

## Lane Krainyk: End of Summer IHRP Internship Report

I had an incredible experience over the course of thirteen weeks with the Burma Lawyers' Council (BLC) in the Thai city of Mae Sot on the Thai-Burma border. During my internship, I had the opportunity to significantly develop my legal research, writing and analysis capabilities and engage in legal advocacy. Highlights of my internship included drafting multiple submissions to UN bodies, being involved in the Burma VJ campaign, having several legal articles and commentaries published and teaching a course at the BLC's legal institution.

I took the lead role in drafting a submission to the UN Committee for the Convention on the Rights of the Child. Previously, approximately twenty organizations dealing with Burmese issues drafted a "shadow report" on the status of children in Burma in response to the government's submission to the Committee. One Committee member asked that more legal analysis be submitted and the BLC was asked to provide this. Our report included analysis of Burmese domestic laws (including the *Child Law*, the *Anti-Trafficking in Persons Law* and the *Burmese Penal Code*), Burma's juvenile justice system and National and Township Committees for the Rights of the Child, the 2008 Constitution, international human rights mechanisms and rule of law issues. The submission also made a number of recommendations with respect to the legal status of children in Burma. This report was submitted to the Committee in June and will inform the Committee in its review of Burma in 2012. Taking the lead role in drafting this submission gave me the opportunity to research Burmese and international law extensively, work alongside a number of Burmese lawyers and work in cooperation with several other organizations in the Burmese pro-democracy movement.

I was responsible for writing several legal articles for publication on Mizzima News (an English-language Burmese news website). I worked with a Burmese lawyer in translating an article from Burmese to English on arbitrary, and unlawful, land confiscations. I worked with the same lawyer in writing articles on the 2008 Constitution, legal restrictions placed on political opposition in Burma and private property provisions in Burmese domestic law. Writing these articles provided me the opportunity to research a number of areas in Burmese law (in particular, I became familiar with property and Constitutional law) and international law. I also developed my ability to take complex legal arguments based on provisions from several domestic laws (and sometimes from multiple Constitutions!) and write persuasive, accessible and relatively brief commentaries on legal issues.

I contributed two articles to Law Kawpala, the BLC's legal journal. First, I reformatted the aforementioned submission to the Committee on the Convention on the Rights of the Child for publication in the journal. Second, I wrote an article on the status of Burma's ruling party, the Union Solidarity and Development Party. I suggested that as a result of the provisions of the *Unlawful Associations Act*, the USDP was technically an unlawful association. I supported my argument by using various provisions of other domestic laws. I suggested that despite Constitutional

provisions providing protections for government officials from prosecution for crimes they have committed over the past two decades, the *Unlawful Associations Act* could be used to bring the appropriate authorities to justice. Writing this article provided me the opportunity to create and develop a novel legal argument.

The Chairman of the BLC, U Thein Oo, asked me to prepare a memorandum on the jurisprudence and social issues surrounding secession in Canada. In a post-authoritarian Burma it would be extremely important to determine whether unilateral secession would be a Constitutionally afforded right provided to Burma's multitude of ethnic minorities. This memorandum featured Canadian jurisprudence, various pros and cons of secession and a commentary on the relevance of the Canadian experience to the Burmese context.

I also did research on labour issues in Burma. The BLC is looking to create a toolkit for lawyers working in Burma to file claims with the ILO for violations of domestic and international labour laws. Through this research, I became familiar with domestic laws and international conventions and laws relating to labour. I also learned a lot about the challenges facing Burmese citizens with respect to forced labour, child labour and the suppression of unions.

The BLC was approached by the Democratic Voice of Burma (DVB), a Burmese news agency, to do legal analysis on the case files for a number of Burmese video-journalists (VJs) who had been sentenced to long prison sentences for engaging in journalism. The VJs had worked for DVB doing reporting from inside Burma. This work has been instrumental to the prodemocracy movement. For example, VJs were instrumental in bringing international attention to the plight of the Burmese people during the Saffron Revolution of 2007. Following the 2007 crackdown, many of the VJs were arbitrarily detained, arrested and imprisoned on falsified charges. DVB was able to get access to a number of their case files and I contributed to the BLC's effort to organize the files into a comprehensible format. We then submitted information on each of the imprisoned VJs to the UN Special Rapporteur on Freedom of Expression.

The BLC operates a legal institution called the Peace Law Academy (PLA). Over the course of a two-year program, the PLA offers intensive study in international and domestic law to twenty-five Burmese youth (the current group is between the ages of eighteen and twenty-seven). Students come from backgrounds ranging from having graduated from law schools inside Burma to having been educated almost entirely in Thai refugee camps. I was given the responsibility of teaching the Government and Politics course. I designed the curriculum, developed assignments and tests and lectured between six and nine hours per week. Through this experience, I had the opportunity to considerably develop my organizational and presentation skills. Though I have always enjoyed public speaking, it was a new, challenging and exciting experience to speak so regularly. The curriculum I developed included political theory, types of regimes, functions of government, the role of constitutions, decision-making institutions, elections and political

transitions. Since the school's purpose was to provide a comprehensive legal education, I incorporated a large amount of analysis of constitutions and electoral law from around the world into the course. This gave me the opportunity to enhance my own appreciation for how laws can serve to protect, or impair, democracy and the rule of law.

My experiences outside of my responsibilities with the BLC also contributed to my development over the course of the summer. Most importantly, the relationships I developed with those active in the Burmese cause greatly informed my experience. I learned a lot from U Thein Oo (who also served as the headmaster of the PLA) about the pro-democracy movement. Had the 1990 Election results been respected U Thein Oo would have been the Minister of Justice in Burma. His knowledge of Burmese political and social issues and his passion for the pro-democracy movement had a profound impact on me. Another lawyer I worked with, Saw Kyaw Kyaw Min, had lived with Daw Aung San Suu Kyi for over a year while she was under house arrest and his girlfriend, a Burma VJ named Hla Hla Win, had received a sentence of 21 years for her "illegal" activities. One Burmese friend had left Burma as a result of his connections to the Burmese political activist hip hop group Generation Wave. Another Burmese friend had been imprisoned for eleven years in solitary confinement for starting a teacher's union. These interactions, in combination with the insight and knowledge I developed through my internship, greatly enhanced my interest in the Burmese pro-democracy movement and, more generally, my passion for human rights.

Overall, I had an incredible summer as an IHRP intern. I was very fortunate to work with the BLC. I am deeply appreciative of this opportunity and I know I will be a better lawyer as a result of having had this experience.