်သည့် အတွေ့အကြုံနှင့် သင်ခန်းစာများ သင်ယူခဲ့ရသနည်း။

အခြားလုပ်ငန်းများ

- အခြားမိသားစု ကူညီအကူအညီ လုပ်ငန်းများကို အကျဉ်းချုပ်ဖော်ပြပါ။
- ဤလမ်းညွှန် အခြားမိသားစု အခြေခံအုတ်မြစ်များ (သို့မဟုတ်) မထွေထွေများကို အကျဉ်းချုပ်ဖော်ပြပါ။

စီနီဂေါ်များ

- သင့် မနုဇဉ် လုပ်ငန်းအကောင်အထည်ဖော်မှုများ၊ အမှုသည်များနှင့် သင်၏အပြန်အလှန်တုံ့ပြန်မှုများ၊ အစိုးရ ရုံးများနှင့် သင်၏အပြန်အလှန်တုံ့ပြန်မှုများ။ အခြားမိသားစုဝန်ထမ်းများအား အကူပြုသူများ (သို့မဟုတ်) အစိုးရအဖွဲ့ဝင်များနှင့်ပူးပေါင်းအကူအညီပေးခြင်းများ၊ ဥပမာအားဖြင့် အကူပြုသူ တစ်ဦး အခြေခံ သင်၏အလုပ်နှင့် ဆက်စပ်နိုင်သည့် စီနီဂေါ်များ။

မိသားစုဝန်ထမ်းများ

- အထောက်အကူပြု စီနီဂေါ်များ ကျွေးမွေးရေးအဖွဲ့အစည်း သို့မဟုတ် ပညာရေး တာဝန်ထမ်းကြံ့ပြုမှုပေးပါသည်။
- ဥပမာအားဖြင့် အကူပြုသူတစ်ယောက်အဖြစ် သင်၏အလုပ်ကိုထိခိုက်ခြင်းမရှိဘဲ မည်သည့်ပုံစံ ကူညီမှုမျိုး လိုအပ်ပါသနည်း။
- ဥပမာအားဖြင့် အကူပြုသူတစ်ယောက်အဖြစ် အထိပါဝင်မှုမဟုတ်ဘဲ (သို့မဟုတ်) ကျွမ်းကျင်မှု ဆိုင်ရာများနှင့်ပတ်သက်၍ သင်၏အဖွဲ့တွင် မည်သည့် အကြောင်းအရာများကို ထပ်မံလေ့လာ သင်ယူဆောင်ရွက်ပါသနည်း။

သင်ကူညီအကူအညီပေးနေသော အဖွဲ့များနှင့် ယက်သက်ပြီး တရားရုံး ကူညီအကူအညီပေးမှုများ ရှိလျှင် အထောက်အကူအညီပေးခြင်း ဖြည့်စွက်ဖော်ပြရန်

တရားရုံးရုံးချုပ်၊ အမှုပြုတ် သည့်နေ့နှင့်	အမှုအမျိုးအစား နှင့် အမှုအမှတ်	ပုဂ္ဂိုလ်	တရားရုံး	စွမ်းဆောင်ရည် သို့မဟုတ် တရားရုံး	ရုံးချုပ်ရုံးချုပ်	တရားရုံး၏အကူအညီ ပေးမှုအခြေအနေ

- မည်သည့်အမှုအမျိုးအစားဖြစ်သနည်း။
- မည်သည့်နေရာတွင် အကူအညီပေးခြင်းဖြစ်သနည်း။
- အမှုဖြစ်ပေါ်လာသည့်နေ့စွဲဖော်ပြပါ။
- မည်သည့်ပုဂ္ဂိုလ်နှင့် ဖြေရှင်းဆက်ဆံပြီး တရားရုံး၊ တရားရုံးချုပ် (သို့) စွမ်းဆောင်ရည်ပေးခြင်း။
- ရုံးချုပ်ရုံးချုပ် နှင့် တရားရုံးတွင် မည်ကဲ့သို့ အကူအညီပေးခဲ့သနည်း။

အထက်ပါအမှုတွင် သင်ကူညီဆောင်ရွက်ပေးခဲ့ခြင်းအား အကျဉ်းချုပ်ဖော်ပြပေးပါရန်

- မည်သို့ အမှုနှင့်ပတ်သက်၍ ဆောင်ရွက်ပေးနေသည်များကို အကျဉ်းချုံးဖော်ပြပေးပါ။

ရပ်ရွာအတွင်း တွေ့ဆုံမှုများ ၏ အကျဉ်းချုံး

စဉ်	နေ့ရက်	အချိန်	နေရာ	ကျား	မ	ပေါင်း
၁။	၀၆-၁၁-၁၅	မနက် (၉:၃၀ မှ ၁၁:၁၀)	ကန်ကလေးရွာ၊မြောက် နင်းရွာသစ်အုပ်စုပြည်ရွာ	၁၀	၂	၁၂
၂။						
၃။						

- ဆွေးနွေးပွဲအကြိမ်ရေ မည်မျှပြုလုပ်ခဲ့သနည်း။
- ရပ်ရွာအတွင်း တွေ့ဆုံမှုများ၏ နေ့ရက်၊ အချိန် နှင့် နေရာများကို သေချာစွာဖော်ပြပါ။
- မည်သည့် အကြောင်းအရာများကို သင် ဆွေးနွေးပြောဆိုခဲ့သနည်း။
 - ခေါင်းစဉ်များကို သေချာစွာ ဖော်ပြပါ။ (ဥပမာ - မြေလွတ်မြေရိုင်း/သစ်တောကြီးဝိုင်းမြေ)
- ရပ်ရွာအတွင်း တွေ့ဆုံမှုတွင် အဖွဲ့ဝင် မည်မျှ တက်ရောက်ခဲ့သနည်း။
- တွေ့ဆုံဆွေးနွေးပွဲတွင် တက်ရောက်လာသူများ၏ ဆွေးနွေးသည့်အကြောင်းအရာနှင့် စိတ်ဝင်စားဖွယ် ကောင်းသည့် မေးခွန်းများကို အကျဉ်းချုံးဖော်ပြပါ။

Guiding Principles of Paralegals working with NAMATI



NAMATI ခြင် ပုသိမ်တွင်ဆောင်ရွက်သည့် ဥပဒေရေးရာအထောက်အကူ ပြုသူများ၏ လမ်းညွှန် အခြေခံများ

၁. **Clients first.** Our greatest duty is to the communities and individuals with whom we work. We must treat them with respect, courtesy and solidarity. We would like you to constantly evaluate whether our program is doing its best to serve them, and to help us to improve wherever possible.

၁။ အမှုသည်အား ဦးစားပေးခြင်း။ ရပ်ရွာလူထုနှင့် အမှုသည်များအတွက် ဆောင်ရွက်ရန်မှာ ကျွန်ုပ်တို့၏ ကြိုးပမ်းသည့် တာဝန် ခြင်သည် အကျောက် ငှင်းတို့အပေါ်တွင် ဝေးကွာမှု၊ စေတနာရှိမှု၊ စည်းလုံး၊ ညီညွတ်စွာရှိမှုတို့ ခြင် ဆက်ဆံ ဆောင်ရွက်ပါမည်။ ကျွန်ုပ်တို့၏ စွမ်းဆောင်ရည်သို့ ကြိုးပမ်းဆောင်ရွက်ပေးမှုများကို စဉ်ဆက်မပြတ် သုံးသပ်၍ လိုအပ်ချက်များရှိပါက ပိုမိုကောင်းမွန်စွာ ဆောင်ရွက်နိုင်ရန်အတွက် သင့်အနေဖြင့် ကူညီ အကြံပြုပေးလိုပါသည်။

၂. **Solving justice problems.** The aim of our work is to help people achieve concrete, practical solutions to their justice problems. We must be creative and perseverant in pursuit of this aim.

၂။ တရားမျှတမှုဆိုရာ ပြဿနာများအား အဖြေရှာခြင်း။ ကျွန်ုပ်တို့လုပ်ငန်း၏ အနှစ်သာရမှာ တရားမျှတမှုဆိုရာ ပြဿနာများအား လက်ဆုတ်လက်ကိုင်ပြုနိုင်ခြင်း၊ လက်တွေ့ကျသည့် အဖြေရှာမှုများ ပြုလုပ်ရာတွင် ကူညီဆောင်ရွက်ပေးရန် ခြင်သဖြင့် ရည်မှန်းချက် ဆောင်ရွက်ပေးရန်အတွက် တိုးတက်ညှောက်နှိုးမှု မရုတ်မနစ်သော ခွဲလှဲလတ်ဖြင့် လိုက်ပါ ဆောင်ရွက်ပါမည်။

၃. **Empowerment.** Our interventions should raise our clients' knowledge, capacity, and confidence to stand up for themselves and to solve justice problems on their own whenever possible.

၃။ စွမ်းဆောင်ရည်မြှင့်တင်ပေးခြင်း။ ကျွန်ုပ်တို့၏ဆောင်ရွက်မှုများသည် အမှုသည်များ၏ အင်ပါယာ၊ စွမ်းရည် နှင့် ငှင်းတို့ကိုယ်တိုင် ရင်တည်ဆောင်ရွက်နိုင်သည့် ယုံကြည်မှုများ တိုးတက်လာစေခြင်း၊ ငှင်းတို့၏ တရားမျှတမှုဆိုရာ ပြဿနာများကို ငှင်းတို့ကိုယ်တိုင် တတ်စွမ်းသလောက် ကြိုးစားအဖြေရှာနိုင်ရန် အတွက်လည်း အကူအညီပေးပါသည်။

၄. **Confidentiality.** We are required to respect the privacy of our clients and do not share information about our clients to the public. We are to use the information for the purpose of solving their problems. Where we wish to make use of such information other than for our internal purposes, the consent of the client is required.

၄။ နှုတ်/လက် တော်စဉ်ခြင်း။ ကျွန်ုပ်တို့သည် အမှုသည်၏ အတွင်းရေးကိုးစွများ၊ သီးသန့်၊ တည်ရှိမှုကို အလေးထား ပါသဖြင့်၊ ငှင်းတို့၏ ကိုယ်ရေးကိုယ်တာ အချက်အလက်များကို အများပြည်သူတို့၊ ခြင်၊ စေမည်မဟုတ်ပါ။ ကိုယ်ရေး ကိုယ်တာ အချက်အလက်များကို ငှင်းတို့၏ ပြဿနာရပ်များအား ကူညီအဖြေရှာပေးမှု အတွက်သာ ရည်ရွယ်အသုံးပြုမည်ဖြစ်ရာ၊ အခြား အသုံးပြုလိုပါက ကာယကံရှင်များ ၏ သဘောတူခွင့်ပြုမှုကို ရယူပါမည်။

၅. **Free-of-cost service.** We shall not take fees including presents/gifts for any services provided to a client.

၅။ အခမဲ့ ဝန်ဆောင်ပေးခြင်း။ ကျွန်ုပ်တို့၏ ကူညီဆောင်ရွက်ပေးမှုများအတွက် အမှုသည်ထံမှ လက်ဆောင်ပစ္စည်း၊ ရယူခြင်း၊ အပါအဝင် ဝန်ဆောင်မှုအတွက် အတိအစ ဝတ်ငါးပု မပြုပါ။

၆. **Impersonation.** We must remember that we are not a lawyer and therefore cannot identify ourselves that way.

၆။ တူပန်ဆောင်ပေးခြင်း။ ကျွန်ုပ်တို့သည် ရှေ့နေရေရှေ့ရှင် မဟုတ်သဖြင့်၊ ရှေ့နေရေရှေ့ရှင်အဖြစ် ဖော်ပြဆောင်ရွက်နိုင်မည် မဟုတ်ပါ။



7. **Promptness.** We provide prompt services and do not keep people waiting unnecessarily. We follow-up on a regular basis with clients to keep both us and them informed, even if the case takes a long time to resolve.

၇။ မဆိုင်းမတွ ဆောင်ရွက်ပေးခြင်း။ ကျွန်ုပ်တို့သည် ကာလကြာရှည်စွာ အချိန်ယူနေခြင်းမရှိဘဲ အမှတ်စွဲပို့စေရန်နှင့် နောက်ဆက်တွဲ အမှု အခြေအနေကို အမှုသည်များနှင့် တစ်ပြိုင်ညီ ထိရောက်စွာ ပုံနှိပ် စုံစမ်းလေ့လာမှုများ ပြုလုပ်ပါသည်။ အမှုသည်များ မလိုလားအပ်ဘဲ စောင့်ဆိုင်းနေနေရန်အတွက် လက်ဝင်း ဆောင်ရွက်နိုင်သည့် ကိစ္စများကို ဆောလရှင်းစွာ ဆောင်ရွက်ပေးပါမည်။

8. **Impartiality.** We must always be unbiased and impartial. We do not handle cases in which we have a personal interest so as not to run the risk of taking sides. We can refer such cases to another paralegal.

၈။ သဟဇာတမတ်တိုက်ခြင်း။ ကျွန်ုပ်တို့သည် တစ်ဖက်တစ်ဘက်သော သဟဇာတမတ်တိုက်မှုများအဖြစ် ရပ်တည်ပါမည်။ ကျွန်ုပ်တို့ တစ်ဦးချင်း၏ ကိုယ်ရေးကိုယ်တာ အကျိုးစီးပွားနှင့် ဆက်စပ်လာသည့် အမှတ်စွဲပို့မှုတွင် တက်လိုက်မှုနှင့် သဘာဝ ကင်းမဲ့ရန်အတွက် ဖိတ်ခေါ် ဆောင်ရွက်ခြင်း မပြုပါ။ ဥပမာအားဖြင့် အဆိုပါ ကိစ္စပျံ့ ကြွလာပါက အခြား အထောက်အကူပြုသူ တစ်ဦးဦး သို့ ညွှန်ဆို ပေးပါမည်။

9. **Personal and Professional Responsibility.** We shall maintain a high level of personal and professional integrity.

၉။ ပုဂ္ဂိုလ်ရေးနှင့် ပညာရပ်ပီသသော တာဝန်ယူခြင်း။ ကျွန်ုပ်တို့သည် မိမိတို့၏ တည်ကြည် မြင်ဟောသည့် ပုဂ္ဂိုလ်ရေး ဝန်ထမ်းမှုနှင့် ပညာရပ် ပီသစွာ ရပ်တည်မှုကို ထိန်းသိမ်းပါမည်။

10. **Work within the framework of the law.** We shall respect and follow the law in carrying out our paralegal work. For example, we cannot force people to sign complaint letters or mediation agreements.

၁၀။ တရား ဥပဒေ စောင့်အတွင်းမှ လုပ်ဆောင်ခြင်း။ ကျွန်ုပ်တို့သည် ဥပဒေရေးရာ အထောက်အကူပြုသူများအဖြစ် လုပ်ငန်းများ ဆောင်ရွက်ရာတွင် တရား ဥပဒေကို လေးစား လိုက်နာဆောင်ရွက်ပါမည်။ ဥပမာအားဖြင့် ကန် ကွက်ကွားများနှင့် ညှိနှိုင်း သဘောတူချက် တို့ကို အတင်းအကြပ် လက်မှတ်ထိုးစေရန် စီအာပေးဆောင်ရွက်ခြင်း မပြုနိုင်ပါ။

11. **Working as a team.** In addition to our clients, we have a responsibility to support each other in our collective mission. It is important for us to communicate clearly and respectfully, to build each other's capacity, and to maintain an atmosphere of teamwork.

၁၁။ အရာအဖွဲ့ဝင်အဖြစ် လုပ်ဆောင်ခြင်း။ ကျွန်ုပ်တို့သည် မိမိတို့၏ အမှုသည်များအတွက် ဆောင်ရွက်ရန်သာမက တူညီသည့် ဦးတည်ချက်သို့ ချောက်ဖျက် ဆောင်ရွက်နေသူ အချင်းချင်း ကူညီထောက်ပံ့ပေးရန် တာဝန်ရှိပါသည်။ ရှင်းလင်း တိကျစွာနှင့် လေးစားစွာ ဆက်သွယ်ဆောင်ရွက်မှု၊ အချင်းချင်း စွမ်းရည်ပြိုင်တင်ပေးမှု၊ အများနှင့် ပူးပေါင်း လုပ်ဆောင်သည့် ပတ်ဝန်းကျင်ကို ဖန်တီး ထိန်းသိမ်း ဆောင်ရွက်မှုတို့ သည် ကျွန်ုပ်တို့အတွက် အရေးကြီးပါသည်။

12. **Responsible use of resources.** We receive allowances for transportation, cell phone credit and community meetings, in addition to our monthly stipend. These funds should be used to fulfill our responsibilities to clients and we must spend the allowances in a wise and careful manner.

၁၂။ အရင်းအနှီးများကို စဉ်းစားချင်ချိန်နှင့်အညီ အသုံးပြုခြင်း။ ကျွန်ုပ်တို့သည် လစဉ် ထောက်ပံ့သည့်လစာခွင့်အဖြစ် လုပ်ငန်းကိစ္စ အတွက် ခရီးလွှားလစာ၊ ဝယ်လီဖုန်းဆက်သွယ်မှု၊ ရပ်ရွာလူထုနှင့်တွေ့ဆုံတွေ့ဆုံမှု ဟိုအတွက် ထောက်ပံ့ပေးမှုများလည်း ရရှိပါသည်။ အဆိုပါ ထောက်ပံ့ပေးမှုများသည် မိမိတို့၏ အမှုသည်များအတွက် အကူအညီပေးမှုများ၊ တိရစ္ဆာန်ရွာ ဆောင်ရွက်နိုင်ရန် ပံ့ပိုးခြင်းဖြစ်ရာ ကျွန်ုပ်တို့ အရေးဖြင့် ယင်း အထောက်အပံ့များကို အမြော်အမြင်ရှိစွာ ချွန်ချိန် သတိပြု အသုံးပြုသင့်ပါသည်။

8.4.6 STIPEND AND ALLOWANCES FOR PARALEGAL SUPPORT

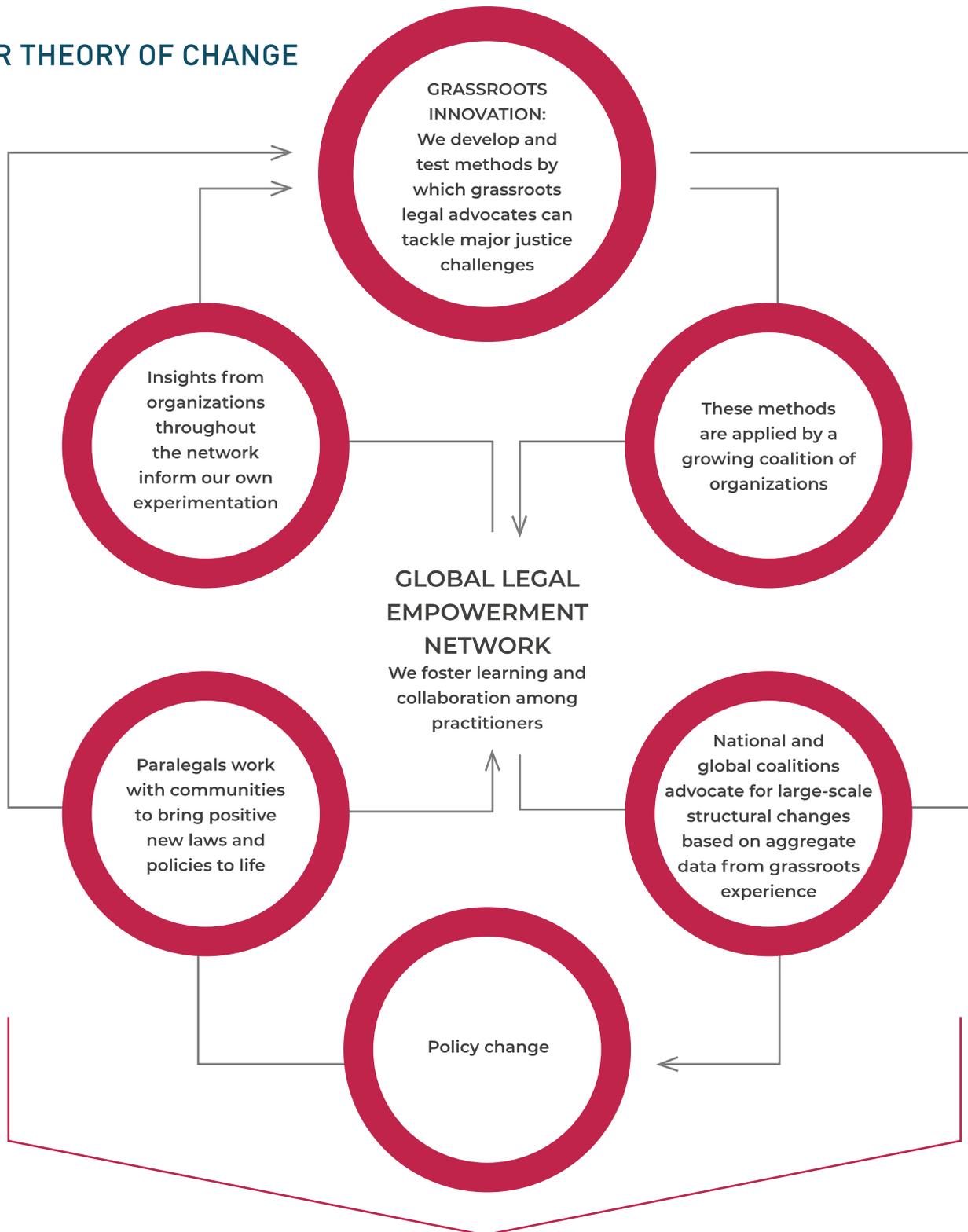
There are paralegals working under different conditions, some of whom are volunteers. In Namati's experience, for paralegals to be effective on long-term or complex cases, and also out of a sense of fairness, it makes sense for them to receive a stipend for their time as well as reimbursement for the costs of phone calls, transportation, and meetings. Namati's calculation of the stipend is based upon the basic salary of an entry-level government official in the community. The costs of transportation, telephone credits, and community education sessions are based on the actual costs or amount reflecting the actual needs. In addition to the monthly stipends for the paralegals, the allowances are provided in advance so that the paralegals don't have to use their own money for the costs upfront. In return, the paralegals have to send regular monthly reports and case information back to the organisation. The downside to this model is that it can be hard to sustain funding over a long period of time.

It is possible to carry out paralegal work using volunteer paralegals. This works when cases are both relatively simple to resolve and when case times are relatively short. However, the volunteer model suffers when cases take a long time and are complex. This is because the 'drop-out' rate of paralegals is often high as people become busy, move, take on paid work, and so on.

Ultimately, each organisation will make its own decision on whether to pay stipends or not, and this will be based on its own particular circumstances, including the resources it has available. As with the rest of the manual Namati puts forward, its own learning and experience help guide and support others to think through these issues.

8.5 COLLABORATION AND COORDINATION

OUR THEORY OF CHANGE



EMPOWERED CITIZENS AND SUSTAINABLE,
EQUITABLE DEVELOPMENT

8.5.1 COLLABORATION BETWEEN PARALEGALS

Communication and collaboration among paralegals are important not only to take collective action on the issues they work on, but also to create a space for learning from challenges, identifying grassroots local solutions, and sharing resources and experiences. Paralegals in the same districts or nearby areas can jointly plan and assist each other to organize effective community education, identification and handling of class action cases, negotiation with local government authorities, and advocacy for local- or regional-level policy change. If there is only one paralegal in the geographic area, paralegals can naturally adapt to the situation by using their existing strengths of knowing the community and key gatekeepers.

Better collaboration among paralegals can also be possible by using the several options mentioned here:

- Cross-learning and sharing visit opportunities among paralegals quarterly or bi-annually or based on the availability of interested paralegals.
- Regular meetings (online or in person) among all paralegals across the country for a discussion on the specific topics/matters of land and sharing experiences.
- Monthly in-person meeting of nearby paralegals in addition to the informal individual discussions for specific cases.
- Formation of paralegal groups on Viber or Facebook as a platform to raise key issues and updates and share resources, challenges, and experiences.
- Paralegals with selected issues facilitate topic of discussion on Viber / Facebook, and the topic is selected by the paralegal based on the issues faced within the month.
- If an individual or a group of paralegals is planning advocacy on land issues at a higher level, such as meeting with concerned ministries/authorities/parliament members at district, state/divisional, and national level (e.g. Nay Pyi Taw), they should coordinate, inform, and share the results with other paralegals.
- Paralegals can contribute submissions for monthly resource sharing to others through their host organisation.

8.5.2 COLLABORATION WITH SUPPORTERS AND COMMUNITY VOLUNTEERS

As a paralegal's work requires collaboration, coordination, and support to work effectively with the community, the paralegals have to work together with active community members who are willing to provide voluntary assistance to the paralegals in delivering access to justice services. Volunteer supporters can be helpful in organizing community education or dealing with local authorities. Some of those working with the paralegal are called 'Supporter to the paralegal' or 'Intern to paralegal' or 'Community volunteer'.

Supporters to the paralegal or intern paralegals are linked to and constantly working together with a specific paralegal for the community. Similar to paralegals, the supporters to the paralegals are those who are willing and eager to work for the community consistently with the paralegal, those who could provide support to the paralegal, and those who are willing and able to learn more about the justice issues, related laws, and procedures.

Community volunteers communicate regularly with the paralegal. They voluntarily act as a contact point person from the targeted village. The community volunteers independently support the paralegals in delivering paralegal services in their community, such as helping to spread the word about an upcoming community education session or to share recent progress on a case.

With assistance from community volunteers and supporters, paralegals educate their communities and individuals to understand their rights and obligations under the law. Moreover, the paralegals make sure that the farmers understand their options, are able to use the law to protect their rights when they are threatened, and work in the communities to make informed decisions to protect their land tenure over the long term.

8.5.3 COORDINATION WITH OTHER NETWORKS

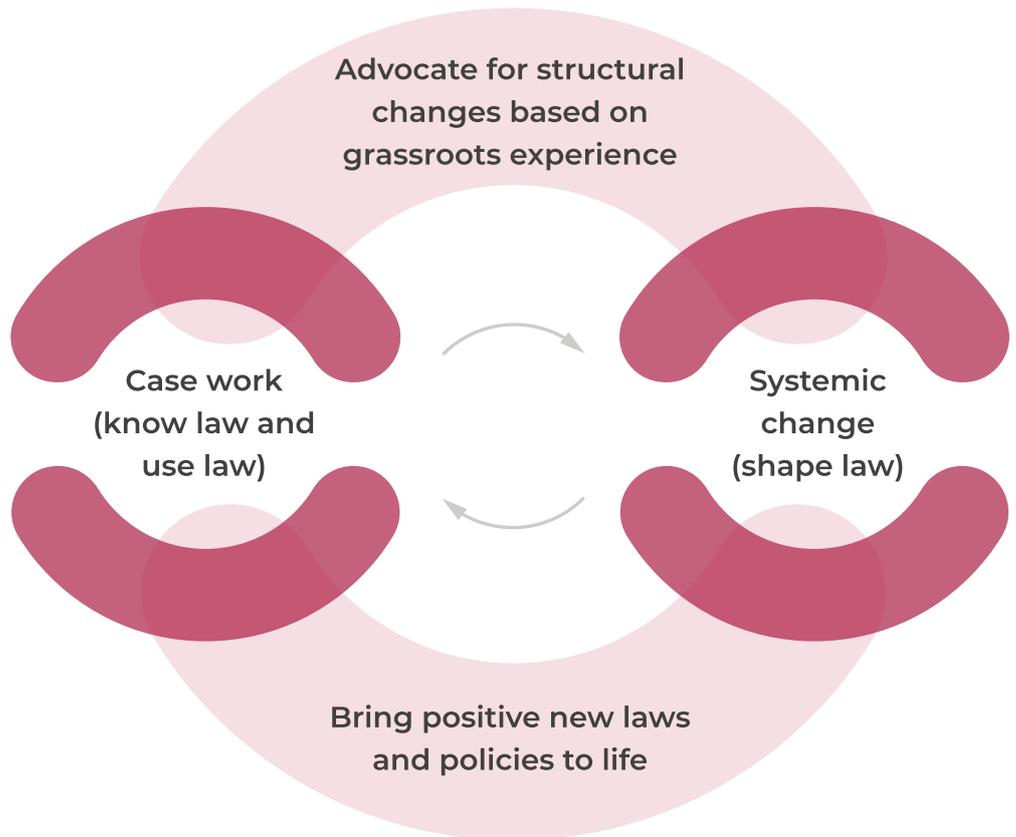
It is essential for paralegals to create and maintain good relationships with other organisations in the community. Paralegals have to build up a strong network of community-based associations, such as the farmers unions, to get support for effective advocacy at the community level and also help to increase downward accountability. Moreover, paralegals could also connect with parliament members, pushing toward the faster processing and successful resolution of the cases that require political pressure.

Paralegals sometimes have cases that the paralegal alone is not able to resolve. When a paralegal thinks litigation or high-level advocacy is an appropriate tool to use for a specific complex case, these cases can be referred to professional lawyers linked with the organisation or other networks of lawyers providing legal aid services in the region. In such cases, the paralegal needs to consult with the lawyers together with their clients to decide the best approach to deal with such issues. Even when court action may be required, paralegals may stay involved with a case during court proceedings.

Regarding the cases of the clients, paralegals may provide assistance to lawyers during the litigation process by acting as a source of vital information for lawyers and liaison between the client and the lawyer. Moreover, paralegals also have to monitor the progress of the cases, such as whether or not the lawyer is representing the client, and explain to the client what happened in court, as most of their clients find it difficult to understand what happens in court. Paralegals continue to play a significant role until the final determination of the case and even after that, the paralegal can continue to provide follow-up and counseling services.

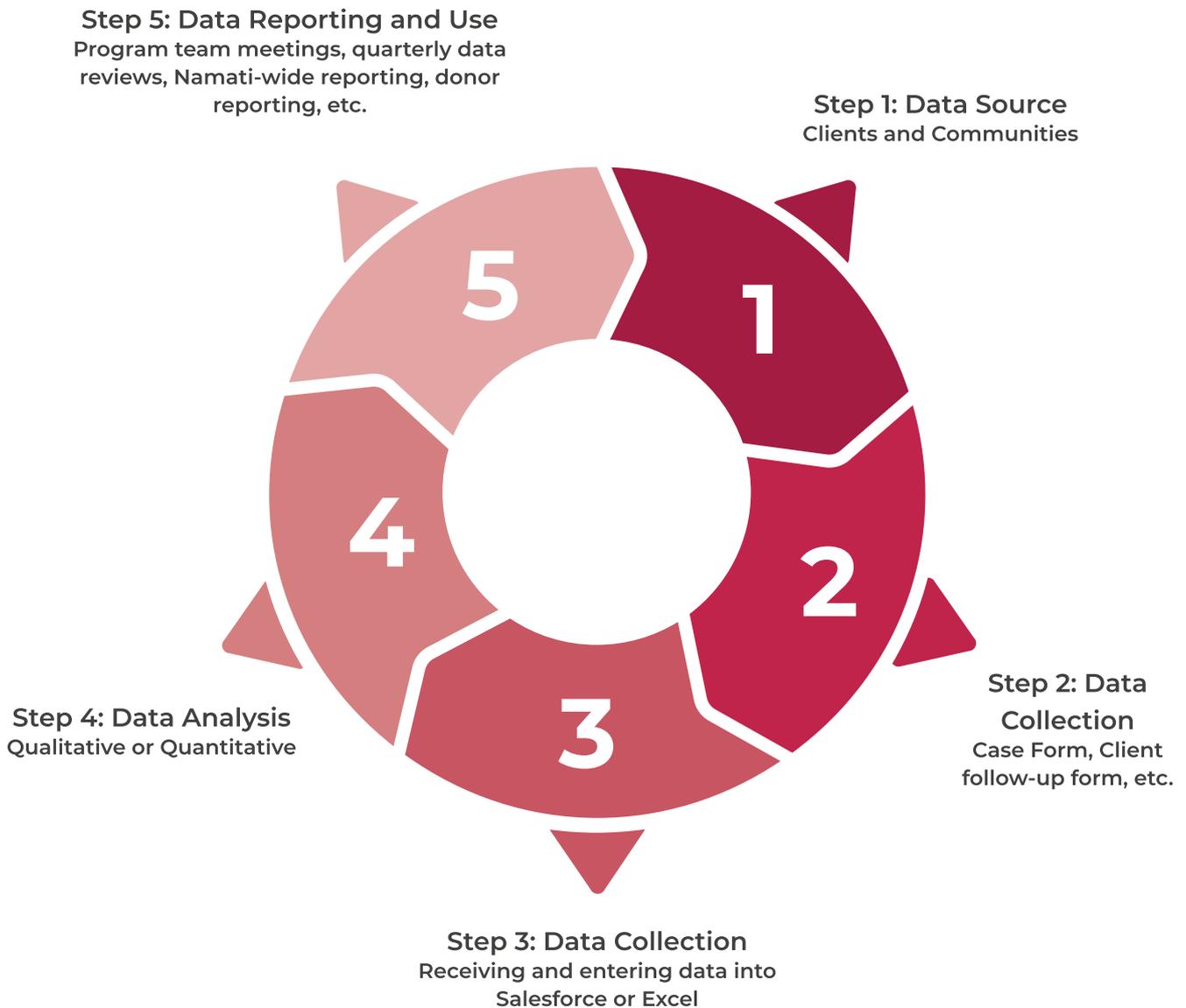
8.6 SUPPORTING THE PURSUIT OF SYSTEMIC CHANGE

LEGAL EMPOWERMENT CYCLE



The evidence gathered by paralegals and their clients at every step, using the laws and institutions to solve their problem, helps them to understand how they need to improve their work and the options they have. They can also learn from their mistakes and use them to create best practices. Systematically taking records of actions and responses are not just helpful for the resolution of their cases.

DATA MANAGEMENT CYCLE

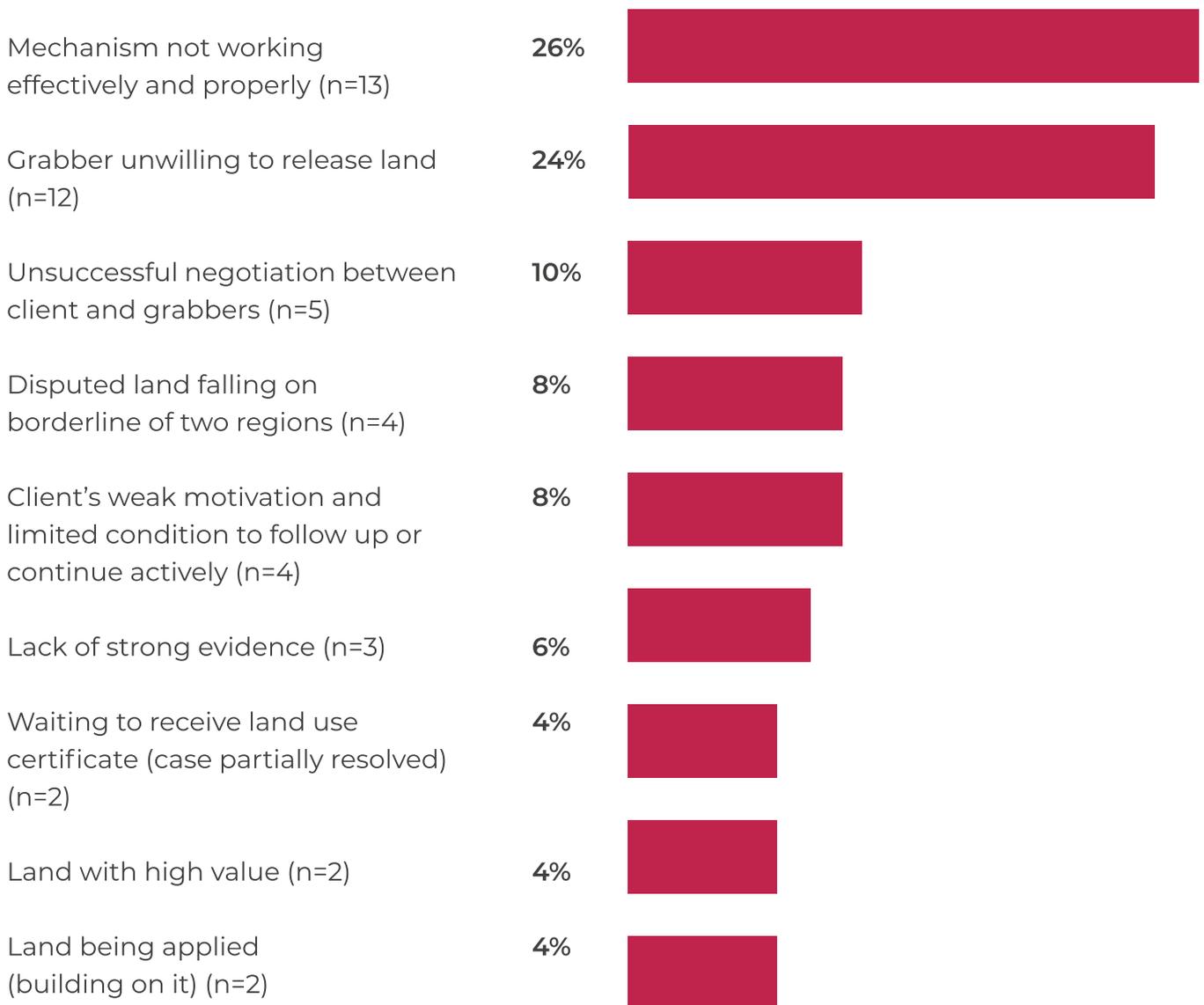


Collections of experiences of every paralegal and client are a valuable source of information for further analysis and review to see where things are working well and

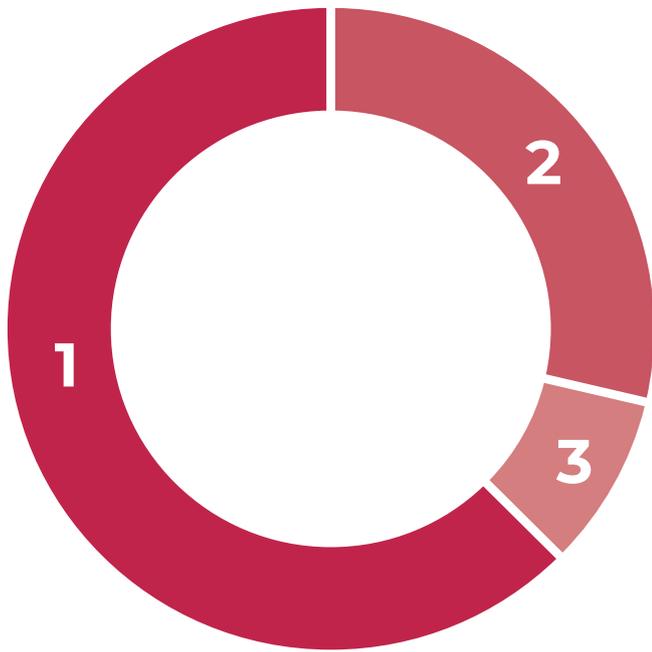
where there are gaps in the system. When the organisation makes a further review of case data and actions, it is not just an example of a success or failure of a case.

A SCREENSHOT OF ANALYZED DATA ON PARALEGAL CASE DATA

PARALEGALS STATED REASONS FOR CASES PENDING FOR MORE THAN 18 MONTHS



This result is generated from the review of 54 cases pending for more than 18 months. The review was led by Ko Ye Yint and the team followed up cases by calling paralegals on the phone.



10% OF OPEN/PENDING LAND GRAB CASES WERE GRABBED BEFORE 1988 WHEN THE MILITARY GOVERNMENT TOOK POWER

- 1: 1988 and after (n=170) 62%
- 2: Before 1988 (n=29) 10%
- 3: No answer (n=77) 28%

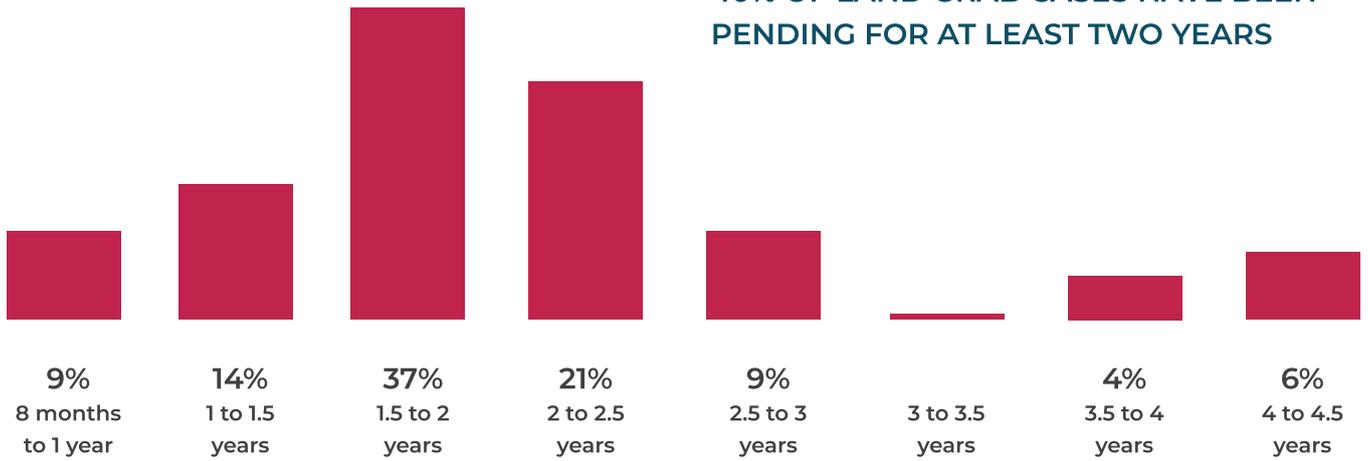
The military took power in 1988. The official rule is to prioritize resolving only land cases grabbed from 1988 and after. So, it is worth reviewing case history for the grabbed year.

PROCESS DURATION OF FOUR MAIN TYPES OF PENDING CASES

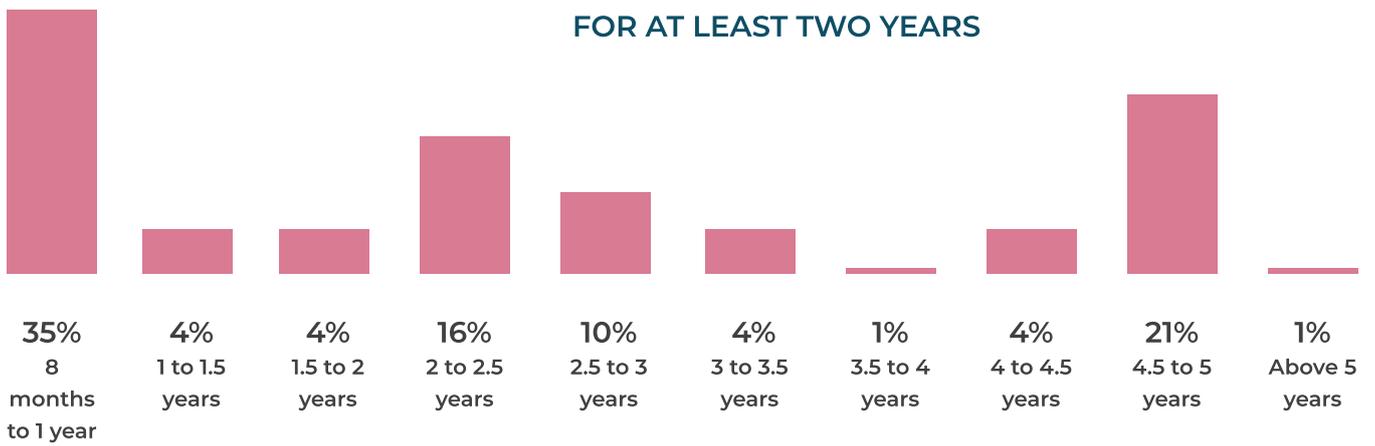
78% OF COMMUNITY FOREST CASES HAVE BEEN PENDING FOR MORE THAN TWO YEARS



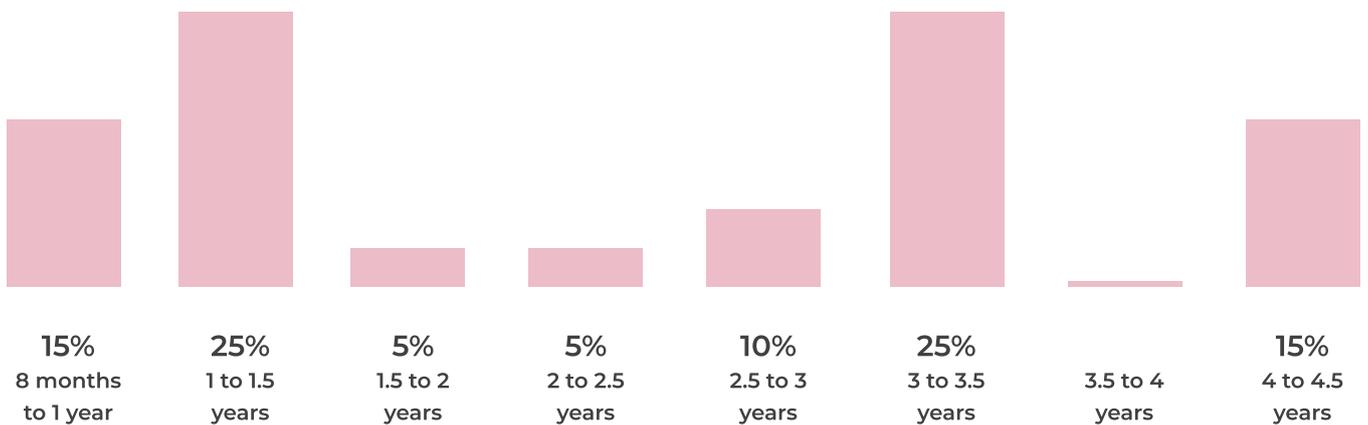
40% OF LAND GRAB CASES HAVE BEEN PENDING FOR AT LEAST TWO YEARS



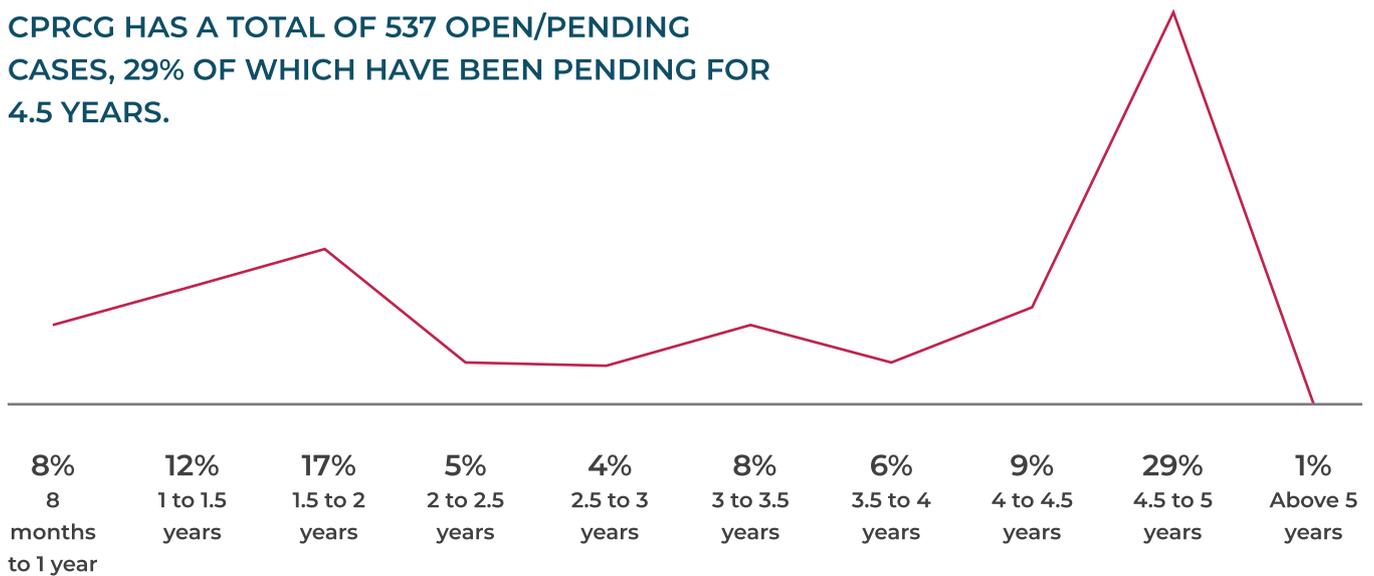
57% OF LAND TITLE CASES HAVE BEEN PENDING FOR AT LEAST TWO YEARS



60% OF VACANTFALLOW LAND CASES HAVE BEEN PENDING FOR AT LEAST TWO YEARS



CPRCG HAS A TOTAL OF 537 OPEN/PENDING CASES, 29% OF WHICH HAVE BEEN PENDING FOR 4.5 YEARS.



- 29% of cases pending for more than 4.5 years are land title and vacant/fallow land case types.

- Land grab case types are usually pending for 1.5 to 2 years.

Similar patterns and common case experiences among several clients and paralegals allow us to see how the law, system, and their functions work in practice. We can see concerns and areas for improvement of the systems, including where they are working well and where

they are not. It gives us a wider array of information to identify the gaps and problems within the current system, applicable solutions to it, and the benefits of fixing the issues by upgrading the system with the necessary amendments to laws, rules, and instructions.

POLICY BRIEF WRITING TIPS

SELECTING THE TOPIC

- Organize paralegal case data and evidence related to the problem
- Only focus on the issues and problems that you will touch on in the brief
- If you come up with different issues and problems, keep them aside to present in another brief.
- Ask yourself:
 - a. Who are you writing for?
 - b. How in depth are you presenting the topic?
 - c. How critical is the topic?
 - d. What sources of information and evidence do you have?
 - e. Who is affected by the problem?
 - f. What are the solutions to the problem?
 - g. What benefits and opportunities are identified by presenting the brief?

- The brief should not be more than 15 pages.
- Evaluate the accuracy of the facts, information, privacy, and security concerns of the parties mentioned in the brief.

SIMPLE POLICY BRIEF STRUCTURE

1. **Policy Brief Topic Title** - The topic should be identified based on your paralegal case experience. It should also reflect the impact and priority of the issue, political context, environment, and timing.
2. **Executive Summary** – Summary of the particular key points presented in the brief. This will especially help people with limited time to read and understand the brief. It should also motivate them to read more details. This should be just after the cover page of the brief. The summary should be not more than 200 words.
3. **Objectives** – It should answer the question of why this problem is important to solve. Explain why the brief is presenting the issues with key findings and analysis at this time. It needs to attract the reader to continue to other parts of the brief.
4. **Three Statements to Support the Topics** – Each statement should be supported with data, case study, law, instructions and experiences of using the law, and instructions and engagements with respective institutions in subparagraphs. Tables and photos should be simple and easy to understand. Explanation texts should be mentioned below the photos, charts, and tables.
5. **Conclusions and Recommendations** – Recommendations should be grounded in case experience. They should be in line with the topics and particulars in the brief and SMART criteria: Specific – target a specific area for improvement. Measurable – quantify or at least suggest an indicator of progress. Assignable – specify who will do it. Realistic – state what results can realistically be achieved, given available resources. Time-related – specify when the result(s) can be achieved.
6. **Methodology and Acknowledgment** – Explain the method used in developing the brief. Explain who is involved in the process of developing the brief. Explain the sources of information used in the brief. Do not use too many technical terms. It is good to set the word limit at 200 words.

Critical element: There is significant value to drawing on the case experience from the program in the policy work. Paralegals working on grassroots cases have a unique insight into the actual function of the systems with which they engage. This experience should be brought to the fore as a key insight you are offering.



March 2016

GENDERED ASPECTS OF LAND RIGHTS IN MYANMAR: EVIDENCE FROM PARALEGAL CASEWORK

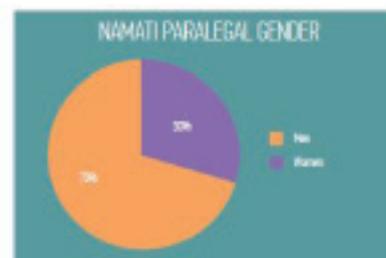
Namati offers this brief in the hope that Myanmar's national reforms and the implementation of the country's new National Land Use Policy can grow from the lived experience of ordinary Myanmar citizens. Namati and our partners assist farmers in Myanmar to claim their land rights through a community paralegal approach. Community paralegals are trained in relevant laws, community education, negotiation, and mediation skills to work with farmers to resolve a variety of land rights issues. Dozens of data points are documented as part of each case resolution process that illustrate how the legal framework functions in practice. It is this casework data that underpins this policy brief. Focus groups and interviews with paralegals and clients further provide qualitative context and insights.

Namati recommends actions the Myanmar government can take as part of implementing its new National Land Use Policy to help increase women's engagement in land use management and access to tenure rights. This briefing also provides recommendations for civil society organizations interested in the community paralegal model, and, in particular, in increasing the number of women paralegals in the country as a means of women's empowerment.

not feel the same sense of duty to male members of the community. This may be supported by our paralegal data, which shows that cases with women clients get resolved in an average of 110 days, versus 165 days for male clients. Women also average fewer follow-up visits with paralegals than men.

VII. Women paralegals can be a powerful catalyst, but organizations need to address the distinct challenges they face

Namati employs a community-based paralegal model. Each paralegal must be from the area in which he or she works, and each is assigned a target area, generally covering a 2-3 hour radius from their home. The paralegals are expected to visit each village in their target area 2 or 3 times per month (depending on availability) to conduct community education sessions, interview clients on cases and land issues, and provide assistance such as advice or accompaniment to government offices to follow up on cases.



Two specific challenges arose for women paralegals in this model.

One concerns women's role in the Myanmar household. As a group of young (18-26 year old) women paralegals in Sagaing said, "No, being a paralegal once we are married would be impossible. There are too many duties at home." While we do have some women paralegals between their late 20s and early 40s, the majority of our female paralegals are younger, without husbands or children. Interestingly, however, over the lifetime of Namati's Myanmar work, the dropout rate for male paralegals has been 20%, for women it is only 4%.

VIII. Recommendations for Government

1. **The government should provide training and build awareness of women's rights within and among the offices that most directly interact with communities – specifically, Township and Village Tract/Ward – including on the right of women and men to jointly register their land.** The National Land Use Policy explicitly recognizes the right to joint landholder rights. The Farmland Registration Act remained neutral on the issue, and while some Township Land Management bodies have accepted ultimately successful applications, 89% of our joint registration applications (a small percentage of our total registration efforts) remain unresolved. Training should focus on making land administration officers at all levels more receptive to joint registration.

2. **The government should fund legal literacy campaigns as one method of upholding commitments in the new National Land Use Policy and in CEDAW.** The Myanmar government recognizes 135 distinct ethnic groups, each with its own customs and traditions. The government firmly acknowledges in Part III of the new National Land Use Policy that women and men hold equal land tenure and management rights. As a member of CEDAW, the Myanmar government is responsible for taking active steps to eliminate discrimination against women in all its spheres and divisions, including in family and home life. Yet Namati's experience shows that there is a large gap between policy and practice surrounding women's land rights in Myanmar – namely, (75a) right to hold individual or joint landholder rights and the right to own property and (75c) right to inherit land tenure and management rights. Without an ability to read and gain further legal knowledge, customs prevail that might otherwise be discussed and challenged when vulnerable groups are armed with the support of the law. As Namati's experience shows, once women are aware of the possibility for jointly registering land, many women are keen to do so. A higher rate of joint applications from women paralegals suggests that demand is likely responsive to these paralegals' focused education efforts.

3. **The new Technical Advisory Body of the National Land Use Council, and the Land Use Committees at all Regions and States, should have guaranteed seats for female members.** The 1995 Beijing Framework for Action, which was endorsed by Myanmar, sets a target of 30% women in decision-making positions. Currently only 42 out of 16,758 (less than 1%) of Village Tract/Ward Administrators are women. The Village Tract/Ward Land Management Committee is the first entity to receive Form 1 from a registration applicant, and then must provide a recommendation for the application and submit it to the Township SLRD. Including more women formally in land governance institutions may help increase access to land rights for women.

4. **The government should specify that return of grabbed land should be done in a way that respects women's land rights.** For example, when returning land to individuals who previously held a Form 7 certificate in only their name, the government office should make the claimant aware that it is possible to add a spouse's (or other) name to the certificate. For claimants who did not previously hold Form 7, the government should make the claimant aware that when applying for Form 1, they may do so jointly with a spouse (or other individual).

5. **The government should recognize paralegals as a cost-effective way of empowering communities.** The 2016 National Land Use Policy (Part VI.4-1c) "allow[s] civil society to provide legal aid and acquire necessary information for use in land disputes." Namati's experience demonstrates the paralegal model to be an effective way to provide legal aid assistance in land cases, and through employing female paralegals, to directly and indirectly improve women's empowerment in Myanmar.

6. **The inclusive, participatory process for local land use planning envisioned by the new National Land Use Policy is an opportunity to integrate equitable gender principles into local rules.** District land use committees should be empowered to deliberate the best way of incorporating and implementing gender equity in light of local culture and context. Government should proactively ensure that local land use plans are compliant with the gender provisions of the NULP before being formally adopted.

IX. Recommendations for Civil Society

1. **For those organizations starting to implement mobile paralegal programs, women should be actively recruited and alternative work models allowed.** Namati's experience, for example, shows that permitting women paralegals to partner together can overcome the serious security and cultural perception concerns that female community paralegals face. Part-time work may also be an option for recruiting a larger number of women with families.

2. **Publish and share innovative practices — both what has worked and what hasn't.** The field of paralegals is still new in Myanmar, and the country is experiencing a surge in organizations supplying legal empowerment and access to justice services. We encourage practitioners to share their experiences of what works and doesn't work well to engage women as leaders in local governance and access to justice.

3. **Emphasize the legal grounding for women's land rights in Myanmar and strive to serve female clients.** Rural communities in Myanmar continue to lack legal knowledge, including as it relates to land rights. Without legal knowledge, customs prevail that might otherwise be discussed and challenged when vulnerable groups are armed with the support of the law. Once women know what is permissible and possible, they may make the effort to jointly register land with their husbands, thereby providing secure tenure for themselves and their children.

X. Methodology

The quantitative data set analyzed for this brief was compiled by Namati's network of paralegals between August 2013 and January 2016 and based on land issues they handled in their role as community paralegals. These community paralegals are present in a limited number of townships in each state and division in which Namati works and take on cases as requested by clients. As such, this dataset does not benefit from either full coverage or randomization. It should not be considered

The suggestions and recommendations for further improvement or changes to the existing system and the need of new laws can be raised based on the strong and concrete experiences from individual and collective cases. Systemic change can be achieved by working with the involvement of broader organisations, paralegals, and clients. These recommendations and suggestions are essential for the government and the policymakers to do their work providing public services more effectively and efficiently.



ACKNOWLEDGMENTS

This manual was drafted by Ye Yint Htun, Namati Myanmar's Co-Director, and draws upon his nearly six years of work with Namati. The cartoons were drawn by Sai Moon Raja, a paralegal working with Namati in Southern Shan State.

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Finally, and most importantly, we give deep and sincere thanks to the paralegals who have worked tirelessly for their clients and justice in Myanmar since 2013. These paralegals are the true source of inspiration for this manual. They have generously shared their time and experience over many years, and it has been through working with them that Namati has learned and tested the information in this manual.

REFERENCE

This guide draws upon the practical experience from Namati Myanmar, partner community-based paralegal programs, and the following sources. In some cases, we have borrowed text verbatim.

- Centre for Policy Research-Namati Environment Justice Program, I. (2017). *Practice Guide for Environmental Justice Paralegals*. <https://namati.org/resources/practice-guide-environmental-justice-paralegals/>
- Imitative, O. S. (n.d.). *Community-Based Paralegals*. <https://www.opensocietyfoundations.org/publications/community-based-paralegals-practitioners-guide>
- Justice, T. f. (2012). *Timap for Justice Community Paralegal Manual*. <https://namati.org/resources/timap-for-justice-community-paralegal-manual/>
- Legal Adi Forum, R. (n.d.). *The Paralegal Practice Manual: A Guide to Paralegal Roles and Techniques*. https://www.legalaidrwanda.org/IMG/pdf/paralegal_manual_final.pdf
- Manual, N. A. (2012). *Namibia Paralegal Association DLA Piper/New Perimeter LLC, University of Maryland School of Law*. <https://namati.org/resources/namibia-access-to-justice-paralegal-manual/>

- Maru, V. &. (n.d.). *Community Paralegals and the Pursuit of Justice*. <https://community.namati.org/uploads/default/original/2X/0/03f4be72235a70b3e16996ef031332c95b1bac91.docx>. Retrieved from <https://community.namati.org/uploads/default/original/2X/0/03f4be72235a70b3e16996ef031332c95b1bac91.docx>
- Melissa Everleigh, P. R. (2012). *The PLC Manual - A Manual for Paralegals Conducting Paralegal Aid Clinics (PLCs) in Prisons*. <https://namati.org/resources/the-plc-manual-a-manual-for-paralegals-conducting-paralegal-aid-clinics-plcs-in-prisons/>
- The Black Sash, N. A. (2016). *South Africa Paralegal Manual*. <https://namati.org/resources/south-africa-paralegal-manual/>
- Vivek Maru, S. K. (2012). *What a Paralegal in Sierra Leone Needs to Know*. <https://www.opensocietyfoundations.org/voices/what-paralegal-sierra-leone-needs-know>
- *Women's Legal Centre, S.-L. M. (2015). Women's Legal Centre Paralegal Manual*. <https://namati.org/resources/womens-legal-centre-paralegal-manual/>



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