



Impact Assessment Of Paralegals Report



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EXECUTIVE SUMMARY

Colors Rainbow (CRB) has been implementing Access to Justice Program for LGBT people and one key activity in the program is providing training to paralegals to be able to assist LGBT people seek legal aid, mediation or other support as needed. The program started providing training to LGBT people from Yangon, Pyay and Mawlamyaing in 2014 with the funding from USAID. When My Justice Program started to support, participants from Mandalay were invited too. During the project periods, paralegals from Yangon, Mandalay and Pyay were provided basic paralegal training, case management, counseling and mediation training. The CRB provided legal services, mediation and counseling to LGBT community in Hlaing Tharyar, Shwe Pyi Thar, North Okkalapa, Thaketa, Tamwe and Thanhlyin Townships in Yangon through paralegals and in-house lawyers. This impact assessment report specifically portrays changes that the CRB's paralegals could make for target beneficiaries and challenges faced in providing legal assistance of paralegals. The report is concluded with key observations made by the consultants and recommendations to promote rule of law and protect rights of LGBT people and to raise widespread awareness of LGBT issues among general society, law makers, and the community in future intervention.

The CRB invested to build capacity of paralegals for access to justice program. Through them, the CRB provided legal aid to LGBT people who need assistance. The CRB provided Legal Knowledge Trainings such as Criminal Law, Criminal Procedure Code and Psycho-Social Support Training for Stress, Distress and Trauma, Working with Grief and Loss, Building a Trusting Relationship, Self-caring Technique for Frontline Workers and Life Story, various learning techniques such as cross questioning, group and individual discussions were used which turn out to be truly effective and efficient not only for the trainers but also for the participants in coordination with U Kyaw Myint Law Firm. Basic Paralegal training, advance paralegal training, ToT training, counseling, case management and mediation training were provided to six paralegals of Yangon, LGBT people from Pyay and Mandalay. They raised awareness on basic human rights, SOGIE and specific laws which have effects on LGBT people in their community, provide legal advices and refer to the groups or individuals or lawyers who can provide support to them.

As a result of knowledge and skills gained from the training, six paralegals from Yangon feel confident

to provide legal advices to LGBT community in thirteen townships in Yangon _ Hlaing Thar Yar, Shwe Pyi Thar, Mingalardon, Hlegu, Innsein, Hlaing, North Okkalapa, South Okkalapa, Thingangyun, Tamwe, Thaketa, Thanhlyin and South Dagon Myothit. When they started to work, LGBT people are not sure of their work and reluctant to ask for help. Nowadays, whatever happens to them, they contact paralegals and request for help. At the same time, paralegals feel empowered that they can help LGBT people on their own such as mediation and counseling. Although their case management skill needs to get improved because they have difficulty to get completely reliable information from the LGBT people who have problems, they are trying their best. Some feel that they can help LGBT people to live in dignity and change their behaviors. Some transgender women sex workers change their profession because of them. However, paralegals working in Hlaing Thar Yar and Shwe Pyi Thar are dealing with migrant population and they have difficulty to see changes among them because they don't live there long enough. Paralegals came from different education background and work experiences and it is impossible to compare and contrast their progress. The CRB provides not only work related training but also personal development training and leadership skills training. The CRB's Management team felt that their paralegals become more professional than the time they joined. Through the continuous coaching and mentoring the paralegals knew how to approach the justice sector and local level authorities.

Colors Rainbow also ran an office in Pyay in 2016 and most paralegals there are transgender men. They also said that they became more confident because they understood legal procedures and laws. In the past, they were so scared of talking to the police or going to police station or the court. But they could comfortably go to the police station and help people who need legal support. After two six-month pilot projects, Colors Rainbow stopped project activities in Pyay in 2017. However, Pyay paralegals group received funding from Thar The Myay Foundation for six months in 2018. Nowadays, they don't have any legal aid activities and they have been working for their livings. But Pyay as a business city with many universities have big LGBT community especially among young university students and they don't have proper SOGIE or sex education. They need to have legal awareness, LGBT rights as well as proper sex education.

Nonetheless, Mandalay has many legal aid groups and paralegal networks. So also, LGBT network is strong according to interviewed paralegals. But there are not so many paralegals or legal aid groups working especially for LGBT people especially transgender women who get arrested with 35 – D (darkness law). Again, LGBT community does not have proper legal knowledge, LGBT rights and proper sex education. Paralegals trained by the CRB cannot be so active and those who received training are not so confident to provide legal advices to LGBT people who seek help from them. In addition, CRB has to rely on focal persons from their partner LGBT organizations based in Mandalay and they send same people to the training repeatedly. Thus, the CRB's training provided to paralegals cannot bring much impact for LGBT community in Mandalay. Access to Justice Program of Colors Rainbow can provide necessary legal assistance to transgender women who are the most vulnerable group among LGBT community effectively and according to interviewed LGBT people who received support from the CRB, the police changed the way they treat them because the police knows that the CRB and rights based organizations are behind them.

However, many transgender women are being arrested with the laws such as Section 377 of penal code, darkness law (30 – D in Yangon and 35 – D in other towns). Transgender women are like money making machine or cases to fill their quota for the police. After being arrested, trans-women have to be prepared to pay whatever the police ask for. According to interviewed participants, police are drunk on duty. Without advocating for institutional reform of police sector, access to justice program activities can just be antidotes for LGBT community. Interesting point made by LGBT people themselves is that LGBT people need to behave well and dress properly to earn due respect from general public. Instead of highlighting rights alone, LGBT people shall understand their responsibilities.

Within five years' presence in Myanmar, Colors Rainbow could make significant changes for LGBT people both at grassroots level and in public opinions. The CRB can take a leading role to raise awareness about LGBT rights among LGBT community as well as to general public to change attitudes toward LGBT people in their project areas. Together with other rights based organizations,

Colors Rainbow is advocating for law reforms of the laws that are used to repress LGBT people. Transwomen who can be assumed as the most vulnerable among LGBT people are given legal advices and services when they get arrested through the Colors Rainbow's lawyer and paralegals. However, the CRB still needs to do a lot for promoting rule of law and protect the rights of LGBT people in the context of Myanmar's weak rule of law and frequent rights abuses against its citizens. Thus, the report is concluded with four strategic recommendations to be considered in future interventions. They are a) to advocate policy makers for transgender women who are being arrested with notorious darkness law, 30 – D in Yangon and 35 – D in other towns by the police; b) to target police as one key advocacy group for access to justice; c) to consider ways to get legal aid from straight paralegals for LGBT community as a strategy for reintegration and d) to build a sustainable model to promote and protect LGBT rights in Myanmar.

I. BACKGROUND

With the aim to promote the rule of law and protect the rights of LGBT people under Myanmar's legal system, Colors Rainbow (CRB) is implementing Access to Justice Program for LGBT people and one key activity in the program is providing training to paralegals to be able to assist LGBT people seek legal aid, mediation or other support as needed. Training participants from Yangon, Mawlamyaing and Pyay were invited to join nine-day human rights and paralegal training in Yangon when the CRB started "Promoting Rule of Law Project" as one of the programs of Equality Myanmar with the funding of USAID since October 2014. When "Promoting Rule of Law Project" ended, My Justice Program continued financial support for the CRB's Access to Justice Program to be implemented in six townships in Yangon from February, 2017. Project areas are expanded in 2018 and now paralegals are working in thirteen townships. During the project periods, paralegals from Yangon, Mandalay and Pyay were provided basic paralegal training, case management, counseling and mediation training. The CRB provided legal services, mediation and counseling to LGBT community in Hlaing Tharyar, Shwe Pyi Thar, North Okkalapa, Thaketa, Tamwe and Thanhlyin Townships in Yangon through paralegals and in-house lawyers. Thus, this impact assessment is the study to understand the changes that trained paralegals of the CRB from Yangon, Mandalay and Pyay could make for LGBT community related to promotion of rule of law.

This impact assessment report specifically portrays changes that the CRB's paralegals could make for target beneficiaries and challenges faced in providing legal assistance of paralegals. The assessment explored to identify strategies to reach out to the target beneficiaries in an effective manner. The study also describes circumstances, constraints and barriers to get access to justice for legal aid services. Specifically, this assessment aims to -

- (a) evaluate that LGBT people in the project townships have increased access to legal aid and paralegal service to fight for their rights and initiate rights-based solutions to social problems and
- (b) provide recommendations to promote rule of law and protect rights of LGBT people and to raise widespread awareness of LGBT issues among general society, law makers, and the community in future intervention.

Scope of the Study

The scope of this assessment is to evaluate impact of the CRB's project intervention from 2017 since Access to Justice Project started until now. This assessment especially explored to understand the knowledge, attitude and skills of paralegals themselves and how much they could provide legal assistance to LGBT community in targeted areas in Yangon, Mandalay and Pyay and current working environment, constraints and barriers of paralegals, their target beneficiaries and perceptions of key stakeholders. The assessment will explore how much the CRB could provide substantive assistance to LGBT through CRB's trained paralegals and which areas the CRB needs to work more to achieve access to justice for LGBT.

Research Methods used

During this assessment, interviews and focus group discussions were conducted with key actors of this project, paralegals trained by Colors Rainbow and those providing legal assistance to LGBT people in Yangon, LGBT people who received legal assistance from paralegals, LGBT individual and groups from Yangon, Mandalay and Pyay, legal aid groups and CSO partners in project areas. Furthermore, trainers who provided trainings to paralegals, key informants such as lawyers and paralegals were included in this study.

This assessment includes the following research activities:

- (1) Desk reviews of relevant project documents of CRB and other available reports on access to justice related to LGBT
- (2) Key informant interviews with key project staff of CRB including Executive Director, Deputy Director, A2J staff and trainers
- (3) In-depth interviews and focus group discussions with paralegals, LGBT community lawyers, local authorities, police and the ones identified by paralegals and LGBT community in targeted areas in Yangon, Mandalay and Pyay.

II. PROMOTING RULE OF LAW AND ACCESS TO JUSTICE PROJECTS

2.1 Promoting Rule of Law Project

With financial support from USAID, promoting rule of law project for LGBT community in Hlaing Thar Yar and Pyay were implemented from October, 2015 to October, 2016. During the project period, Legal Knowledge Trainings such as Criminal Law, Criminal Procedure Code, Legal Aids Law, Civil Law, Evidence Act, Special Laws and Four Law of Race and Religion Protection and Psycho-Social Support Training for Stress, Distress and Trauma, Working with Grief and Loss, Building a Trusting Relationship, Self-caring Technique for Frontline Workers and Life Story, various learning techniques such as cross questioning, group and individual discussions were used which turn out to be truly effective and efficient not only for the trainers but also for the participants. Other relevant legal knowledge on Laws such as Crimes and Punishments, Special Laws on Children, Women and Welfare, Labour Laws were popular subjects among training participants. Furthermore, Psychological Capacity Building Trainings such as psychosocial support training and counseling meetings were on high demand. The CRB team did advocacy with the police, local authorities and community leaders in Hlaing Thar Yar and Pyay to raise awareness on SOGIE concepts and international human rights standards.

Colors Rainbow started its office in Hlaing Thar Yar in May 2016 hiring one lawyer to provide legal aid to those in need. Paralegals Bi-Monthly Experience Sharing Meeting was organized in Yangon and capacity building training was held in collaboration with U Kyaw Myint Law Firm. Project staff personnel were recruited for Hlaing Tharyar and monthly coordination meeting with local partners, community leaders and local authorities was organized. Paralegal service and legal assistance provided by EQMM/CRB are widely aware in LGBT community and the offices keep providing better services/assistance to the target beneficiaries.

2.2 Access to Justice Program

After USAID's promoting rule of law project, the CRB continued access to justice project in six townships in Yangon with the support of My Justice Program. In this project, the CRB provided legal aid to LGBT community in six project townships _ Hlaing Thar Yar, Shwe Pyi Thar, North Okkalapa, Tamwe, Thanhlyin and Tharketa through six trained paralegals. Since 2014, Net Net Nwe and Min Min Tun joined the training provided by EQMM/CRB. They joined several trainings organized by CRB together with the participants from Hlaing Thar Yar, Pyay and Mawlamyaing. These trainings include paralegal training, mediation training, counseling training and case management training.

When Colors Rainbow's Access to Justice Program started, it operated in six townships of Yangon and expanded to thirteen townships nowadays. The first six townships implemented in 2017 are Thanhlyin, Thaketa, Tamwe, North Okkalapa, Hlaing Thar Yar and Shwe Pyi Thar and expanded townships are South Dagon Myothit, Mingalardon, Hlegu, Hlaing, Thingangyun, South Okkalapa and Innsein townships. Six paralegals are taking care of all thirteen townships. Sometimes, transgender women got arrested in other townships when they were hanging out at night. In LGBT community, there are different types of people and some committed crimes such as stealing or drugs trafficking. Sometimes, people complain of snatching mobile phones by transgender women and unlucky transgender women met with the police around that time end up in jail. LGBT people from urban townships like Tamwe, Thingangyun, Hlaing and South Okkalapa Townships don't complain much of discrimination or verbal abuse of their local community. In Thaketa, North Okkalapa, Innsein and Thahlyin Townships, discrimination and verbal abuses are reported in some areas. LGBT people from Hlaing Thar Yar and Shwe Pyi Thar are mostly migrants and Hlaing Thar Yar is one of the most crowded townships in Yangon with migrants from Ayeyarwady delta and all over the country. Mingalardon, Hlegu and South Dagon Myothit Townships are new project areas and currently, paralegals are building trust and good relationship with both LGBT community and local authorities.

III. IMPACTS OF LEGAL SUPPORT PROVIDED BY PARALEGALS

3.1 Paralegals from Yangon

About half of LGBT people active in Thanhlyin Township are LGBT are native but another 50% is from other townships nearby or come settle down in Thanhlyin with the help of their friends. The CRB's paralegal of Thanhlyin Township is one of the most experienced and she has very good relationship with Yangon Eastern District Police Department as well as township level police stations. Even if the police see transgender women hanging out in prohibited or deserted places where opportunistic crimes used to happen, police warn them and inform the CRB's paralegal in Thanhlyin before they take action. She also raises legal awareness to LGBT community in Thanhlyin and nearby township such as Kyauk Tan. As a result, most LGBT people know how to deal with police and if they have any problem with the police, they ask for help from her directly

or through their friends. Because of the way transgender women behave or dress as well as active participation in local welfare, local community started to change their attitudes toward LGBT community. Those who are working as sex workers started to change their profession and joined as factory workers.

Four paralegals from Yangon, Net Net Nwe, Min Min Tun, Ma Myint Myint Kyi and Charcoal participated the discussion. Net Net Nwe and Min Min Tun joined Colors Rainbow since 2014. Charcoal and Ma Myint Myint Kyi joined the CRB in 2017. Net Net Nwe and Min Min Tun shared their experience when they joined Colors Rainbow.

“When we joined Colors Rainbow in 2014, there was no lawyer. We just need to give the cases collected. Gradually, the organization hired lawyers and could provide legal services to LGBT people who need support.”

They recalled back the progress of both Colors



Figure 1 - Focus Group Discussion with Paralegals from Yangon

Rainbow and their skills and support. Nowadays, they could not only support the people in their target areas but also refer to the groups who are providing legal aid in other places. They feel that they have stronger network. Even for women and children victims, they can refer to legal aid groups who can provide effective support to them. As a result, they gain trust from the people they serve. In the past, when they offered help, people were suspicious of their capacity. They don't share the information completely. They also feel that they need to rely on the lawyers to be able to provide effective legal service. However, nowadays, they gradually understand that they can be mediators between dispute parties and they could provide counseling to those who are in traumatic situation. As a result, they feel more empowered and confident. Likewise, people become comfortable to ask for help on their own and sometimes,

they refer other people to contact with the CRB's paralegals.

The most encouraging fact for paralegals is that they could convince other LGBT friends to change their behaviors. They helped transgender women sex workers to give up their risky and unhealthy profession and work as factory workers or other decent jobs. When they see trans-women started to work in the factories as factory workers, they feel so proud and happy. However, such kind of success stories are not for all transgender women they know. Half of LGBT community with changing behaviors is mostly from native LGBT community of Thanhlyin, Tamwe or North Okkalapa. But there are many migrant LGBT people in Hlaing Thar Yar and Shwe Pyi Thar. When they do something wrong in Hlaing Thar Yar, they move to Shwe Pyi Thar. They tend to move from one place to another.



"When we started working in Colors Rainbow, we could just refer to the lawyers. We had to completely rely on lawyers who could provide legal services. But now, we can mediate between the dispute parties and give counseling on our own without lawyers. This is the most significant change."

Net Net Nwe

Thanhlyin and South Dagon Myothit Paralegal, Colors Rainbow

Net Net Nwe joined CRB in 2014. She is one of the very first paralegals in Colors Rainbow. She received nine-day training from EQMM/CRB at that time. She used to work in HIV/AIDS project of Medicine Du Monde (MDM) since 2006. She supported her colleague and a foreigner who collected data about the cases arrested by Penal Code 377 in Myanmar. As a well-informed person about LGBT issues in Yangon, she was requested to join the CRB. When

it started the project in Hlaing Thar Yar in 2016, she was assigned as focal person of Hlaing Thar Yar project. She shared her experience of her first days in Colors Rainbow. Now, she is the paralegal of Thanhlyin Township. She could advocate well to the police in her area. LGBT community becomes confident to ask for help if they need any assistance.



"In my case, at least 50% of people from Hlaing Thar Yar and Shwe Pyi Thar are migrants. After I built relationship and trust with them, they disappeared after a while. Except mediums and beauticians, most LGBT people there are mobile. They steal mobile phones and some get involved in drugs. Then they move to another place. I need to start again. Anyway, I can help them in some way whether they acknowledge or not."

Min Min Tun

Paralegal for Shwe Pyi Thar and Innsein

MinMin Tun is one of the very first paralegals of Colors Rainbow. He joined Colors Rainbow since 2014 joining paralegal training, mediation, counseling and case management training. He worked as a paralegal for LGBT people in Hlaing Thar Yar before. Currently, he is providing legal services,

mediation and counseling to LGBT people from Shwe Pyi Thar and Innsein Townships. Shwe Pyi Thar Township has many migrants from different parts of the country and it is very challenging for him to raise awareness to LGBT community on SOGIE concepts and to work with them too. Besides, LGBT community especially transgender women from poor areas are going through tough life. They are always rebellious and suspicious of everyone. However much he helped them, they did not want to show appreciation. At least, compared to a few years ago, they started to contact him through their network or directly to seek legal advice if they have problem with the police. With continuous presence of Colors Rainbow for many years, the police at least do not hit or harass them.



“There are many tomboys in Hlaing Thar Yar Industrial Zone. There is no police case among tomboys. However, there are many social problems among them. Sometimes, they live together with the girl who has husband. Some men like to try tomboys. I have to give health education and explain to them possible consequences. Many cases like that among tomboys.”

Ma Myint Myint Kyi

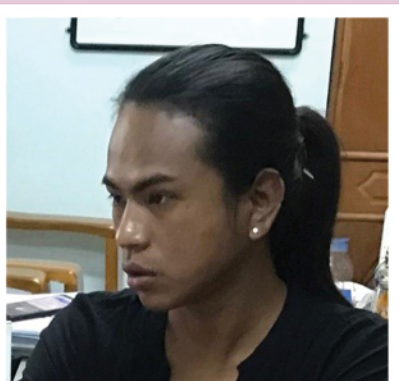
Paralegal of Hlaing Thar Yar and Hlaing

Ma Myint Myint Kyi is the only straight paralegal of Colors Rainbow. She joined Colors Rainbow in 2017 and she used to work as a health educator of MAM. She has been providing legal advice to LGBT community and their family members. If the cases are not directly related to the scope of work of Colors Rainbow, she refers to other relevant organizations. There are many

slum areas in Hlaing Thar Yar and many disputes, crimes and problems can be seen. Compared to other townships, many lesbian couples coming from different parts of the country are active in Hlaing Thar Yar Industrial Zone. Some lesbians have many girlfriends. According to her, one lesbian recently eloped with a married woman and her husband was so angry with him. She tried to convince them to avoid risk behaviors. There are many social problems among lesbian community in factories. Transgender women also ask for help from her through her LGBT network and old colleagues of the CRB. Recently, many people were arrested with 30 – D. People dare not go out at night. Men arrested with 30 – D are also sent to prison for one or one and a half months depending on their background history.

North Okkalapa Township is an old satellite town of Yangon and most LGBT people there are native. Like other old satellite towns of Yangon, transgender women are the most visible and they are the ones who are targeted by the police with stereotyped mindsets. Many transgender women are running beauty parlors or working there in different areas. Some are working as mediums. In poor areas of North Okkalapa, business of beauty parlors run by transgender women is not so good because of the news of two gay men from South Okkalapa charged with Penal Code 377 in 2018. Migrant transgender women who moved to

North Okkalapa and poor ones are working as sex workers around Innaya Lake and People’s Park at night. Beautician transgender women are well respected and some are very influential in their community because of their community spirits. However, as a big town, some parts of North Okkalapa are very poor and transgender women from poor or slum areas are facing discrimination and different forms of harassment.



When we started to work with them, they were not so sure if we would really give support to them. We had to call and check them if they needed help or not. But nowadays, they feel confident to ask for help. Whatever happened to them, they like to seek advice from me. Even when their friends need legal aid, they refer to me and ask for help. This is a big change, I think.

Charcoal

Paralegal for North Okkalapa, South Okkalapa and Thingangyun

Charcoal has been providing legal aid services to LGBT community there since 2017. Recently, she extends her legal support to LGBT community in South Okkalapa and Thingangyun Townships where there are some transgender women on trials. She used to work as health educator for HIV/AIDS project. When she started to join the CRB, people who were familiar

with her still asked for condoms and jell. Her major challenge when she joined the CRB is re-introduction of her new job descriptions. It took time to explain about her new role as paralegal to her same beneficiaries.



LGBT people in Tamwe Township do not have any problem with the police. Only when some migrants come to Tamwe, they sometimes have problem. This time, the client was arrested in Mingalar Taung Nyunt. With busy workload of our lawyer, we cannot provide legal service to her. Thus, I recommend her to get support from Equal which is a legal group of Sex Workers Network.

Honey

Paralegal of Tamwe and Mingalardon

Honey is a L.L.B graduate and as a transgender woman, court system in Myanmar does not allow her to wear like a woman. Thus, she decided not to take a lawyer certificate. Before she joined Colors Rainbow, she worked in Equal for seven years as a paralegal. She is now working for LGBT people in Tamwe and Mingalardon Township. As a law graduate, she understands legal procedure well. However, trainings received from Colors Rainbow such as counseling, mediation, ToT and case management training are very good. Until now, she hasn't got chance to apply the skills she learnt. She is confident to help people who need legal assistance. She could help them to be released on bail and document the case.



"As almost everyone here knows me, I am available to provide assistance to them. But if they don't want me to request for help, it is difficult to go and ask them if they need help. It is up to them."

Kyaw Myo Thu

Paralegal from Thaketa

Kyaw Myo Thu had worked for Medicine Du Monde (MDM) as health educator before he joined the CRB in 2017 through Net Net Nwe. As he had provided legal support to transgender women and gays in his previous job, he was recommended to join Colors Rainbow. He learnt legal knowledge and other necessary skills from the organization. With his strong LGBT network, he can work effectively. He has been providing legal advices to LGBT community in Thaketa. Among the cases she provided support, some LGBT people were not given inheritance of their parents because they were LGBTs. Disputes between transgender women also have problem. Police sometimes bully them to sleep with them and if they refuse, police make problems to them. 30 – D is also a common case among transgender women in Thaketa. There are a group of people working as sex workers near Thanhlyin Bridge. Some police still target transgender women.

3.2 Colors Rainbow's trained LGBT people in Mandalay

TanTa is a beautician. She used to work in Myanmar Business Coalition on AIDS (MBCA) when it had a project in Mandalay. She joined paralegal training about four times. She herself is providing legal advices to other friends when they have problems with the police. In early March, 2019 when matriculation exam was holding, she was arrested together with her roommate as well as other two men at night. The police checked if her motorcycle has motorcycle license or not and she could show the license. However much she could show that she was not guilty, seven or eight police who got drunk on duty arrested her and charged with Police Act 35 –D. Her mobile phone was confiscated and she could not contact anyone. They told her to settle

the problem only in the morning. But in the morning, the police sent them to the court directly. When checked why the police were doing like this, March is the end of their budget year and she met with many people arrested with 35 – D in the lockup. When building the case, the police asked the record keeper to write that they were arrested in back alley although they were found on the main street on the motorcycle. When she could contact her former boss, Meghan and the lawyer through her, the police had filed the lawsuits. She was out on bail. Now she is facing trail at court. Within five hearings, the police turned up only once but he could not explain well because when they were arrested, all the police were drunk. She gets comprehensive legal support from the lawyer and her peer paralegals while she herself is a paralegal. Nevertheless, about MMK 400,000 (about USD 250) had to be spent when she was released on bail. She does not know when her case will be finished while her mother



is sick and busy with other family affairs.

This case highlights the fact that however much rights based organizations or legal aid groups are aggressively training people to raise awareness on human rights, laws and providing legal aid, changed behaviors and attitudes of the police are critical in case of promoting rule of law.

Mone Mahn Kha joined basic paralegal training and leadership training organized by the CRB in 2016. He is now working as an accountant in a bar in Mandalay. Although he wore more like a woman when the consultant met him in MBCA, he changed his dress more like a gay now. In his

current job, he did not get chance to apply knowledge and skills he learnt from the CRB but whenever he gets chance or is asked by someone, he always shares what he learnt. He feels that SOGIE and legal knowledge gained makes his life different. Aung Lay is now attending designer school and his dream is to be a successful designer. He also joined legal awareness training workshop provided by the CRB. Aung Lay and Mone Mahn Kha shared their experience how they could successfully cope with the police who arrested them at new year night. Two of them and another friend returned back from New Year night party and they were arrested by the police on the way back home. Normally, they dared not ask the police but after getting training from the CRB, they could confidently question back the police why they were arrested and they did not do anything wrong. Thus, the police allowed them to go back home. Although they are not confident to help other friends as paralegals and feel that they need more skills, knowledge and skills learnt from the CRB's training and workshops are very helpful for their life.

3.3 Former Paralegals of Colors Rainbow – Pyay Office

After the CRB's project, the CRB's initiated paralegal group in Pyay received a small grant from Thar The Myay Foundation for six months. Then, they did not have any funding to continue the project activities and split to work



Figure 2 - Focus Group Discussion with Transgender Men Paralegals



Figure 3 - Interviews with Former Paralegals of Pyay

for their livings. Former CRB's paralegals said that they formed their own groups and gave some legal advices to those who asked for. They all feel that nine-day human rights and legal awareness training, psychosocial training and mediation training provided by the CRB are helpful for their lives. They got chance to understand laws and provide legal advices to the people who are in need.

Chan Chan joined nine-day human rights and legal awareness training in Yangon in 2015 and became a paralegal later. Chu Thit Lwin, Peit Peit and Ko Su joined as paralegals in 2016 and Min Min worked as an accountant when Colors Rainbow ran the office in Pyay. Most of the CRB's paralegals in Pyay are lesbians. Since 2018, the office was closed down and they formed their own groups to provide necessary legal and other supports. Nowadays, paralegals trained by the CRB are working as staff in mobile shop, wholesale shop, a company staff or running their own businesses for their livings. Like in other places, they also said that they could not work everywhere because of dress code. They normally choose the jobs which allow them to wear freely. Because of the training received from Colors Rainbow, they could provide legal aid to those who are in need and give legal awareness to general public.

Some of their friends have to deal with their families who don't accept their different sexual orientation. After getting psychosocial and mediation trainings, they could successfully mediate between their friends and family

members. Some lesbians who got harassed but dared not file against the perpetrator were encouraged to go to the court properly. Paralegals said that they became more confident and empowered for understanding the laws. If necessary, they can comfortably deal with the police and go to the police station. The community also becomes less discriminated. Significantly, because of the advocacy efforts of the CRB and other LGBT groups, people change the terms they address to LGBT. However, police in Pyay do not change their attitudes toward LGBT people especially transgender women. There are some cases that the police bullied trans-women. When trans-women sex workers were arrested together with the clients, they arrested only trans-women and asked money to be released.

Ko Nyein was Colors Rainbow's Project focal person when the CRB had an office in Pyay. He joined human rights and legal awareness training of Equality Myanmar in Yangon in 2012 and Thai Forum in 2013. In 2015, he joined 9-day training organized by EQMM/CRB. At that time, the CRB did not yet open the office in Pyay but they could provide legal assistance effectively. The CRB opened the office in Pyay in 2016 and he became full time staff. The project ran for one and half years. Because of training received and exposure, he became confident and built good relationship with high level officers in Pyay. His advocacy skills become strong too. They could advocate the police officers from No. 1, 2 and 3 Police Stations in Pyay Township. Acceptance

of LGBT issues became widespread among general public. His trans-woman aunt, Mommy Kyaw is originally from HIV/AIDS prevention project but she also joined paralegal training. Later, she became a part-time paralegal of the CRB.

3.4 LGBT Clients who received support from Paralegals in Yangon

used the word astrologer. Her husband arrived to them and they had some dispute. Then they left for training. When they returned back home, they found out that they were filed at police station with Section 294 of Myanmar Penal Code (Obscene acts). They were taken by the police in the evening and arrested. However, they were released on bail next day. The astrologer and her husband who is a former traffic police made problem to the police for giving bail to them. Colors Rainbow's lawyer and Charcoal have been providing legal support to them. Now it reached to District



Figure 4 - Interview with CRB's clients from Thingangyun Township

1. Thingangyun Township

Pauk Pauk is running a beauty parlor on main road of Thingangyun Township. Last year in October, she and her friends had breakfast at salad shop near her apartment before they went for legal awareness training. As the shop was near the staircase of the apartment, a lady who came down from the stairs asked her colleague sitting next to the staircase to move and she did. But the stool her friend sat was left behind and the lady kicked it when she came down. So Pauk Pauk and her friend were surprised and the shop owner said that she was the astrologer who lives upstairs. The lady overheard her words and said to them why they

level court. They have been on trial until now. The CRB's lawyer advised them to file complaints to the police and they went to the police station for three times but the police did not accept the case. Since they were on trial in October, they could not concentrate on their work because they had to appear on court once a week.

2. Tamwe Township

Tamwe Township is the most urban and sophisticated project township of Colors Rainbow. Local community doesn't care much about transgender women or men or gays. Likewise, Tamwe Police Station does not target LGBT people to get more cases. Only migrant transgender women sometimes have problems. However, some transgender women from Tamwe Township got arrested around Kandawgyi in Mingalar Taung Nyunt Township. As Mingalar Taung Nyunt is not the project area of Colors Rainbow and so whenever LGBT people inform the paralegal about their arrest there, she has to refer to Equal which is a legal group implemented under Sex Workers Network.

Nge Nge is a beautician and she is working in a beauty parlor in Kyauk Myaung, Tamwe. In November, 2018, she was arrested near Kandawgyi in Mingalar Taung Nyunt Township. She explained to them that she returned back from her friend but they did not accept her explanation and took her to Mingalar Taung Nyunt Police Station. The next day, she contacted her boss and Honey through her network. Although Colors Rainbow could not help her directly, Honey referred to Equal who has project in Mingalar Taung Nyunt. Now, she gets legal support from



Equal.

3. Thanhlyin Township

Htet Htet is from Thanhlyin. She is a medium when there are Nat Pwes. When she does not have any work, she hangs out with her friends. When she was hanging out on Thanhlyin main road around 8:30 in February, 2018, she was arrested by a police constable and his colleague. They took her to Ward Administrative Office near her house. The constable hit her with a broom till it was broken and again with a bamboo stick. Then he asked her to sit up for a hundred times. He also said that she would give fine or go to prison and so she replied that she hadn't been to prison before. So she said that she would pay fine and she tried to contact her father and uncle who is also a community leader. However, she couldn't contact both of them because it was too late. When they were patrolling, they arrested her in Ward Administration Office. In the morning, when her uncle knew about it, they apologized and released her. She returned back home and slept. When she woke up, the whole body was aching with bruises. She contacted Net Net Nwe and through her, Colors Rainbow's lawyer helped her to file complaints to the President, Myanmar National Human Rights Commission and District Police Office with clinical documents. When she was taking medical treatment, the police constable came and gave her MMK.150,000 for medical treatment. As she is poor, she accepted the money

given. Again, the police came and gave money to stay away to be able to close the case. Investigation team came and checked her if she filed complaint on her own or other people pushed her to do so. She explained to investigation team that she asked for help to Colors Rainbow through Net Net Nwe. She is not alone who got beaten by the police in Thanhlyin. Other transgender women were beaten and one even got deaf. Htet Htet stood up on behalf of other LGBT people with the support of Net Net Nwe and Colors Rainbow. Finally, the police was demoted and transferred to other township. As a result, the police dare not make problem to LGBT people in Thanhlyin without committing

Recently, many people were arrested in Hlaing Thar Yar, Innsein and Mingalardon Townships. In Hlaing Thar Yar, both transgender women and straight men hanging out at night are being arrested with 30 - D. According to the police, they have 100 days project to arrest people hanging out late at night and will finish only after Thingyan. Many LGBT people are in prison with 30 - D. According to interviewed participants, LGBT people arrested with 30 - D in the past were released if they gave bribes to the police.



Figure 5 - Than Zin Cho and Ye Ko from Thanhlyin

any crime.

Ye Ko was also beaten by the police before Htet Htet. He did not inform the police. Than Zin Cho was arrested with 35 - D in June, 2018 and sent to prison for three months. When she was arrested, the police took her mobile phone and Net Net Nwe helped her to get back the phone. For the time being, Ye Ko is on trial after he was arrested and charged with 35 - D in January, 2019. For the time being, Colors Rainbow has only one lawyer and cannot provide legal support to them. According to them, judge from district court does not like LGBT people and she treats them very badly.

4. Thaketa Township

Colors Rainbow visited police station recently to explain about SOGIE concepts and LGBT issues in Thaketa Township. Most LGBT in Thaketa are native people. Like other places, transgender women are the most vulnerable as they hang out at night near Thanhlyin bridge. Police in Thaketa are familiar with transgender women in their areas. There are two police stations in Thaketa. Police Station - 1 is more flexible than Police Station - 2 but a group of people are still more conservative.



Honey is a beautician working in a beauty parlor in Thaketa. She was arrested around 7:00 PM near the bus stop on Shu Khin Thar Road in June, 2018. She was together with another trans-woman friend from other town when they were arrested. As soon as she was taken, she tried to contact Kyaw Myo Thu to help her. But the police don't allow her to make phone call. Kyaw Myo Thu together with her family tried to take her out with bail. Her family was so worried for her and however much Kyaw Myo Thu convinced them to consult with him before giving money to the police. But they decided to give money however much the police asked for. In fact, they charged her with 30 - D but released taking money. It is difficult for paralegals to convince LGBT people and her family members not to give money to the police. At the same time, when they meet with paralegals, they don't



have privacy and they cannot explain well in detention center. It is not safe for them to talk to paralegals and the police don't care paralegals from Colors Rainbow.

5. Innsein Township

Mg Mg (assumed name) is a company staff. He is a gay from Innsein. Last year, his partner borrowed MMK 500,000 from him when they were together. Then he cut out relationship with him and did not give back money too. Although he asked him to give back money several times, he did not and Mg Mg even asked his parents to return back his money. Finally, he had to ask for help from Min Min Tun and he negotiated between him and his old partner and family. At last, his partner agreed to pay back money in installment. However, he feels so sorry for leaving one



another with hatred.

6. Hlaing Thar Yar Township

Ko Ko Mg got arrested with 30 - D in Hlaing Thar Yar on February 27th, 2019 late at night. He was arrested together with other five colleagues. He and one friend did not admit that they were guilty. His parents had to spend MMK 120,000 to take him out and after 15 days, they were released. Other friends were sent to prison for two months. Min Min Tun provided legal advice as soon as Ko Ko Mg contacted him as Ma Myint Myint Kyi was busy with other tasks.

3.5 LGBT People and Legal Aid Groups in Mandalay

Colors Rainbow (CRB) has many good partner CSOs working on rule of law issues and LGBT issues in Mandalay. Thus, the CRB recruited LGBT people through their network for human rights, legal awareness training. Before Myanmar Business Coalition on AIDS Program was running in Mandalay, the CRB recruited training participants through them. Rule of Law Center – Mandalay is very supportive to the CRB. Nowadays, there are many legal aid networks in Mandalay. Currently, with the funding support of Equality Myanmar (EQMM), Legal Knowledge Sharing Centre formed by lawyers is providing legal awareness and human rights training. Some lawyers from Legal Knowledge Sharing Centre are LGBT people. Mandalay Paralegal Network and Legal Clinic Myanmar are providing legal support to people who need legal advices in Mandalay. However, legal support groups are mainly working on gender based violence. Not many cases are reported by LGBT people to legal aid groups.

Generally, attitudes of the public toward LGBT community have changed positively significantly around 2018. Discrimination against LGBT people becomes less and less. Compared to a few years ago, LGBT community helps each other to behave well and dress properly. As a result, there are not many complaints harassed by transgender women. But transgender women are still hanging around Mandalay moats and Tagundaing roundabout like before. Some cases of stealing, snatching and grabbing mobile

phones by trans-women are still reported. LGBT network is strong and if someone among them has problems, they gather and help each other. Recently, one transgender woman in Mandalay dated with a 14-year old boy and she was killed and taken money, mobile phone and her property together with other boys of his age. Some drug-addicts target trans-women according to interviewed people.

In February and March before the end of budget year to report to their Head Office, police arrest people who go out at night with Police Act 35 – D. Normally, when transgender women are arrested, they like to ask for money to be released and transgender women negotiate with them giving money. However, when they need cases to report before the end of their budget year, they arrest people especially trans-women and suspicious young people with 35 – D to get more cases. There are many complaints related to the police. They are drunk on duty and According to all interviewed participants, police like to take money in every transaction. If a paralegal wants to meet with the arrested, police asks for money. If s/he just wants to meet and talk from the distance, MMK 1000 per time is fine. But if s/he needs to talk privately together with the lawyer or someone close, the amount can be higher than that. Besides, police, court staff and people abuse derogatory terms to transgender women. Except LGBT people who have contact with LGBT network (say, not more than 30%) in Mandalay, remaining LGBT people themselves and their community don't understand SOGIE concepts as well as human rights. Those who are from LGBT network have been receiving SOGIE or human rights training repeatedly. LGBT people who come out of the closet have little knowledge or skills



Figure 6 - Focus Group Discussion with a lawyer and paralegals from legal aid groups in Mandalay

to cope with changes.

According to interviewed participants, discrimination against LGBT people in Mandalay becomes less and less and acceptance among general public becomes higher. However, both hidden and coming out among homosexual people shall have clear understanding of SOGIE concepts and proper health education. Majority of them don't have proper knowledge on SOGIE and HIV/AIDS education. There are some cases reported that some LGBT people in detention center slept with a number of inmates. Besides, some gays who are taking ART don't have safe sex practices. Health education is essential for vulnerable population in Mandalay.

At present, whenever there is training opportunity, same people from LGBT network join repeatedly. It is also because they don't get information about training as well as they cannot spare time for training as arranged. Those working as mediums (Nat Ka Daw), beauticians or working at beauty parlors or designer shops don't have time to join training for three days. Short and concise training can be helpful for them. Mandalay is the main city of Upper Myanmar and LGBT people from other parts of central and upper Myanmar are active in Mandalay. LGBT people in Mandalay may have legal awareness and SOGIE concepts but it is important to reach to those who don't have proper knowledge too.

The most critical issue is to do advocacy to the police to understand SOGIE concepts and international human rights standards. Key stakeholders involved in promotion of rule of law include police, staff working in the court, judges and lawyers. They also should have proper knowledge about LGBT and legal awareness. As part of basic human rights, sexual and reproductive health education shall be given to LGBT people. In addition, SOGIE concepts shall be introduced to young students and teachers to give due respect to diverse sexual orientations. When raising awareness among general public, interviewed participants recommend the CRB to work with celebrities who earn respect in their community. They are opinion makers and their opinions shape majority of people both in Mandalay and villages nearby. Visibility of LGBT people in important events such as international human rights day or festivals such as Thingyan are very helpful for sensitization of LGBT people in conservative place like Mandalay. It is necessary to have monthly or bi-monthly meetings among the groups to share the activities and exchange the experiences. Personal development, counseling, trauma healing and career development training and experiential sharing can be helpful for LGBT people to reintegrate and interact with their community well.

3.6 LGBT People and Legal Aid Groups in Pyay

Pyay is the capital of Western Bago region. It is located on Ayeyarwady river and an important trade center of Ayeyarwady delta, Rakhine State and central and upper Myanmar. Many university students from western Bago are attending in Pyay University, Computer University and Pyay Technical University. Since 2014, Colors Rainbow trained LGBT people from Pyay LGBT network. The CRB started promotion of rule of law project in Pyay recruiting one lawyer and trained LGBT people as paralegals in 2016. They provided legal services to LGBT people and did advocacy work toward key stakeholders including police and local authorities. After implementing the project for over a year in Pyay, arbitrary arrest and unlawful treatment against LGBT reduced to almost zero level. The CRB Pyay Office carried out the legal aid activities after the termination of the project in collaboration with local community based organizations, INGOs, NGOs, general administrative department officials and supportive businessman and then received small grant from Tharthemyay foundation for six months. The project employees were able to perform paralegal activities competently and independently¹ when the project closed down in 2016.

With the aim to understand the current activities of trained paralegals and situations of LGBT community in Pyay, the CRB recommended the consultant to visit Pyay. During the study trip, the consultant had a series of meetings with former CRB's paralegals, lawyers, project in-charge, LGBT community representatives and one CSO. Situation of Pyay's LGBT network has changed dramatically. According to interviewed people during the assessment trip, there are no longer many active NGOs working on HIV/AIDS prevention and care services in Pyay. LGBT network is not so active and there is no significant group providing health education or legal services for LGBT people. As new police officers and authorities don't have any NGO who will advocate for LGBT people, the situation has been back to normal. In addition, there are many teenage same sex couples among university students seen and they don't get proper sex education.

People in Pyay are mostly conservative and LGBT people who are part of the society have the same mindset. Tomboys sometimes got harassed by drunkards or some men but they dared not complain to the authorities or police. Traditionally, when a woman gets harassed or raped, the society blames on her and her family and relatives feel humiliated. Instead of taking action against the one who

¹ From PRLP Final Report – 2016



Figure 7 - Former Colors Rainbow's Lawyers from Pyay and Hlaing Thar Yar

committed harassment or rape, they usually blame on the victim. Therefore, most women including trans-men dare not speak up if someone harasses them. The CRB's trained paralegals raised awareness to their friends and encouraged them to speak up. Common cases among LGBT community especially transgender women in Pyay are 35 – D (similar to Yangon Police Act 30 – D). They are charged against the Myanmar Penal Code 377 and some are arrested with Police Act 47 (penalty for contravention of offence on roads and public places). There are some cases that lesbians in Pyay filed lawsuits under the Myanmar Penal Code 354 or 376 with the support and advices of lawyers and paralegals.

U Kyaw Swa Lin and U Tay Zar Aung, former Colors Rainbow's Lawyers of Pyay and Hlaing Thar Yar Township in Yangon shared their experiences as the CRB's lawyers and their views on current situation of LGBT people in Pyay. U Tay Zar Aung shared his experience how he joined the CRB. Since 2011, he actively participated in forming LGBT network in Pyay and received training from Equality Myanmar. U Kyaw Swa Lin joined as the CRB's lawyer in 2016 and U Tay Zar Aung worked in Hlaing Thar Yar. According to them, discrimination against LGBT people especially transgender women and gays is visible among police. Police arrest transgender women and insist them to give money to be released. As trans-women are frightened, they have to negotiate with the police giving money. Or

else, they can end up in jail for three months. Some cases of robbery are reported by trans-women and gays in Pyay. Lesbians who got harassed or raped tend to keep quiet because victim blaming is common.

According to all interviewed participants, Pyay is the capital of Western Bago and all LGBTs from other townships of Pyay District and nearby gather in Pyay. Besides, there are many universities and significantly, there are many same sex couples. They don't have proper sex education and according to trans-men paralegals, they are using testosterone on their own without consulting properly with medical doctors. So also, young LGBT people don't have proper health knowledge especially prevention of sexually transmitted diseases. According to two former clients of the CRB, condoms are not easily accessible in Pyay and there are some new HIV cases among young people. But they just shared hearsays and the consultant could not verify the information.

If there is a new project planned in Pyay, they like to provide awareness raising training on human rights, LGBT rights, SOGIE concepts and LGBT related training to LGBT community as well as general public. Most LGBT people cannot join training for three days consecutively. So, they want the CRB to organize short training sessions instead of days-long training. In addition, it is necessary to advocate the police and authorities to understand LGBT rights

and SOGIE concepts. So also, there should have outreach program to educate people living in rural areas because their acceptance to LGBT is very low.

Pyay should be one key project area in future intervention because there are many LGBT people coming from different areas of Western Bago and nearby towns from Rakhine and Magway regions. In addition, there is no other legal aid organization currently and the police and authorities discriminate against LGBT people. Without proper SOGIE concepts, gender related knowledge and health knowledge among LGBT community, they can be vulnerable to both STDs and different forms of abuses.

Since Colors Rainbow provided training and started the project in Yangon in 2014, LGBT people from Yangon, Pyay and Mawlamyaing joined nine-day human rights and paralegal training. Many of them became staff of Colors Rainbow office in Hlaing Thar Yar and Pyay. Net Net Nwe and Min Min Tun are the first paralegals who joined Hlaing Thar Yar project and Net Net Nwe was the focal person. At the same time, Colors Rainbow – Pyay office mainly recruited transgender men. Ko Nyein was the focal person. After six months project period for two times, Colors Rainbow's project activities were stopped in Pyay under USAID's Promoting Rule of Law Project. After the CRB closed down, Pyay team received funding from Thar The Myay Foundation for six months. Now there is no more project run by the CRB trained paralegals. At the same time, there is no legal aid group active in Pyay. Colors Rainbow has no project in Mandalay but through LGBT network and its partner organizations, the CRB recruited training participants from Mandalay. However, the same participants joined the training repeatedly and with their busy schedule, none of them could provide legal aid or advices effectively to LGBT community in Mandalay according to some interviewed participants.

Depending on their background experience and education background, paralegals can provide support to their target groups. They all can communicate well with the police. Both management team of the CRB as well as paralegals share the same feelings related to their relationship with the police. However, understanding on legal procedure seems to have differences. Some paralegals seem more confident than the others. As LGBT paralegals from the CRB had to go through different forms of discrimination in gender stereotyped society since young, they feel reserved with the ones who treat them differently. They feel more comfortable to work and communicate

with the CRB staff or management people who treat them equally. However, LGBT community in stereotyped society is normally reserved and suspicious. Building relationship and trust with them is not so easy and some are reluctant to share their problems and some don't tell the true stories. Thus, sometimes, paralegals and the CRB's lawyer have different versions from the same client. It is the most challenging issue for paralegals and they feel like they don't have strong case management skills.

Opinions and impression of Colors Rainbow's A2J team staff, Deputy Director, Executive Director, lawyer and trainer were explored during the assessment. Except one paralegal from Hlaing Thar Yar, all paralegals of Colors Rainbow are LGBT people. Within project period, Colors Rainbow provided basic paralegal training, advanced paralegal training, ToT, case management, counseling and mediation training since 2014. Some started to join training organized by Colors Rainbow as a program of Equality Myanmar (EQMM) in Chiang Mai in 2012.

IV. KEY OBSERVATIONS AND RECOMMENDATIONS

4.1 Key Observations

Based on the discussions and interviews with paralegals, key stakeholders, Colors Rainbow's management team and A2J team staff, key observations related to impacts of paralegals trained by Colors Rainbow are made as follows:

- (1) Confident paralegals with strong mediation and counseling skills can provide more effective legal support to LGBT community in project areas and gain trust.

Generally, all paralegals trained by Colors Rainbow feel that they gain legal knowledge and skills helpful to provide effective support to LGBT community as well as anyone who needs legal advice. The most significant change seen among paralegals in Yangon is that they become more professional. They become more confident and comfortable to go to police station or to the court to provide legal support to the clients. Instead of relying on lawyers alone related to legal problems, they can mediate or provide counseling to those who need such type of assistance. Thus, they feel empowered.

- (2) Paralegals are acknowledged as key contact persons for LGBT people who need legal assistance in Yangon.

LGBT people in Yangon feel confident to seek help from paralegals directly or through their LGBT network. They said that because of Colors Rainbow and other legal aid groups in Yangon, police dared not treat them as badly as before. In addition, they feel secured for having an organization like Colors Rainbow and they know that as far as they don't commit crime or make problem, they can get legal support.

- (3) Police no longer treat transgender women so badly when they are arrested but still target them to arrest with 30 – D in Yangon and 35 – D in Pyay and Mandalay.

Colors Rainbow and paralegals did advocacy with police in all project areas to understand SOGIE concepts and LGBT rights. However, police are moving from one place to another and if new police officers have no understanding on SOGIE

concepts, they make problems to transgender women again. In some places, police officers know SOGIE concepts because of advocacy efforts but junior police, constables and informers on the ground are trouble makers. All trans-women who got arrested said that police were drunk when they were arrested. They got drunk on duty. In addition, all interviewed transgender women who got arrested shared their experience that they were asked to give money even if they were sent to prison. However much Colors Rainbow or other legal aid groups are providing legal aid to transgender women, their situation cannot be improved without changing their attitudes. Major improvement is when they arrested transgender women, they shaved their hair, leave naked or sometimes harassed in the past and nowadays, the dare not treat transgender women so badly like before.

- (4) Police Act 35 – D in other towns (similar to Yangon Police Act 30 – D) becomes common in Pyay and Mandalay but there is no comprehensive support given by paralegals.

Colors Rainbow can provide legal support to transgender women arrested with 30 – D in 13 townships in Yangon nowadays. However, those arrested with 35 – D in Pyay or Mandalay don't have any legal aid group providing support. In Mandalay, there are many paralegal groups providing support to gender based violence or other victims. But LGBT community especially transgender women are aloof and they only seek help from LGBT network. According to interviewed participants from paralegal network and LGBT themselves, they only get support from their friends and pay money on their own. They don't come and seek help from others.

- (5) Homosexuality is not a sin but living differently becomes an issue if LGBT community expects to earn mutual respect.

In changing world, people from Myanmar started to accept homosexuality and SOGIE concepts. Desensitization efforts of Colors Rainbow and

likeminded organizations are successful in many ways. People start to change the way they address LGBT people. Some interviewed LGBT people point out that the way some LGBT people behave and they wear is weird and unacceptable. As a result, people look down on the whole LGBT community. There is a case about a transgender woman in Tamwe who got drunk and hit the cars on the road. The community informed the police and when the police arrived, he used swearing words to the police. There are some LGBT people who used swearing words and treated rudely according to some interviewed LGBT people. Some transgender women and gays are reported of seducing or rape under-aged boys. The CRB's lawyer also said that when she went to the court with a group of strangely worn transgender women, her former colleagues greeted her asking what went wrong with her. A transgender woman also said that if she looked funny and weird in the eyes of people, even a dog would bark at her. LGBT community who like to live decently feels ashamed of such behaviors. They expect the whole LGBT community to have self-esteem and to live in dignity. Only in this way, they can earn due respect from the society instead of asking for their rights alone.

To sum up, with advocacy efforts of Colors Rainbow and rights based groups, discrimination against LGBT people in legal system becomes less and less. LGBT issue advocates start to get momentum. Policy makers, authorities and key stakeholders gradually understand that LGBT community is one of the minority groups they must include. Within four or five years, urban population starts to understand SOGIE concepts. Likewise, LGBT community in Myanmar gradually understands their rights and SOGIE concepts. If they have any legal problems, they feel confident to seek advices from paralegals or lawyers through their network. Nevertheless, this is just the beginning of change for LGBT community.

4.2 Recommendations

Based on the findings and observations made by the consultant, this impact assessment report likes to be concluded with the following recommendations to be considered for future interventions.

- (a) Advocacy to policy makers for transgender women who are being arrested with notorious darkness

law, 30 – D in Yangon and 35 – D in other towns is urgent.

Colors Rainbow has been actively providing legal support to LGBT people in Yangon. Among them, transgender women are still the target as mentioned above. However, trans-women in Pyay or Mandalay do not have anyone who will provide comprehensive legal support. There are many transgender women who have to go early in the morning or return back home late as makeup artists or night club workers or company staff. Even transgender women who work as sex workers at night shall be treated together with other women sex workers during the time when prostitution law has been discussing to be revised. Transgender women should not be targeted by the police to get more cases for their quota or to earn their pocket money. Colors Rainbow shall raise this issue in high level advocacy meetings in Nay Pyi Taw for treating transgender women in discriminatory manners.

- (b) Police shall be one key advocacy target group for access to justice.

Promoting rule of law for LGBT community is directly related to Police. Major challenge to promoting rule of law for LGBT community in Myanmar is lack of understanding about SOGIE among police. Although Colors Rainbow is visiting police stations in project townships, behavioral change among police is not significant. Advocacy efforts shall be more systematic and it is necessary to get support from leadership and involvement of all police from the top to the lowest level. During the study, many trans-women who had experience in dealing with the police complained of drunkard police on duty. In Myanmar, majority of people are scared of police and transgender women who feel guilty for being homosexual as illegal are easily intimidated by the police to give money. Whether they will file lawsuit or release the arrested transgender women, they expect to get money from them. Without behavioral and attitudinal change of the police of different ranks, all the efforts made cannot be sustainable. In future intervention, it is essential to develop a strategy to effectively educate SOGIE and LGBT rights to the whole police division properly. Ideally, Colors Rainbow and other rights based organizations shall advocate for including LGBT rights and SOGIE in police training curriculum. In addition, paralegals shall be properly introduced

as representatives of Colors Rainbow related to LGBT issues in project areas.

- (c) Can only LGBT paralegals provide legal aid effectively for LGBT community?

Some people think that LGBT people are more comfortable to communicate with their peer LGBT paralegals when they have problems or need to get legal advices. According to them, LGBT people are reluctant to consult or talk to other people about their problems. Thus, they think that all paralegals should be LGBT. However, there are not many LGBT lawyers and LGBT paralegals unavoidably have to work with straight lawyers. Currently, LGBT community in Myanmar is still isolated. Self-isolation cannot be helpful for LGBT to integrate with the society. During assessment trip, paralegal women from Mandalay Paralegal Network offer help to Colors Rainbow that they are happy to provide legal assistance to LGBT community in Mandalay. They don't have any contact with LGBT network in Mandalay and they want to mingle and provide necessary support to LGBT people who are in need. According to them, they have good relationship with local authorities and even with the police. Ma Myint Myint Kyi, paralegal of Hlaing Thar Yar is also a straight woman and she is working comfortably with other LGBT paralegals as well as in LGBT community there. When LGBT community works more broadly with non LGBT people, both sides will understand each other more and can build good relationship and trust which is important for LGBTs to get accepted as part of the society. Colors Rainbow shall consider working with broader paralegal network after weighing up pros and cons. There is the need to have a proper linkage with the Mandalay LGBT network and the law enforcing personnel.

- d) It is necessary to build a sustainable model to promote and protect LGBT rights in Myanmar. When Colors Rainbow (CRB) transitioned from Thailand to Myanmar in 2013, the organization needs to make extra-efforts to enhance public understanding and acceptance of the dignity and human rights of LGBT people. The CRB is, nowadays, acknowledged as a leading LGBT

rights organization in Myanmar. The CRB's paralegals are like frontline workers of the organization. They can successfully build good relationship with LGBT community as well as with key stakeholders. Paralegals themselves feel empowered and confident. In the past few years, police officers who committed physical abuses to trans-women could be reported to the President and Myanmar Human Rights Commission and they could be transferred to other areas. Desensitization of homosexuality is to some extents successful at least among urban population. When Colors Rainbow's current project activities are getting momentum, access to justice project that provide legal support through paralegals will end by the end of April. There are ongoing cases that the CRB's lawyer is giving legal services and paralegals are helping mediation or counseling.

Compared to the time that Colors Rainbow's baseline assessment was conducted in mid-2017, there are more legal aid groups which provide support to LGBT community in Yangon. However, there are no lesser cases than before and the police are still arrested transgender women with 30 – D and discrimination against LGBT people in legal system is still an issue. As far as same sex sexual activity is illegal and the police department has case target system, LGBT people especially gays and transgender women will be the victims in Myanmar legal system. In addition, more and more lesbians and gays come out when they understand SOGIE and their own rights. Together with coming out, they have different forms of vulnerability. Some lesbians who come out tend to have more and more partners openly and some of them hang out with men drinking together or using drugs. There are many cases of trans-men after drinking together or using drugs but they normally did not report to the police or consult with paralegals. So also in Pyay and Mandalay, there is no group which can provide comprehensive legal support to LGBT community. In addition, awareness on SOGIE and LGBT rights as well as proper sex education among LGBT people especially young ones is very limited.

Therefore, it is recommended to build a sustainable model which can always support LGBT people who face any form of discrimination by counseling,

mediating between dispute parties, providing legal advices and legal services in their community. During assessment trip, it is noticeable that there are some LGBT and sympathetic lawyers in both Pyay and Mandalay. However, based on the experience of Colors Rainbow project in Pyay, “ownership” of community based organization is essential for project sustainability. Or else, when the project finishes, nothing can be left behind.

Possibly, Colors Rainbow, in new project period, nurtures paralegals who are committed to give support to their community to promote and protect LGBT rights in their areas. They can be individuals or representatives of the organizations. Selected people can be trained to be paralegals and activities they want to implement can be supported by the CRB’s A2J team. The CRB can arrange them to get mentors who can be lawyers or NGO staff who can provide necessary advices during the assignment. Quarterly meeting can be organized to exchange their experiences and seek advices from the CRB’s management team and a series of training or workshop they like to get shall be provided. Every six months, the CRB can organize lessons learnt workshops inviting paralegals and some selected clients to review their activities to know areas to get improved. At the end of the project period, the CRB can get at least five to ten paralegals in targeted project areas and understand how they can be support continuously after the project.

Within five years’ presence in Myanmar, Colors Rainbow as a LGBT rights group can bring changes for LGBT community in Myanmar. The CRB could raise awareness on LGBT rights among LGBT community as well as to general public to change attitudes toward LGBT people in their project areas. Together with other rights based organizations, Colors Rainbow is advocating for law reforms of the laws that are used to repress LGBT people. Transwomen who can be assumed as the most vulnerable among LGBT people are given legal advices and services when they get arrested through the Colors Rainbow’s lawyer and paralegals. However, the CRB still needs to do a lot for promoting rule of law and protect the rights of LGBT people in the context of Myanmar’s weak rule of law and frequent rights abuses against its citizens.