

**Workshop on
'Law in the Struggle for Dignity and Justice'
21st – 23rd March 2015
Bangkok, Thailand**

**Organized by
Office of Law Reform Commission of Thailand
And
Asian Institute for Human Rights**

Report



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Background

The workshop, 'Law in the Struggle for Dignity and Justice', held in Bangkok during 21st – 23rd March 2015, was jointly organized by the Office of the Law Reform Commission of Thailand (OLRCT) and the Asian Institute for Human Rights (AIHR).

The Office of the Law Reform Commission of Thailand (OLRCT) has been engaged in revising existing laws to bring them in conformity with the Constitution, introducing new legislation in response to socio-economic, political and cultural developments; and reviewing the existing legal mechanisms. As part of its mandate, the OLRCT has been working closely with civil society to strengthen legal empowerment approaches to justice. It has been engaged in increasing the capacity of the poor and the marginalized in Thailand to use the law, the legal system and legal services to protect and advance their rights.

The Asian Institute for Human Rights (AIHR), as part of its mandate of strengthening the theory and practice of human rights, has been engaged in facilitating dialogue amongst groups using law as a resource in the South and South East Asian Region.

In the course of the work of OLRCT and AIHR it has emerged that in the South and South East Asian region several groups are engaged in using law as a resource and there exist a strong body of knowledge and experience related to this field. OLRCT and AIHR decided to facilitate sharing among these groups in the region as a way of strengthening their work.

As part of this process to facilitate learning and sharing of experience a monograph titled, 'Law in the Struggle for Dignity and Justice'¹ was published. The monograph discusses the evolution of the idea of law as a resource tool for advancing the rights of disadvantaged groups. It provides examples of how law and courts have been used by social movements and NGOs working with disadvantaged groups. Based on examples, the book clarifies the concept of strategic litigation. The book also discusses the developments associated with the application of international human rights law by domestic courts. Finally, the book discusses contemporary challenges faced by groups using law as a resource and provides some ideas to meet those challenges. The book was used as a background material at the workshop.

The objectives of the workshop were:

- To facilitate exchange of ideas, concepts and strategies between individuals and organizations (South and South East Asian Region) which are using law as a resource for advancing dignity and justice.
- To discuss approaches and modalities for establishing closer cooperation in systematizing and sustaining the dialogue amongst groups using law as a resource.

The workshop was attended by representatives of organizations that use law as a resource for

¹ Law in the Struggle for Dignity and Justice, D.J.Ravindran, Asian Institute for Human Rights, Bangkok, Thailand, 2015

advancing the rights of marginalized groups. The participants were from Bangladesh, Cambodia, India, Indonesia, Malaysia, Myanmar, Nepal, Philippines and Thailand (see annex 1 for list of participants).

Proceedings at the Workshop

Opening Session

The opening session included presentations on the objectives and process by Mr. Somchai Homlaor, Commission member of OLRCT and D. J. Ravindran facilitator of the workshop.

Dr. Muralidhar, Judge Delhi High Court, India delivered a keynote speech and opened the workshop proceedings.

Sharing of information and experiences

This session facilitated exchange of ideas, concepts and strategies on how law and courts are being used as a resource for advancing dignity and justice. The following shared information during this session:

- Mr. Run Saray Legal Aid of Cambodia
- Mr. Febi Yonesta, the Indonesian Legal Aid institute Jakarta Branch, Indonesia
- Ms. Honey Tan, Co-Chairperson Human Rights Committee Malaysia Bar Council
- Mr. U Kyaw Myint, U Kyaw Myint Law Firm, Myanmar.
- Ms. Sushma Gautam, Forum for Women, Law and Development, Nepal
- Ms. Marie Hazel E. Lavitoria, Executive Director SALIGAN, the Philippines
- Mr. Amarin Saichan ENLAW Thai Foundation, Thailand
- Mr. Songkarn Pongboonjun, EarthRights, Chiangmai, Thailand
- Ms. Napaporn Songpran, Center for Protection and Revival of Community Rights, Thailand
- Ms. PreedaThogchumnum, Human Rights and Development Foundation (HRDF), Thailand
- Ms. Sor Rattanamanee Polkla, Community Resource Center

Main points that emerged from the sharing

The following main points emerged from the sharing and the discussions that followed each presentation.

The South and South East Asian region has a long history and rich experience of lawyers and legal resource organizations working with the disadvantaged groups. These efforts have survived despite various forms of repression and restrictions imposed on them. They have contributed to democratization as well as empowerment of local communities. In the last few decades, legal resources groups have also strengthened their work by devising various litigations strategies and also by using international human rights standards.

The presentations demonstrated that the approach followed by lawyers and legal resource groups has three major components:

- Increasing access to justice to the poor and the disadvantaged groups;
- Empowerment of disadvantaged communities;
- Work towards transformation of unjust structures that perpetuate discrimination and poverty.

The underlying concept that drives these initiatives is based on the understanding that the task of the legal profession and or legal resource organizations must not be restricted to provision of traditional legal aid but to strengthen the knowledge and capacity of disadvantaged groups to make use of law to protect as well as advance their rights.

Finally, there was consensus on the need for reassertion of this approach as contributing to protection of human rights and that it forms part of mainstream human rights work; and revitalizing the approach through facilitating increased sharing and interaction between legal resource groups.

Information Sharing on Existing National and Regional Networks of lawyer and legal resource groups

One of the objectives of the workshop was to strengthen sharing and networking among those using law as a resource for advancing the rights of disadvantaged groups. In this regard, the workshop included a session to hear from the participants about existing national and regional networks of lawyers and legal resource groups. The sharing and the discussion that followed reiterated the need for strengthening existing networks and also to facilitate greater interaction between lawyers and legal resource groups in the region.

Participants shared information about the following networks and initiatives:

- Attny. Marlon J. Manuel; Alternative Law Groups (ALGs), Philippines
- Mr. U Kyaw Myint; South East Asia Legal Aid Network
- Mr. Febi Yonesta; SEA (South East Asia) Lawyers
- Mr. Songkarn Pongboonjun; EarthRights International
- Ms. Yada Hatthatummanoon; Lawyers Network, Thailand

How to further strengthen legal resources groups and their work

In this session, the participants shared their views on how to further strengthen the work of legal resource groups in the South and South East Asian region. The ideas and suggestions that emerged in this session were summarized as follows:

Strengthening Existing Groups

- Strengthening networks at the national level
- Organizing study visits and exchanges between groups at the national and regional level
- Publishing various materials (reports, papers etc.) for facilitating increased sharing among existing groups
- Research on laws and customary practices that undermine human rights and efforts made by groups to reform them.
- Capacity building trainings and workshops at national and regional level for strengthening conceptual knowledge and tools
- Undertaking joint advocacy with donors and others for recognition of the contribution of existing groups and increase funding support for their work.

Strengthening work in the area of access to justice

- Monitoring and reporting on salient issues related to the independence of the judiciary and the legal profession
- Where required provide expert help for drafting laws on provision of legal aid
- Undertake studies on access issues and publish reports
- Undertake advocacy including campaigns on access to justice related issues
- Contribute to development of protocols for standardizing provision of legal aid including maintaining quality and ethical standards
- Monitoring and evaluation of legal aid provided by the State
- Cross border co-operation amongst legal aid providers on issues such as migrant workers, trafficking
- Strengthening capacities of lawyers providing legal aid through official government programs
- Produce films and other visual materials documenting the struggles of legal resource groups.
- Conduct trainings for paralegals and facilitate exchange of experiences at the regional level on work done by paralegals in different countries.

Strengthening Litigation efforts of Legal Resource Groups

- Undertake comparative studies on litigation related to environmental issues to highlight the legal aspects as well as strategies involved in pursuing such cases.
- Facilitate sharing of information on litigation undertaken by groups on thematic areas such as land rights.
- Facilitate systematic sharing of information on strategic litigations undertaken by groups in the region to learn lessons from failures and successes of such efforts.

- Facilitate information sharing on litigation efforts by groups by filing cases at lower courts and also strengthen the work of groups to pursue cases at lower courts.
- Conduct learning programs for lawyers to use international laws and standards at domestic courts.
- On issues that have cross border ramifications assist groups to link with lawyers groups in neighboring countries and develop collaboration on cross-border issues.
- Strengthen the capacity of groups where relevant and feasible to use regional and international forums and strengthen their knowledge of relevant standards and procedures.

Protecting the rights and personal security of lawyers and workers of legal resource groups

- Conduct personal security trainings (risk management strategies; counseling), hotlines etc.
- Conduct training on how to protect email and other communications
- Where necessary undertake advocacy campaigns with the help of national and regional networks, use of media (statements, press releases), and creating urgent response mechanisms
- Advocate and seek the help of official bodies such as bar councils/associations
- Make use of national human rights institutions
- Develop security strategies for staff working in the field
- Strengthen knowledge on international standards related to victim and witness protection and advocate for their application by governments in the region.
- Use UN mechanisms and seek solidarity from international human rights organizations.

Capturing the Past

- Facilitate preparation of studies and reports on the history and experience of legal resource organizations in the region.
- Based on available archival materials document the life and work of pioneers in the region who have contributed to the development of legal resource approach in the region.

The participants agreed not to embark on setting up a separate network at this stage but contribute to gradual evolution of a network through exchange of information and sharing among legal resources groups working in the region. However, it was agreed that an exclusive website in the name of ‘ Law in the Struggle for Dignity and Justice’ (LSDJ) will be set up and managed by the Asian Institute for Human Rights. The Asian Institute for Human Rights will also facilitate programs and activities proposed by the participants. The Office of the Law Reform Commission of Thailand extended its support to continue the process of strengthening the legal resources groups in Thailand and in the region.

Statement Adopted by the Participants

The participants unanimously adopted and signed a statement as an expression of their commitment to continue the process of strengthening legal resource groups in the region.

We, the participants of the Workshop on “Law in the Struggle for Dignity and Justice”, held in Bangkok, Thailand, on March 21-23, 2015, organized by the Office of the Law Reform Commission of Thailand and the Asian Institute for Human Rights, express utmost appreciation of the very rich discussion that happened during the workshop. The diverse expertise, experiences and strategies shared by the participants demonstrate the value of the work of many lawyers, paralegals and activists who are involved in the use of the law as a resource for advancing the rights of disadvantaged groups. The workshop strengthened the bond among the participants, knowing that, while they work in different countries in the region and operate in different contexts, they are united by a common goal, and connected by their common course of action.

The sharing among the participants became a good venue for the collective identification of common challenges and strategies to address these. We commit to continue this fruitful sharing of information, and to pursue further cooperation with the objective of strengthening the organizations and individuals engaged in this line of advocacy, and enhancing collaborative action among these groups in South and Southeast Asia. Starting with the dissemination of the presentations and discussions during the workshop, we shall endeavor to explore other ways of helping each other, reaching out to similar groups, and collectively continuing the advocacy on the use of the law in the continuing struggle for dignity and justice.

Special Session with Participants from Myanmar

As part of the workshop a special session was conducted for lawyers from Myanmar. Since Myanmar is in the process of transition from authoritarian rule to democracy it was decided to facilitate sharing between Myanmar lawyers and groups from other countries in the region. The purpose was to provide an opportunity for Myanmar lawyers to learn from the experiences of groups in other countries on using law as a resource. 9 Myanmar lawyers participated in this special session.

The format of the special session for Myanmar lawyers included sharing of information on specific cases taken by groups in the region. Cases from Indonesia, Malaysia, Nepal, Philippines and Thailand were presented and discussed with participants from Myanmar. The session provided an opportunity for Myanmar lawyers to learn from cases ranging from upholding women's rights, protection of land rights of poor farmers and environmental related cases.

The Myanmar lawyers stated that they learnt about developing a strategy prior to filing a case, creative ways of applying existing laws, how to involve the community and how to develop an advocacy campaign as part of the litigation. They also proposed that exchange visits should take place so that they can learn from the experiences of lawyers from other countries. They agreed to continue the process begun at the workshop to learn more about use of law as a resource and contribute to strengthening legal resource groups in Myanmar.

Contacts of Participants

Bangladesh

Mr. Jahedul Alam
Senior Coordinator
Human Rights Awareness Unit
Ain o Salish Kendra
Email: hitto8888@yahoo.com

Cambodia

Mr. Run Saray
Executive Director
Legal Aid of Cambodia
Email: lacdirector@online.com.kh

Indonesia

Mr. Febi Yonesta
Director
LBH Jakarta
(Jakarta Legal Aid Institute)
Email: febionesta@gmail.com

India

Ms. Maria
Human Rights Advocate
Email: advmaria@gmail.com

Ms. Shomona Khanna
Advocate
Supreme Court of India
Email: shomona@gmail.com

Malaysia

Ms. Honey TAN
Co-Chairperson
Human Rights Committee
Malaysia Bar Council
Email: honeytan@gmail.com

Myanmar

U Kyaw Myint
Senior Lawyer
U Kyaw Myint Law Firm
Email: ukm.lawfirm.mm@gmail.com

U Ba Phay
Advocate, Kyauk Phyu Bar

U Tint Wai
Director
Yangon Justice Centre
Email: yjcdirectortw@gmail.com

U Hla Ko
Advocate, Mandalay Bar
Email: hlakoadvocate@gmail.com

U Myint Thwin
Myint Thwin Law Firm

U Ah Loon Maung
Legal Advisor

U Kyaw Zay Ya
Advocate and Writer

U Kyaw Htay Lwing
Lawyer

Mr. Pyai Nyein Kyaw
Pandita Development Institute
Email: pyainyeinkyaw@pandita.asia

Ms. May Thida Aung
Phd Candidate
Institute of Human Rights and Peace Studies
Mahidol University, Thailand
Email: mtaung527@gmail.com

Nepal

Ms. Sushama Gautam
Advocate
Forum for Women, Law and Development
Email: gsushama8@yahoo.com
fwld2013@gmail.com

Philippines

Ms. Marie Hazel E. Lavitoria
Executive Director
SALIGAN
Email: hazellavitoria@gmail.com

Mr. Marlon J. Manuel
National Coordinator
Alternative Law Groups
Philippines
Email: mjmanuel19@yahoo.com
secretariat@alternativelawgroups.org

Thailand

Mr. Amarin Saichan
Legal Officer
ENLAWTHAI Foundation (EnLAW)
Email: orm2903@gmail.com

Ms. Nang San Mon
Migrant Justice Project at Mahachai
Human Rights and Development
Foundation
Email: sammon@hrdfoundation.org

Ms. Napaporn Songprang
Center for Protection and Revival of
Community Rights
Email: napaporn.lawyer@gmail.com

Mr. Songkrant Pongboonjun
Lawyer
Earthrights International
Email: kansft@hotmail.com

Ms. Sor Rattanamanee Polkla
Lawyer
Community Resource Center
Email: sorrattana1@gmail.com

Ms. Sunida Piyakulpanit
Lawyer, Labor Law Clinic, Maesod
Human Rights and Development
Foundation
Email: sunida.piyakun@gmail.com

Ms. Preeda Tongchumnum
Lawyer / Assistant to Secretary General
Human Rights and Development
Foundation
Email: tongchumnum@gmail.com;
preeda@hrdfoundation.org

Ms. Yada Hatthatummanoon
Executive Board, Human Rights and
Development Foundation
Email: yadadear@gmail.com

Office of the Law Reform Commission of Thailand (Organizer)

Mr. Somchai Homlaor
Commissioner
Email: shomlaor@gmail.com;
somchai@hrdfoundation.org

Ms. Sayamol Kaiyoorawongs
Academic Deputy Secretary General
Email: noksayamol@gmail.com

Ms. Phattranit Yaodam
Assistant to Commissioner (Mr. Somchai
Homlaor)
Email: Phattranit.y@gmail.com

Mr. Chulasak Kaewkan
Law Reform Scholar
Email: youngbarrister@gmail.com

Ms. Pattarin Sunnui
Law Reform Scholar
Email: patt255@gmail.com

Wanlaya Charoenphol
Administrative Officer
Email: wanlaya.nu@gmail.com

**Asian Institute for Human Rights
(Organizer)**

Mr. Prudhisana Jumbala
Chairperson
Email: pjsan713@gmail.com

Mr. D.J. Ravindran (Facilitator)
Advisory Board Member
India
Email: ravindran52@gmail.com

Ms. Kalpalata Dutta
Director
Email: kalpalata@aihr.info;
kalpalatad@gmail.com

Ms. Yaovares Joonveranong
Assistant, Director / Chairperson
Email: yaowai26@yahoo.com

Ms. Wipada Chaisu
Financial Officer
Email: finance@hrdfoundation.org

**Fredskorpset Fellowship Program, Human
Rights and Development Foundation /
Asian Institute for Human Rights**

Mr. Faye Ahmed
Fredskorpset Exchange Fellow
Host Organization: SAMATA Foundation,
Nepal
Home Organization: Asian Institute for
Human Rights and Center for Human Rights
Studies (Bangladesh)

Email: faz.bangladesh@yahoo.com

Ms. Nasrin Akhter
Fredskorpset Exchange Fellow
Host Organization: Asian Institute for
Human Rights
Home Organization: Center for Human
Rights Studies, Bangladesh
Email: nasrinniru01@gmail.com

Mr. Ade Wahyudin
Fredskorpset Exchange Fellow
Host Organization: Human Rights and
Development Foundation
Home Organization: Jakarta Legal Aid
Institute, (LBH Jakarta)
Email: adewkompaker@gmail.com

Mr. Maruli Rajagukguk
Fredskorpset Exchange Fellow
Host Organization: U Kyaw Myint Law Firm,
Myanmar
Home Organization: Jakarta Legal Aid
Institute, (LBH Jakarta)
Email: maruli_rajagukguk@yahoo.com

Ms. Yadana Wint Htet
Fredskorpset Exchange Fellow
Host Organization: Human Rights and
Development Foundation
Home Organization: U Kyaw Myint Law
Firm, Myanmar
Email: yadanaaung.htet@gmail.com

Mr. Aung Kyaw Lin
Fredskorpset Exchange Fellow
Host Organization: ENLAWTHAI Foundation
Home Organization: U Kyaw Myint Law
Firm, Myanmar
Email: aungkyaw120@gmail.com