



CIVIC SPACE IN MYANMAR IN THE POST-COUP AND PANDEMIC ERA

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This report explores various impacts on civic space in Myanmar as a consequence of the prolonged Covid-19 pandemic and military actions following the coup of 1 February 2021. This undertaking would not have been possible without the participation and assistance of civil society organization (CSO) leaders and networks in Yangon, Mandalay, Hpa-an, Mawlamyine, and Lashio (Northern Shan State). Special thanks are also due to the research team for their dedicated efforts in logistical arrangements and report preparation.

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Acronym

BGF	Border Guard Forces
CBO	Community Based Organization
CDM	Civil Disobedience Movement
CSO	Civil Society Organization
EAO	Ethnic Armed Organization
ERO	Ethnic Resistance Organization
GAD	General Administration Department
INGO	International Non-Governmental Organization
KNU	Karen National Union
MUP	Mon Unity Party
NGO	Non-Governmental Organization
NLD	National League for Democracy
NMSP	New Mon State Party
NUCC	National Unity Consultative Council
NUG	National Unity Government
PDF	People's Defense Armed Forces
SAC	State Administration Council
SLORC	State Law and Order Restoration Council
USDP	Union Solidarity and Development Party

EXECUTIVE SUMMARY

On 1 February 2021, the Myanmar military, alleging voter fraud in the 2020 elections, seized power from the civilian government, upending Myanmar's fragile democratization process. To resist military rule, the majority of the Myanmar population across all states and regions in the country, along with civil society, formed a resistance movement to restore democracy. As a result of their participation in this movement, civil society organizations (CSOs) have been targeted by the de facto authorities. Many CSO leaders have been arrested and detained, or have had to flee the country or hide in safe houses.

Following the coup, there has been a substantial contraction of civic space. This study examines civic space in the post-coup period, focused primarily on Yangon, Mandalay, Mawlamyine (Mon state), Hpa-an (Kayin state), and Lashio (Northern Shan State).

The results vary from region to region, due to diversity in culture and geographic area. In Hpa-an (Kayin State), and Mawlamyine (Mon State), strong CSOs were established on the Thailand-Myanmar border many decades ago; these CSOs have significantly different capacity in management, advocacy, and donor engagement compared to 'home-grown' CSOs – i.e., CSOs which emerged under the quasi-civilian government starting in 2010.

Nevertheless, study findings indicate that CSOs in all studied locations suspended their advocacy activities and redirected them to promote public awareness activities following the coup. Some CSOs targeted Ethnic Resistance organizations (EROs), NUG (National Unity Government), and National Unity Consultative Council (NUCC) actors to advocate for meaningful participation of CSOs in humanitarian and development activities. In general, the current situation has required CSOs to implement low-profile activities and/or work remotely from hideouts in safe zones. Additionally, many CSOs have learned to work as networks rather than operate in silos, as networks can better provide collective and stronger voices.

The following key findings are derived from the study through a number of interviews with key CSO leaders in Yangon, Mandalay, Lashio (Northern Shan state), Hpa-an in Kayin State, and Mawlamyine in Mon State.

CSO approach: in responding to the emergency and humanitarian needs of the affected population, CSOs operate using low-profile and non-confrontational approaches in conducting community-level interventions. Most CSOs engaged minimally with de facto authorities, especially in obtaining permission for project implementation.

Increasing polarization among CSOs: The coup resulted in a polarizing impact on CSOs, with organizations splitting along lines of those that engaged with de facto authorities and those that followed a non-engagement approach. If a CSO collaborated with SAC, other CSOs would be reluctant to engage with them, threatening sector unity. If a leader engaged with SAC, they were often labelled as a “pro-military” organization. A few CSOs justified their engagement under the principle that CSOs should serve the affected community under the humanitarian principle of non-partisanship and impartiality.

CSO strengthening and sustainability: Much of the good work and momentum of Myanmar’s civil society from the past decade was demolished in the post-coup period. CSOs are now struggling to survive, and their sustainability and strength are unpredictable in the current situation where many face financial challenges on top of SAC’s crackdown. Furthermore, CSOs faced several obstacles internally and externally to achieving sustainability. More precisely, CSOs had limited capabilities internally to access funding and institutional development. Due to changing donor strategies, CSOs had to adjust their missions to comply with donor interests.

Shift to humanitarian and emergency relief: Due to various restrictions of de facto authorities, many CSOs shifted from rights-based implementation to less politically sensitive activities. Consequently, many CSOs redirected activities to emergency and humanitarian relief and service delivery, rather than social transformation activities. In some areas - e.g., Mon, Kayin, and Lashio, some CSO personnel had to resort to bribery to implement activities.

Shift from SAC to NUCC and NUG for advocacy and policy influence: While some organizations minimally engaged with de facto authorities for the delivery of humanitarian aid in the community, most CSOs significantly suspended stakeholder engagement with de facto authorities for policy influence. Instead, CSO advocacy shifted to NUCC and NUG. Furthermore, a few CSOs endeavored to engage with EROs in some areas. Generally, CSO strategy shifted to public advocacy and people-centered advocacy instead of rights-based activities. At present, CSOs continue to raise public awareness through the use of social media and other online platforms.

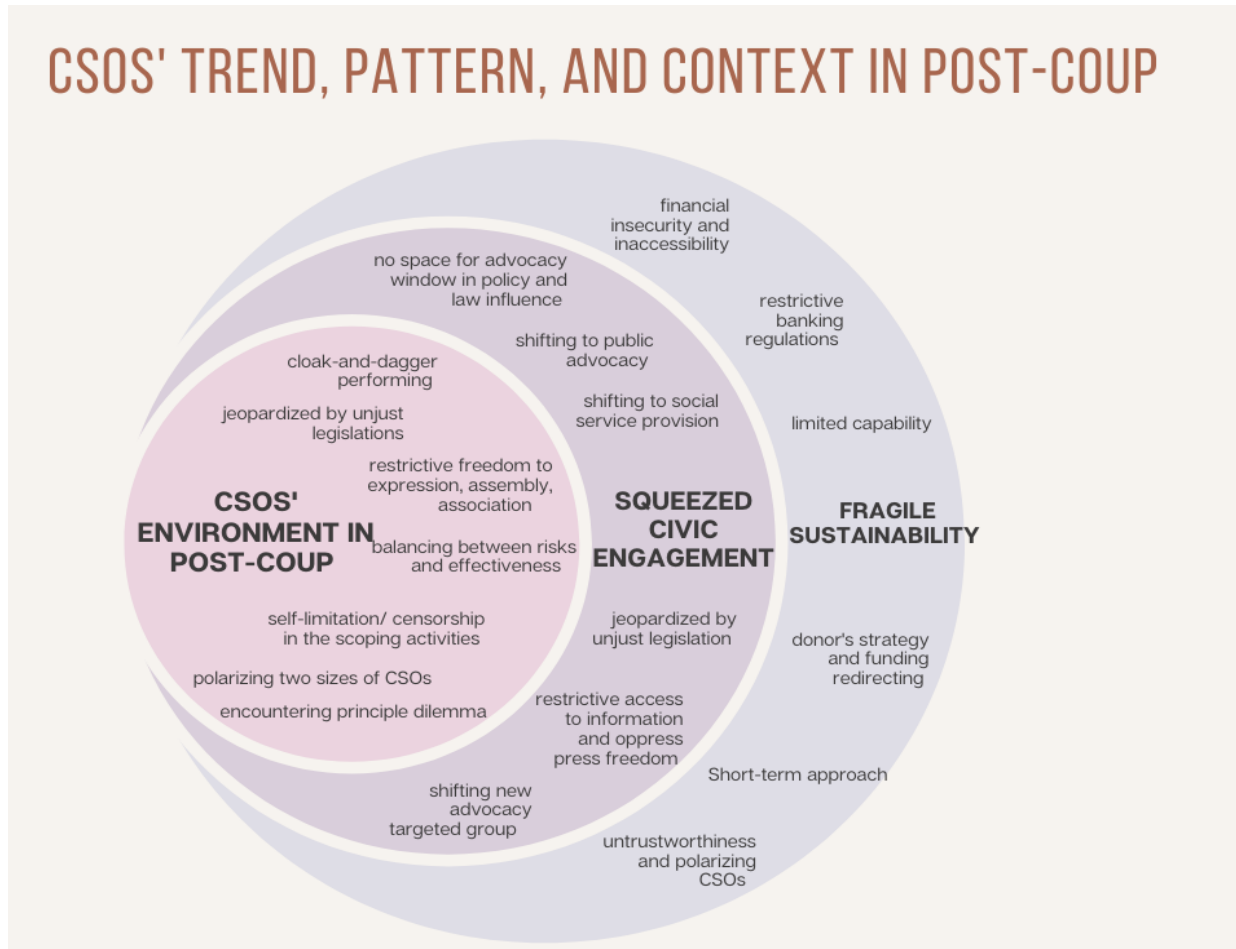
Funding accessibility: Funding accessibility remains a challenge for CSOs. CSOs in Mon, Kayin, and Lashio stated that their main source of funding came through sub-grant awards from donors. A few mega-size CSOs are able to directly access funding from international donors. At the same time, external factors threaten CSO funding accessibility - for example, disruption of local banking services and scrutiny by the junta over funding transactions of CSOs, and lack of access to cash. Furthermore, donor funding has significantly shifted to humanitarian and emergency relief activities.

Legal challenges: The junta uses laws to weaponize and suppress CSOs, CSO leaders, human rights defenders, human rights advocates, and journalists. Innocent citizens are also unsafe and insecure as there is constant revision of laws and procedures to protect the de facto authorities instead of the people.

Dwindling freedom of expression and information: The coup resulted in dwindling freedom of expression, and limited access to information by the public. A number of pro-military forces or media outlets have survived inside the country and are allowed space to engage in media activities. The consequences of this imbalance between the oppression of independent press and tolerance of pro-military forces is a preponderance of mis-and-disinformation and a lack of reliable information. Many reputable media organizations were blacklisted, and journalists were arrested and detained resulting in influential media organizations working in exile.

The results of the study provide evidence that there has been a definitive shrinkage of civic space throughout the country during the post-coup period.

Figure 1 CSO Trends, Patterns, and Contexts in the Post-Coup Era



RECOMMENDATIONS

To sustain civil society development and its critical role, CSOs and the international community need to develop further adaptive strategies to continue operations under the repressive conditions of the current regime. This study's results may be useful in understanding the present CSO landscape and generating responsive actions for CSO sustainability and resiliency on a short and long-term basis, including the following general recommendations.

Civil Society Organizations

Sustain CSOs' strategic objectives and civic values: CSOs should continue to uphold their strategic objectives and civic values, amplify the voices of grassroots communities and fight for the restoration of civic space.

Promote accountability and human rights: CSOs should continue to jointly advocate for the restoration of a just society and fight together to strengthen the fundamental principles and values underpinning civil society, including accountability, transparency and freedom from oppression.

Connecting with the international community: As CSOs continue to experience shrinking civic space in Myanmar, the collective voices of CSOs and affected communities must seek support and solidarity from the international community.

Humanitarian response: As the entire country faces an unprecedented humanitarian crisis, CSOs must continue to persevere – even amidst widespread crackdowns, arrests, detentions, and bodily threats by de facto authorities – and provide humanitarian support services, especially in states and regions such as Sagaing, Magway, Chin, Shan, Kachin, and Kayin.

Scale up digital security skills: CSOs have been relying on the use of digital and internet technology since the onset of the Covid-19 pandemic in 2020 and much more so after the military coup as many CSOs and humanitarian workers went into hiding

or exile. Therefore, CSOs must be protected and empowered with digital security skills to continue to work remotely.

Alternative advocacy strategy: As many CSOs are not engaging with de facto authorities, advocacy strategies should continue to be targeted at newly emerging administrative bodies such as the National Unity Government (NUG), National Unity Consultative Council (NUCC), and Ethnic Resistance Organizations (EROs).

Funding Agencies and the international community

Continuous Funding Support: As funding is vital to the strengthening and sustainability of CSOs, donors and the international community should continue to provide financial resources, preferably directly to local CSOs.

Flexibility in due diligence: As many local CSOs work without guaranteed protection, obtaining evidence and documentation for services rendered remains a challenge during the prolonged humanitarian crisis. Therefore, it is recommended that funding agencies allow flexibility in due diligence requirements.

Listen to CSOs' voices: As CSOs represent various community members and constituencies, CSOs tend to understand the local context and reflect the needs and concerns of communities. CSOs' closeness to communities also creates trust, allowing for more effective project implementation at the ground level and active participation of the community members. The international community and donors should always consult local CSOs and listen to their voices in designing programs and also ensure these programs are locally led wherever possible and be aware of these factors in providing grants to CSOs.

Longer-term support for CSOs: Many CSOs indicated that support for CSOs should be on a long-term basis rather than implementing short-term projects. The international community and donors should provide funding support for long-term development programs, not only for more immediate humanitarian response programs.

INTRODUCTION

On 1 February 2021, Myanmar military forces seized power from the civilian government and arrested civilian state actors, members of parliaments, and civil society leaders. As they replaced the country's democratically elected leadership, military leaders announced themselves as the State Administration Council (SAC). The subsequent military crackdown on coup opponents and democracy supporters has, as of the first week of October 2022, resulted in the deaths of 2,336 people, including peaceful protestors, innocent civilians, and resistance groups (AAPP, 2022).

The SAC accused CSO leaders of playing a significant role in the subsequent resistance movement. Drawing on this assumption, the military attempted to arrest CSO and community leaders, many of whom had to flee to areas under the control of Ethnic Resistance Organizations (EROs), as well as other countries. Some remained inside the country and are still involved in the resistance movement, operating from hideouts and low-profile positions.

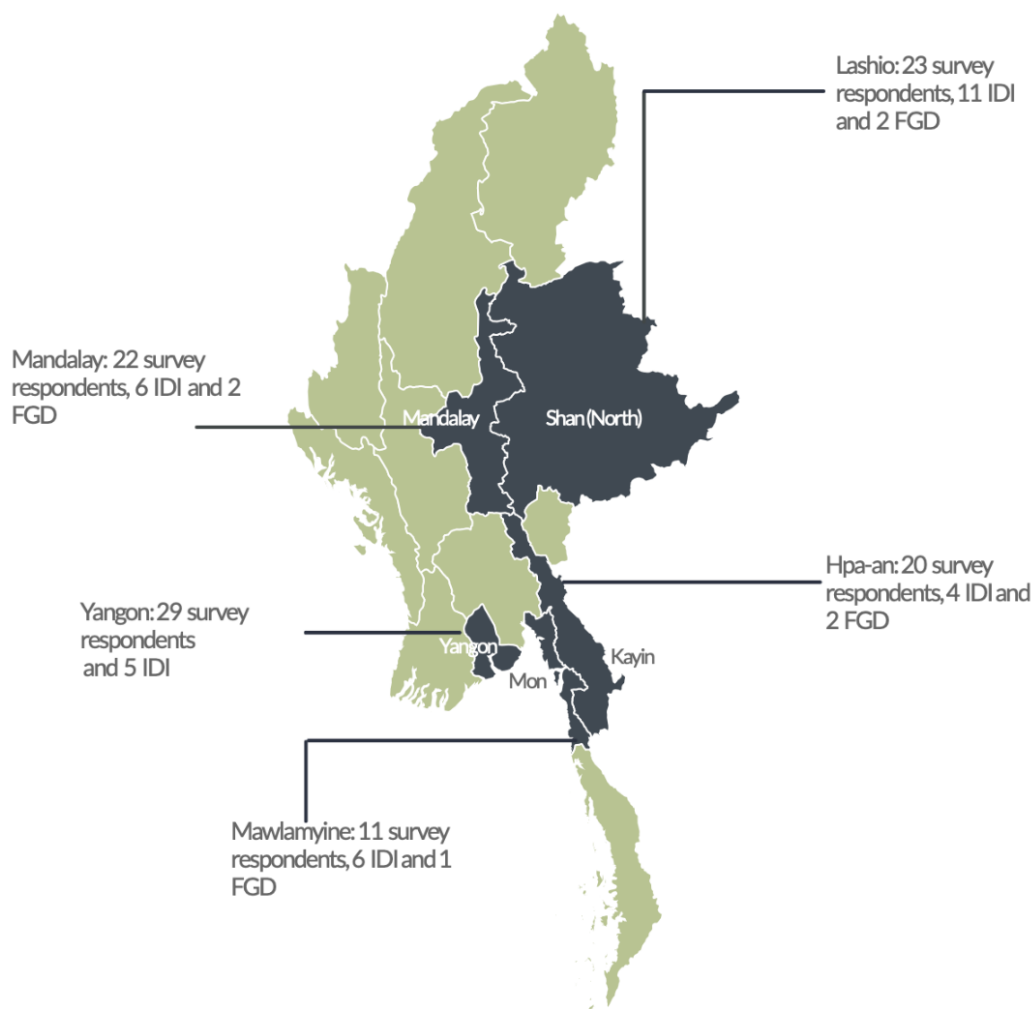
In the months following the initial coup, and as civil conflict intensified, the SAC continued its crackdown on the resistance movement and civil society at large, instituting numerous restrictions in an effort for near total control. Nevertheless, during the Covid-19 pandemic, many new CSOs were formed to meet the urgent needs in their respective states and regions. Moreover, a number of CSOs arose to resist the coup, including Civil Disobedience Movement (CDM) and humanitarian support groups.

In light of this context, this study was undertaken with the aim of examining the operational space of CSOs during this challenging period, as well as the limitations, challenges, and obstacles CSOs faced in implementing activities at the ground level.

METHODOLOGY

The study utilized a mixed research approach involving both qualitative and quantitative techniques. To validate information, the study relied on the following data-collection methods: survey, in-depth interview (IDIs), and focus group discussion (FGD). 30 organizations were selected in each targeted location for Google survey data collection. However, the targeted number from some locations for the survey could not be reached due to the current crisis. A total of 105 CSO survey respondents participated from all selected locations. In addition, the study conducted a total of 32 In-Depth Interviews and 7 Focus Group Discussions in the target locations (see Figure 2).

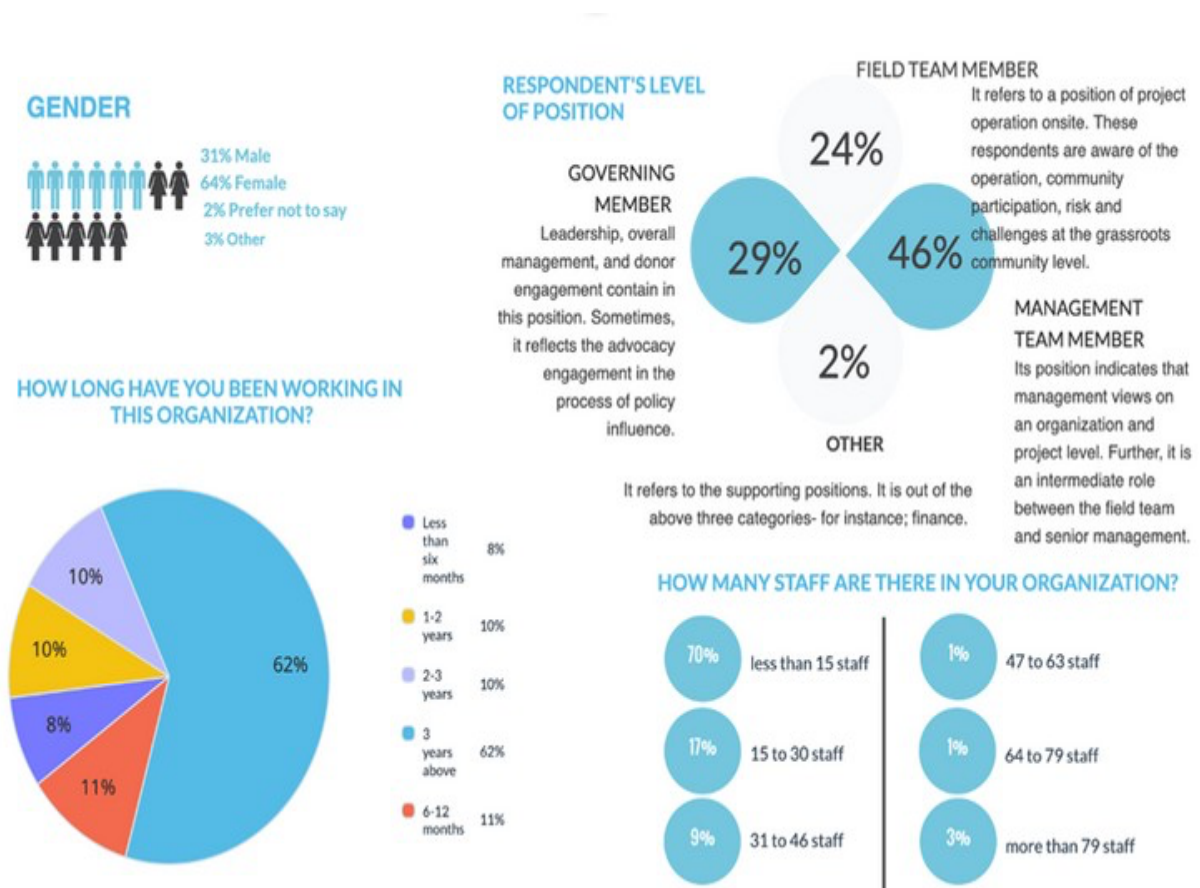
Figure 2 Study locations



DEMOGRAPHIC INFORMATION

In terms of gender proportion, respondents were 64% female, 31% male, 3% other and 2% preferred not to say. The respondents represented different positions within CSOs, with 46% representing management level and 29% governing level, 24% project/field staff, and 2% support staff, such as finance and administration. Of the majority of respondents, 62% had at least 3 years of experience, while 8% had less than six months of experience, indicating a substantial number of senior staff or CSO leaders among respondents. Many of the respondents had fled to safe zones and were interviewed there, using appropriate security precautions.

Figure 3 Demographic information



FINDINGS

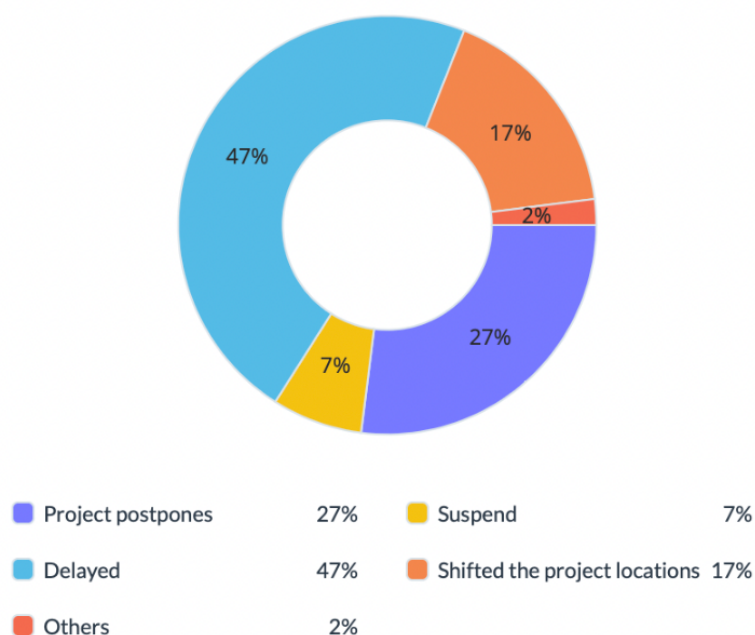
OPERATIONAL SPACE

(Access to funding, freedom of operation, safety, and security)

Covid-19 Response: Before the military takeover, the Covid-19 response was managed by CSOs in collaboration with local authorities and public institutions of the civilian government (such as the Ministry of Health and Department of Social Welfare). Even though there were problems with the management and coordination of the local government and Covid-19 response committees in the studied locations, the local government still invited CSOs and offered space for CSO contributions. The local government recognized civil society’s role, participation, and efforts in Covid-19 response and prevention. Even though the government’s response actions were delayed and disordered at the grassroots community level, CSOs were free to perform their activities at this level. The Covid-19 response was therefore functioning without the need for permission from authorities.

Figure 4 During the Covid-19 pandemic, did your project face the following situation? (Please select a maximum of three answers)

DURING COVID-19 PANDEMIC, DID YOUR PROJECT FACE THE FOLLOWING SITUATION? (SELECT MAXIMUM THREE ANSWERS)



Post-military coup context and SAC's Covid-19 response: Conversely, under military rule, civil society participation in the Covid-19 response was discouraged. 33% of surveyed CSOs said that their Covid-19 project operations were hindered by the military's "travel restrictions." 23% encountered delays in delivering humanitarian aid to affected communities. Furthermore, several CSOs were unable to meet with project beneficiaries during the pandemic and had to postpone project activities.

Where the General Administration Department (GAD) did reach out to certain CSOs and invited them to collaborate, the majority of CSOs chose not to engage. Almost all CSOs surveyed in Yangon, Mandalay, Mawlamyine and Hpa-an, and Lashio were opposed to collaborating with SAC or the line ministry - Department of Social Welfare (DSW) in implementing Covid-19 response activities.

As a result, SAC imposed restrictions and limitations on CSOs' Covid-19 response activities, such as the distribution of facemasks and hand sanitizers. Notably, in Mandalay, leaders who were volunteering for non-profit ambulance services were arrested. For instance, a leader from the "Parahita Min Gaung" association was arrested by SAC for providing emergency humanitarian assistance such as ambulance and oxygen services for Covid-19 patients. Such incidents demonstrate the extent to which CSOs lacked the freedom to perform any kind of activities or services, while the lives of aid workers were being threatened under the de facto authorities.

"I was in a queue for an oxygen cylinder. Then, they came and arrested me. I was charged as "guilty" because I was lining up for oxygen without the permission of the ward administrator" – CSO respondent from Mandalay.

Conducting non-governmental humanitarian assistance activities was often regarded as a criminal act by SAC. Examples such as the above demonstrate the extent to which civil society representatives were penalized merely for attempting to assist in the Covid-19 response. Because many citizens were unwilling to receive health care services from the SAC, who they considered untrustworthy, limitations on CSO services resulted in many citizens receiving no medical treatment at all.

In general, most CSOs in this study did not engage with the local authorities in responding to the Covid-19 pandemic, e.g., with respect to the distribution of basic food and commodities, and Covid-19 preventive equipment. CSOs were under strict

surveillance of local authorities designated by the SAC. These local authorities inspected the source of aid and tried to obtain full control over all kinds of funding. Thus, the safety and security of CSOs and community workers were at risk. Some CSOs in studied locations had to cease their humanitarian aid service provision altogether. Due to these constraints, some CSOs limited the scope of their Covid-19 response activities and instead shifted to responding to domestic violence and addressing psychosocial well-being, seen as less controversial by SAC.

Organization registration: If the name of the organization includes or refers to rights or democracy-related terms, it will not be allowed to register by the Ministry of Home Affairs and the General Administration Department (GAD). Nevertheless, registered organizations are also at risk, since the detailed information of their leaders is well-recorded and can be easily traced by GAD. All the respondents from Yangon, Mandalay, Mawlamyine, Hpa-An, and Lashio noted that registered organizations are required to submit a report on all activities and work plans to the local authorities. In addition, financial information and funding sources for those CSOs have to be submitted to SAC.

Figure 5: Is your organization registered? If so, when did your organization register?



On the day of the coup (1 February 2021), many CSOs in Mandalay were at the same place for ongoing training. During the training, I noticed that my mobile phone was out of service. I thought it was because the training venue was too far from town and out of the service area. So I drove into town to try to connect. One of our trainees tried to tune in to the radio to listen to the news from the parliament meeting but it did not work. Everyone was confused about what was happening.

All of us were shocked and surprised by the time we realized that data and the internet had been intentionally cut off. Participants joining via zoom were unable to connect. It was the first day of the training, but the situation made it difficult to continue. We were awfully worried about our families. Everyone was concerned about being arrested. The training was canceled and participants were advised to return home. We had to justify why the training had to be postponed. Although people were able to travel on the day of the coup, the situation was chaotic. Everyone was worried that they might get trapped in the training venue.

Despite the growing concern, some of us did not leave and instead held a meeting to discuss ways to respond to the military takeover. Seniors who experienced the “88 revolution” noted that “CSOs would definitely be destroyed under the rule of the Military”. On the very night of the coup, a statement expressing CSOs’ standpoint against the military coup was released. This statement reflected that CSOs collectively rejected the military’s action toward the civilian government. 4 days later, 3 of us got arrested.

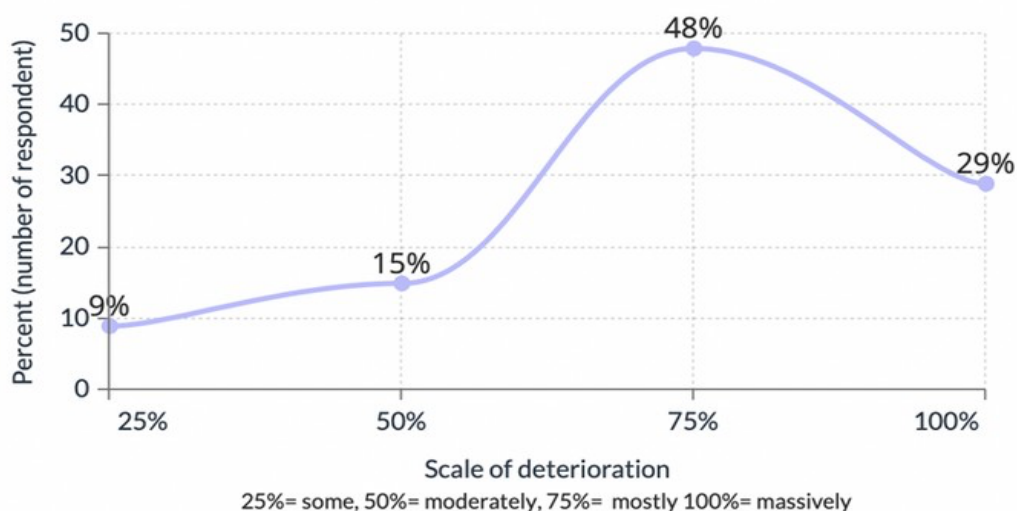
- A male respondent from a CSO in Mandalay, sharing his experiences from 1 February 2021

Banking service challenges: Following the coup, the whole country including individuals and organizations in every sector suffered from the banking crisis, in which Myanmar’s banking system nearly collapsed. Bank services such as withdrawing and transferring cash were highly challenging not only for local CSOs but also for international agencies. In this study, 75% of respondents noted that the banking system had deteriorated, and it was much more difficult for them to withdraw or transfer cash now than before. The SAC also froze bank accounts of CSOs who were

influential key players in policy or social change. For instance, in March 2021, the bank account of a well-recognized CSO, Open Society Myanmar was frozen and project staff were arrested by SAC, who claimed they were financially supporting anti-military movements. Moreover, Central Bank Myanmar (CBM) notified all INGOs and local NGOs that they would be required to report all financial information (Myanmar Regime Seizes Bank Accounts of Soros Open Society Foundation, 2021). There are currently a large number of local NGO bank accounts being controlled by the Central Bank of Myanmar (CBM), but the details remain unknown. As CSOs could not use organizational bank accounts, they relied on individual bank accounts and special bank accounts to receive donor funding.

Figure 6 After the military takeover, to what degree did local banking services for cash transfer, withdrawal, and other services deteriorate?

AFTER THE MILITARY TAKEOVER, WHAT WILL BE THE SCALE OF DIFFICULTIES IN USING LOCAL BANKING SERVICES FOR YOUR CASH TRANSFER, WITHDRAW, AND OTHER BANKING SERVICES?



CSO activities: At present, CSOs in surveyed locations are performing project activities using a low-profile approach. Some organizations had closed their offices and relocated to safe locations. The SAC mainly targets CSOs which work on human rights or politically sensitive issues, rather than CSOs solely providing humanitarian services. However, CSOs are not completely safe regardless of their focus. Sometimes, it is highly risky for staff from humanitarian organizations to carry out activities in the

field. CSO leaders or well-known activists for rights-based issues in surveyed locations were often arrested by the military or had to flee to safer zones. Some respondents felt insecure participating in interviews during the field data collection process, concerned about possible consequences after providing their insights.

Additionally, in the post-coup era, CSOs have divided into those engaging with SAC and those refusing to engage, resulting in polarization in the sector. One exception to this divide exists in Mon state, where the local political context and retrospective experience of the power centralization of the civilian government (NLD) has made coup resistance less important than local issues and a desire to end prolonged armed conflicts. Nonetheless, some Mon CSOs have lobbied and conducted awareness-raising activities against the coup. That said, it is not considered serious on the same level in Mon if local CSOs coordinate with and apply for registration from GAD for smooth project implementation.

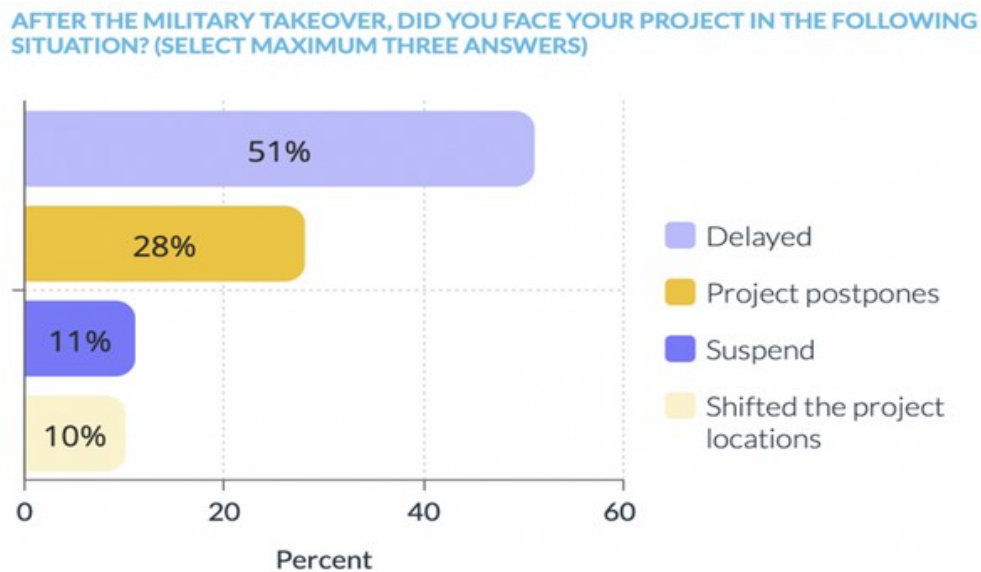
Trust issues among CSOs vary from region to region in Hpa-an, Yangon, and Mandalay. In Yangon, the major activities of CSOs are mostly implemented in other states and regions reaching a wide range of geographical areas.

In general, CSOs in Mandalay appear more sensitive to political values and are more seriously involved in coup resistance movements. As noted, the earliest statement against the military coup was first released collectively by CSOs in Mandalay. Mandalay CSOs are generally quite strong and well organized with effective networking and coordination.

In Hpa-an and Lashio, CSOs tend to focus more on humanitarian service provision for conflict-affected populations. Due to severe armed conflicts, local community members have become vulnerable and need emergency assistance. Considering the need to provide humanitarian aid in these areas, CSOs have chosen to self-limit their project operations and avoid politically sensitive issues.

CSO operations in a new paradigm: The shift in CSO activities can be categorized into the following groups - suspension, adaptation, and change. Due to various SAC restrictions, 79% of CSOs said that their project activities were either delayed or postponed.

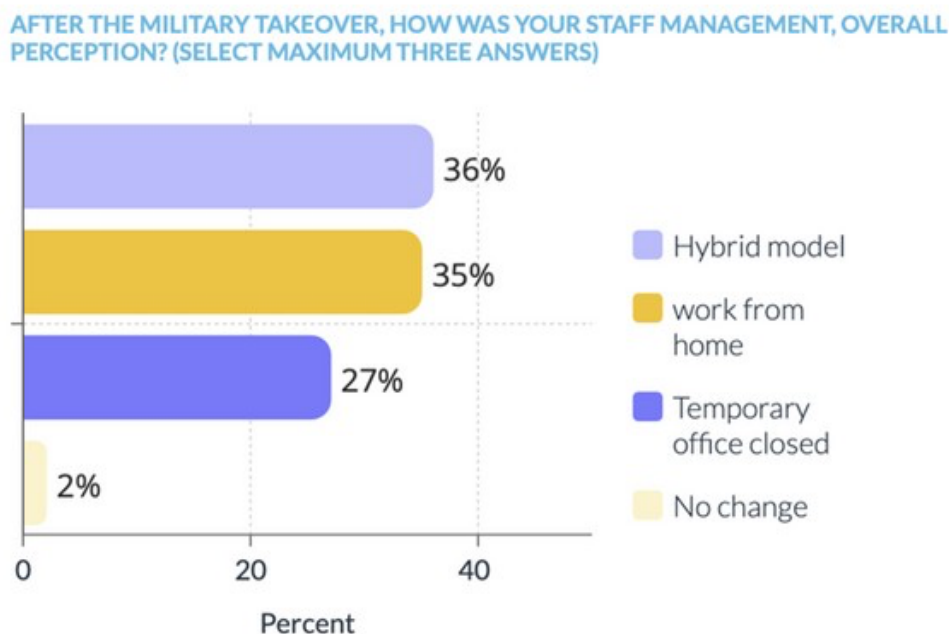
Figure 7 After the military takeover, did your project face the following situations? (Select a maximum of three answers)



Moreover, according to a local CSO in Mandalay, “CSOs encountered financial instability in paying staff salaries and continuing their activities”. As a result, some CSOs had to shift to profit-oriented activities (e.g., community and youth leadership trainings) to fill the financial gaps, while employees also could not always be retained.

In the first and second waves of COVID - 19 (2020 and 2021) in Myanmar, the civilian government-imposed rules and restrictions to control the outbreaks such as lockdowns, stay-at-home and work-from-home, travel restrictions, and mass gatherings restrictions. Since then, organizations (including companies) were temporarily closed, transformed the working modality into work-from-home, and limiting project activities. New styles of working such as the hybrid model and work-from-home are being practiced by most CSOs. The responses of interviewees can be seen in the following figure: namely 36% of respondents reporting a hybrid model, 35% work from home, and 27% temporary office closure.

Figure 8 After the military takeover, how did your working method change? (Select a maximum of three answers)



In the post-coup era, the “work from home” model has mostly been used by CSOs to avoid crackdowns by the SAC. For those needing to work in offices, it was necessary to try to arrange the workplace to be more secure and store data and project information in secure places. These CSOs attempted to minimize paperwork (hard copies) while encouraging staff, partners and funding agencies to do everything online (soft copies). CSOs avoided visibility around funding sources and organization names in conducting training and public awareness campaigns.

Box 2 When can I go home?

Aung (pseudonymous) is a member of a Mandalay-based organization called “TRY”. TRY plays a crucial role in promoting human rights, gender, pluralism, and HIV in the Mandalay region.

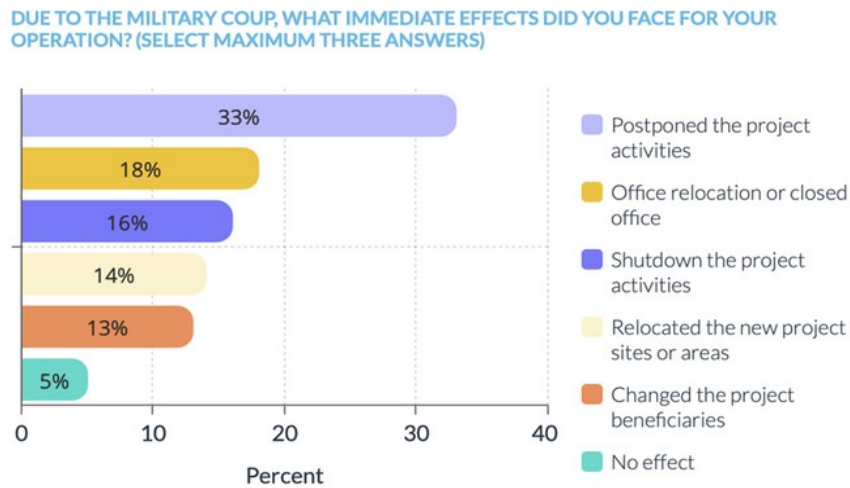
Prior to the coup, the civilian government and TRY worked together effectively. During that time, Aung participated on the frontlines of Covid- 19 response activities, noting “it was effective to work on Covid-19 response activities with the civilian government. They were supportive, collaborative, and appreciative”.

Everything changed completely after the coup, with TRY employees subject to detainment and arrest. According to Aung, “once I found out that one of my coworkers was arrested during his travel, I became aware that I could also be arrested at any time. I was chased by the junta shortly after the detainment of my colleague. I did not commit any crimes so I have no idea why they wanted to put me in jail. I had to abandon my family and flee to EAO-controlled areas. Days were longer and duller thinking of my family members who were left in dangerous and fearful places”.

Now Aung notes, “although I miss my family and desperately wish to return home, I just know that it is impossible. I wonder how long it will take to have a normal life like in the past”. Although safer in the EAO-controlled areas, life is still difficult, with insufficient supplies of food, medicine, and hygiene materials. Nevertheless, Aung tries to make the best of the situation and continues to help others, taking initiative to connect with donors and apply for grants. At present, he has received a grant and is implementing a project to address humanitarian needs.

In this survey, 33% of CSO respondents said that they postponed project activities, while 18% said they closed the office or relocated to a new location. 16% stopped project activities altogether.

Figure 9 Due to the military coup, what immediate effects did your operation face? (Select a

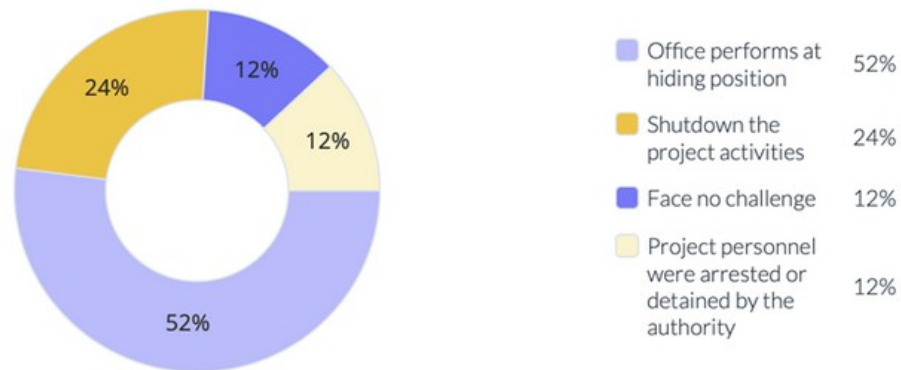


maximum of three answers)

The following information reflects and supports the above findings. In the post-coup context, 52% of total CSO respondents stated that the main challenge for CSO operations was implementing project activities while maintaining a low-profile or being in hiding. A few CSO leaders are performing and managing project activities from EAO-controlled areas or other countries. Visibility and operational methods vary from project to project based on sensitivity level. Policy-related advocacy has had to shift to public advocacy, with the new target group the public. The halting of project activities was the second-largest challenge noted by 24% of total participants.

Figure 10 After the military seized power, what were the key challenges to project operations? (Select

AFTER THE MILITARY SEIZED POWER, WHAT WERE THE FOLLOWING KEY CHALLENGES IN THE PROJECT OPERATION YOU FACED? (SELECT MAXIMUM THREE ANSWERS)



a maximum of three answers)

In addition, CSO human resource management was also negatively affected. Nearly one-third of respondents (35%) are working from home as a result of the coup. Slightly less than one-third of respondents (27%) note that “work from home” leads to diminishing staff productivity and performance.

Meanwhile, funding flows and donor strategy have somewhat changed during this crisis. CSOs in Thailand-Myanmar border areas receive higher interest from the international community than local CSOs in country.

HOW HAS THE MILITARY SEIZURE OF POWER AFFECTED YOUR ORGANIZATION'S HUMAN RESOURCE MANAGEMENT? (SELECT MAXIMUM THREE ANSWERS)

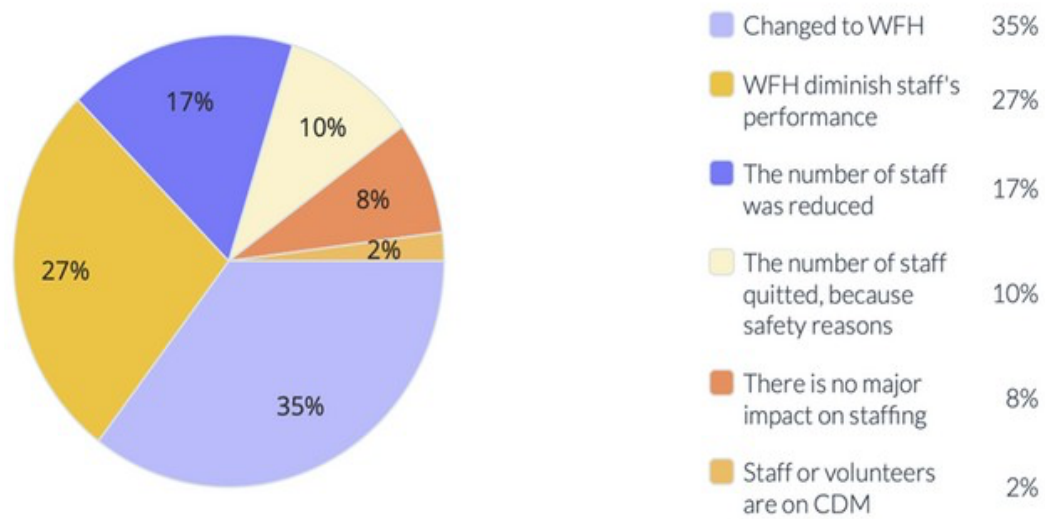


Figure 11 How has the military seizure of power affected your organization's human resource management? (Select a maximum of three answers)

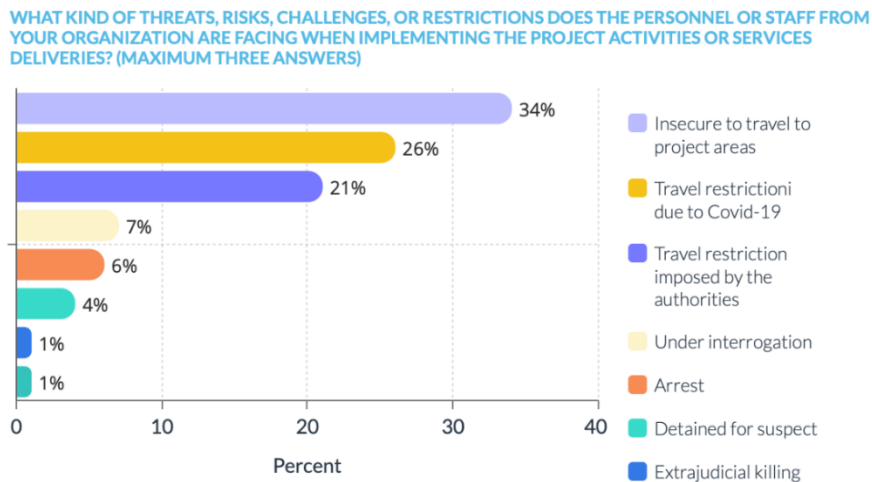
In studied locations, the shrinkage in number of CSOs has become evident. A CSO respondent from Hlaingbwe township in Kayin state said that the numbers of CSOs (including Community Based Organizations (CBOs), self-help groups, and philanthropic associations) had dwindled due to intensifying safety and security risks and funding challenges. Only a few CBOs could survive but were continuing work under various security threats.

In Kayin and Mon states, a few CSOs and NGOs relocated to the Thailand-Myanmar border areas and restarted project operations there. CSOs from the border areas are generally well-organized and established. Those that originated in border areas found ways to handle external and internal challenges to the organization and maintain its sustainability, even if they had expanded their operations to other parts of Myanmar and then had to relocate back to the border. On the other hand, locally grown CSOs in Mon and Kyan states had less resilience than those in the border areas, and faced existential challenges as a result of the coup.

In terms of project operation, 34% of CSOs said that they felt insecure travelling to project areas, while 26% reported that travel restrictions imposed due to the Covid-

19 pandemic were obstacles to project implementation. 21% of CSOs additionally said that local authorities had restricted travel to project sites.

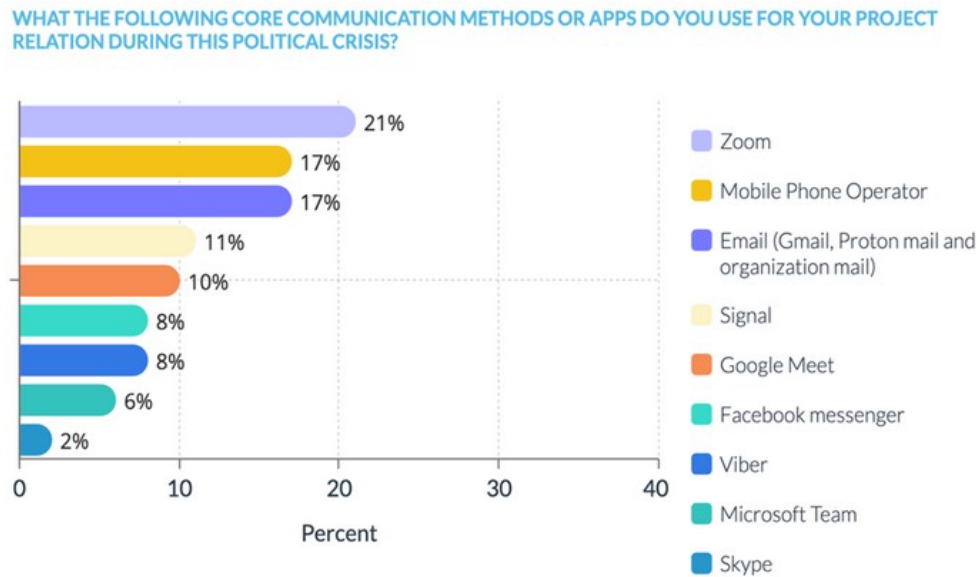
Figure 12 What kind of threats, risks, challenges, or restrictions does the personnel or staff from your organization face when implementing project activities or service deliveries? (Select a maximum of three answers)



Communication concerns: In the current context, CSOs have calculated the potential consequences to their free expression, and consequently self-censor themselves in the dissemination of information both in project communications and in their individual social lives. CSOs have attempted to create safe communication channels by using more secure communication platforms. According to the survey findings, 21% of respondents regularly use the Zoom platform for their project management and communication, more than other major communication methods.

The following table shows the respondent’s significant use of communication platforms.

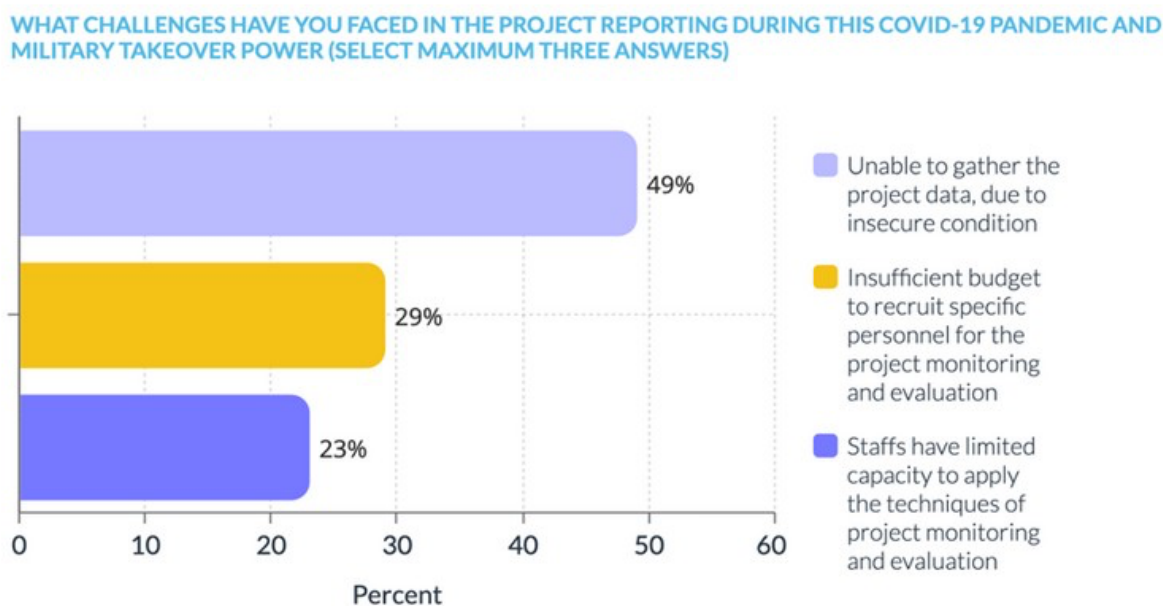
Figure 13 What following core communication methods or Apps do you use for project relations during this political crisis?



The next-largest group (17%) of respondents said that they use email methods (Gmail, Proton Mail, and organizational mail) most frequently, while another 17% said that they use mobile phone operators (such as MPT, Telenor or Ooredoo, etc.). These survey findings confirm that CSOs are sensitive to possible communication-related threats. For instance, CSOs who performed activities under the surveillance of local authorities reported experiencing interception of their communications by SAC.

In implementing donor-funded projects, CSOs have to submit reports to funding agencies. In the post-coup environment, 49% of surveyed CSOs responded that they are unable to gather project data due to security risks in the field. Additionally, surveyed CSOs had limited capacity in project management: 29% said they could not afford to hire a technical person for monitoring and evaluation, while 23% said staff had limited capacity in project monitoring and evaluation.

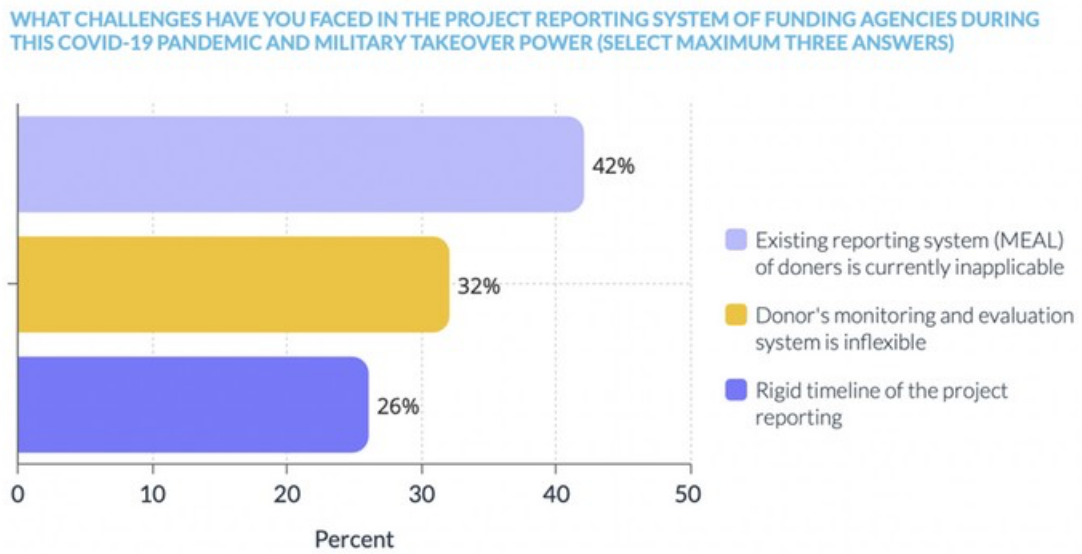
Figure 14 What challenges have you faced in project reporting during the Covid-19 pandemic and military takeover? (Select a maximum of three answers)



This study observed other operational difficulties CSOs faced in this period, including grant management. Local CBOs and CSOs had to struggle and take risks to collect required project data and information. For some CSOs in certain areas, obtaining evidence of project activity implementation, such as photos, videos, and signatures of beneficiaries, was impossible. CSOs suggested that information and data requirements for project or grant management need to be more flexible. 42% of surveyed CSOs said that it is often difficult to comply with existing due diligence and M&E system requirements of funding agencies.

These requirements do not align with the realities faced by CSOs working in conflict-affected areas, particularly in Northern Shan State and some parts of Kayin State. CSOs from these areas struggle with life-threatening situations. 26% of surveyed CSOs said that grant management such as project reporting timelines of funding agencies is too rigid. In addition, it is vital to consider security factors and the safety-first agenda for project implementation.

Figure 15 What challenges have you faced in project reporting systems of funding agencies during the Covid-19 pandemic and military takeover of power? (Select a maximum of three answers)



Box 3 CSOs in Mon State

The majority of CSOs readjusted their focus areas to be politically neutral and continue to provide services for the people in Mon state. Remarkably, a CSO leader in Mon state noted that “this political crisis is nothing but a playground for two teams namely NLD and USDP. To be exact, it is a battle of Burmese politics”. Other civilians and political party members in Mon state appear to agree with that depiction.

CSO SUSTAINABILITY

The sustainability of CSOs in Myanmar is unclear and unpredictable. Funding flows have generally shifted to border-based organizations due to chaotic local banking systems.

The 2010 to 2020 period saw the strengthening of Myanmar civic space, when CSOs were institutionalized with the assistance of the international community under the quasi-civilian and civilian governments. However, a decade was not long enough to sufficiently institutionalize all CSOs. Many Myanmar CSOs have vast capacity constraints around obtaining funding and resources, as well as around organizational management and leadership. This seems to largely be the case for CSOs in Lashio, Mawlamyine, and Hpa-an, while CSOs in Kayin and Mon State seem to have a more structural capacity. In late 2012, Thailand-Myanmar border-based CSOs were able to return to Mon and Kayin states and contributed considerably to fostering CSO capacity, coordination, and networking in these states.

Owing to the geographical setting and present context, CSOs in Lashio had to readjust programs and projects to better serve IDP camps. Some redirected focus from policy or legal reform (stakeholder engagement) to non-political issues or actions (e.g. capacity-building training for small-holder farmers, livelihood programs, and vocational training). Many CSOs and CBOs in Lashio could easily switch their scope to service provision since much international aid is available due to the local situation. Civil society's comprehensive understanding of situations at the ground level plays a vital role in the provision of humanitarian and emergency relief support to hard-to-reach areas which international humanitarian actors have difficulty reaching. CSOs in Yangon have projects which are largely being implemented in other States and regions since they aim to cover a wide range of beneficiaries all across the country.

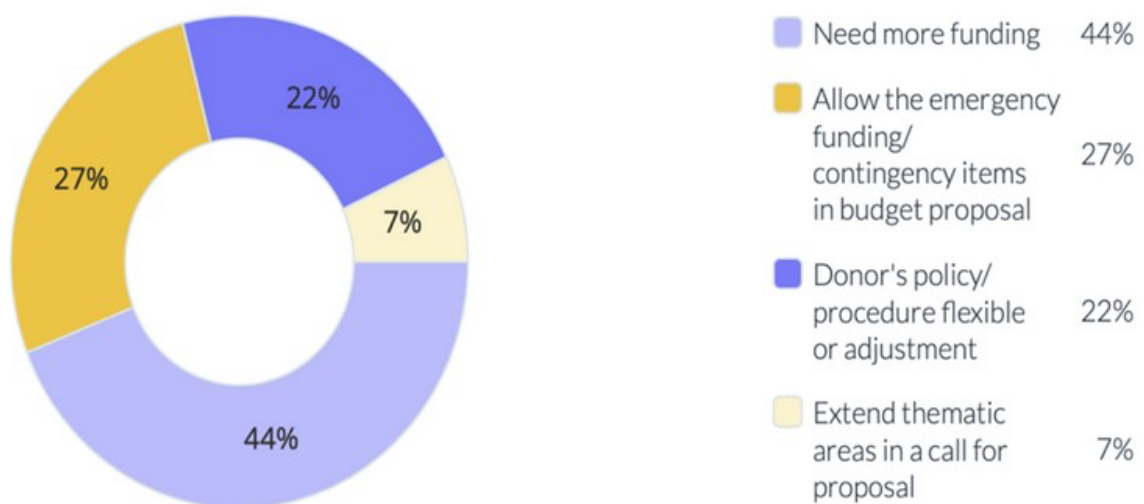
Organizations working for policy influence and advocacy have shifted their target to the public, NUG, and NUCC instead of the SAC. Some of them are providing various online trainings related to civic education, research, federalism, environment, and youth development to enhance organizational capacity and also to raise public awareness.

CSOs in Yangon still retain an immense opportunity to access international funding. This constitutes an advantage for coordination and networking, in

comparison with CSOs in other areas. CSOs in Mandalay have close networking and coordinating relations with the government and local authorities. 44% of surveyed CSOs say they need more funding to sustain their organization and momentum to be able to support affected communities. 27% said funding agencies need to allow emergency or contingency funding in budget proposals, including flexible funding to respond to emergencies. On the other hand, funding agencies need to consider the balance of flexibility and project accountability between grantees and funding organizations. 22% of surveyed organizations pointed out that donors' policies and procedures need to be flexible especially during the current crisis.

Figure 16 Financial resources: What kind of support does your organization need from international

FINANCIAL RESOURCES: WHAT KIND OF SUPPORT DOES YOUR ORGANIZATION NEED FROM INTERNATIONAL ORGANIZATIONS, UNDER THIS CHALLENGING SITUATION?

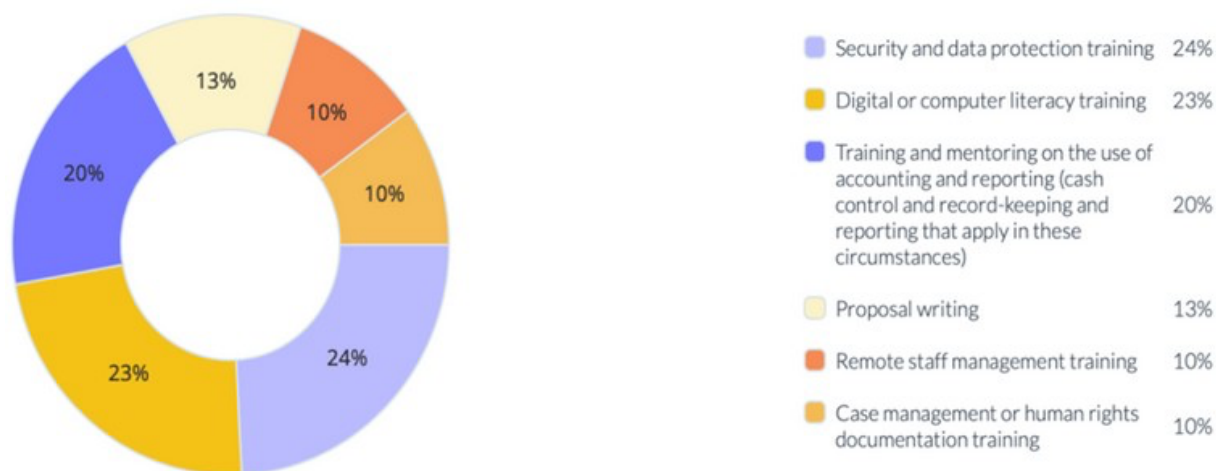


organizations (including funding agencies)?

Furthermore, CSOs in this study identified needs to be supported by the international community, especially with respect to financial support and capacity building. 22% of CSOs said they need training on digital security. 21% said they need digital or computer literacy training and an additional 18% pointed out the need for training and mentoring on project management.

Figure 17 Capacity building: What kind of support does your organization need from international organizations (including funding agencies)?

CAPACITY BUILDING: WHAT KIND OF SUPPORT DOES YOUR ORGANIZATION NEED FROM INTERNATIONAL ORGANIZATIONS, UNDER THIS CHALLENGING SITUATION?



AUTHORITARIAN LEGISLATION

Since the beginning of the coup, the junta has amended several laws to oppress civilians, including human rights defenders and civil society groups. In the first week of February 2021, to counter strong nationwide strikes and protests against the coup, the State Administration Council (SAC) banned the gathering of more than five people in public spots, disrupted peaceful protests and public rallies, and imposed overnight curfews (Lynn, 2021). SAC also amended the Penal Code 1860 (s124A) to officially criminalize anti-government protests with imprisonment of 20 years (The Law Society, 2021) – and suspended sections of the laws that protected the privacy and security of citizens. These rights revocations allowed police and local authorities to arbitrarily search residences without a court order – and to investigate, interrogate, and detain citizens for more than 24 hours.

Moreover, to limit the freedom of expression of whoever criticized the military coup, SAC inserted a new provision of the penal code, Section 505(A), allowing for

sentences up to 3 years for publishing or circulating comments that cause fear or spread false news inciting public disorder (Htun, 2021). Hundreds of activists including prominent anti-coup leaders and celebrities have been arrested without a warrant under 505(A) since its adoption on 16 February 2021. SAC also amended the Ward or Village Tract administration law, specifically section 17, subsequently requiring all overnight guests from different wards or villages to report to local authorities.

SAC also amended the Electronic Transaction Law so that it could be used to prosecute whistleblowers, investigative journalists, and activists who use leaked material for their reporting work (Human Rights Watch, 2021).

If they chose to refuse the military's rules and regulations, CSOs would risk arbitrary arrest (Pandita, 2021). On 31 August 2021, at least 101 members of CSOs were in detention, with five sentenced to at least two years in prison. CSOs actors are further concerned that the junta might restrictively amend the Association Registration Law to require CSOs to register their activities and financial reporting under the authorities.

Legal repression: In addition to new legal measures and amendments to repress civic space, aid workers, media workers, and human rights defenders have been targeted under existing oppressive legislation and amended policies alike. For instance, the junta has used the amended Protecting the Privacy and Security of Citizens (2017) law to target those criticizing the coup and the military. The previously amended Electronic Transactions Law has been used to prevent the free flow of information and criminalize the dissemination of information through cyberspace, including expressions critical of the coup and junta. Additionally, paralegals have been restricted from providing legal awareness and assistance through an amendment to legal aid provisions, further reducing access to justice for the Myanmar people, especially in the military tribunal system established by the junta, which has sentenced civilian detainees in over 300 cases (ICJ, 2022).

To repress media, SAC reinstated the use of article 17(1) of the Unlawful Associations Act. Article 17(1) remains a key restriction on media organizations and journalists. Section 505(A) of the Myanmar Penal Code is another common tool used by SAC to oppress media actors. In particular, the junta's amendment of 505(A) made

comments that “cause fear” or spread “false news” punishable by three years in prison (RSF, 2021).

In addition to the use of the existing legal framework to oppress pro-democracy activists, the junta has also disregarded international human rights law and treaties Myanmar has ratified, such as the “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)”, the “International Covenant on Economic, Social and Cultural Rights (ICESCR)”, the “Convention on the Rights of the Child (CRC)” and the “Convention on the Rights of Persons with Disabilities (CRPD)” (ICJ, 2022).

Overall, the military junta has used unjust legislation to criminalize CSO actors, media workers, and pro-democracy activists. The junta disregarded protective, enabling elements of national legislation, as well as international human rights treaties writ large. The phrase, “in accordance with the law,” is often used by military leaders to justify this illegal coup (Htun, 2021) and oppression. However, rather than rule of law, our research indicates that the junta has repeatedly weaponized law to suppress the people.

FREEDOM OF ASSOCIATION, ASSEMBLY, AND EXPRESSION

Role of media: Following some improvements in press freedom since 2012 (Tun, 2012), the current crisis has had a devastating impact on the media. The military junta accuses the media of fueling protests and obstructing the junta's work. Media personnel and journalists have often been attacked and targeted by security personnel (Ebbighausen, 2021). SAC has further attempted to restrict free press by policing online publications, social media, Facebook, Twitter, and other apps and platforms. Many independent media organizations and journalists such as Democratic Voice of Burma (DVB), Myanmar Now, Mizzima, and The Irrawaddy, were blacklisted by SAC and are now working in exile or have gone underground. In spring 2021, the military junta also stripped media licenses from DVB, Khit Thit Media, Mizzima, Myanmar Now, and 7 Day and subsequently banned Kachin State-based 74 Media and Shan State-based Tachilek News Agency (HRW, 2021). Nonetheless, a few select media organizations who cooperate with the SAC have been able to continue media activities inside the country, including Eleven Media, Popular News, and Neo Politics News-MM.

Soe Naing, a photojournalist was arrested while taking photos during a nationwide silent strike downtown in Yangon on 10 Dec 2021. He was then sent to a military interrogation centre. One week later, his family was informed that Soe Naing had died at the hospital in Yangon's Mingaladon township (Mizzima, 2021).

Myin Nyo, a correspondent for Democratic Voice of Burma (DVB), was severely beaten and arrested by the police while he was covering the anti-military protests in Pyay (a township in the Bago region) on 3 March 2021. He was convicted under Article 505(A) of the revised penal code and sentenced to 3 years in prison by a military tribunal (Myanmar Now, 2021).

SAC has not only targeted local journalists but also foreign journalists. Danny Fenster was arrested at the Yangon International Airport on 24 May 2021, on his way back to the US and charged by the military council with violating Section 505(A) of the Penal Code for incitement, with an additional charge of violating Section 17(1) of the Unlawful Associations Act (Myanmar Now, 2021). Various media reported that the military junta has arbitrarily arrested more than 100 journalists since 1 February 2021 (Myanmar Now, 2021). A 20-year-old female video journalist, Lway M Phaung, was arrested in September 2021, from her home in Lashio, Northern Shan State. She had worked for Shwe Phee Myay News Agency based in Northeastern Myanmar. In April 2022, she was charged with 505(A) for two years in prison by the court in the Lashio prison (Shwe Phee Myay, 2022). According to Reporters Without Borders, 67 journalists are in prison and 2 journalists were killed by the junta in 2021, with 2 more journalists killed by the junta in 2022—Myanmar has become one of the world's biggest jailers of journalists, second only to China (RSF, 2021).

Access to information: There are limited services to access authentic information from reliable media. As SAC has full control over public data and most information channels, access to information has been negatively impacted.

As for individual public life, free speech on social media - primarily Facebook and Twitter – is no longer possible amidst the SAC crackdown on mobile phones and computers. SAC banned the use of Facebook and Twitter in early February 2021 (Anuradha Rao and Archana Atmakuri, 2021). To access social media networks, Virtual Private Networks (VPN) are being used, but SAC has also cracked down on users of VPNs, including through enforcement of draft provisions of the revived Cybersecurity Bill (Access Now, 2022).

Moreover, if security forces find any information and footage of photos and video related to anti-military sentiments on mobile phones or other electronic devices, the owners of the devices can be arrested and detained.

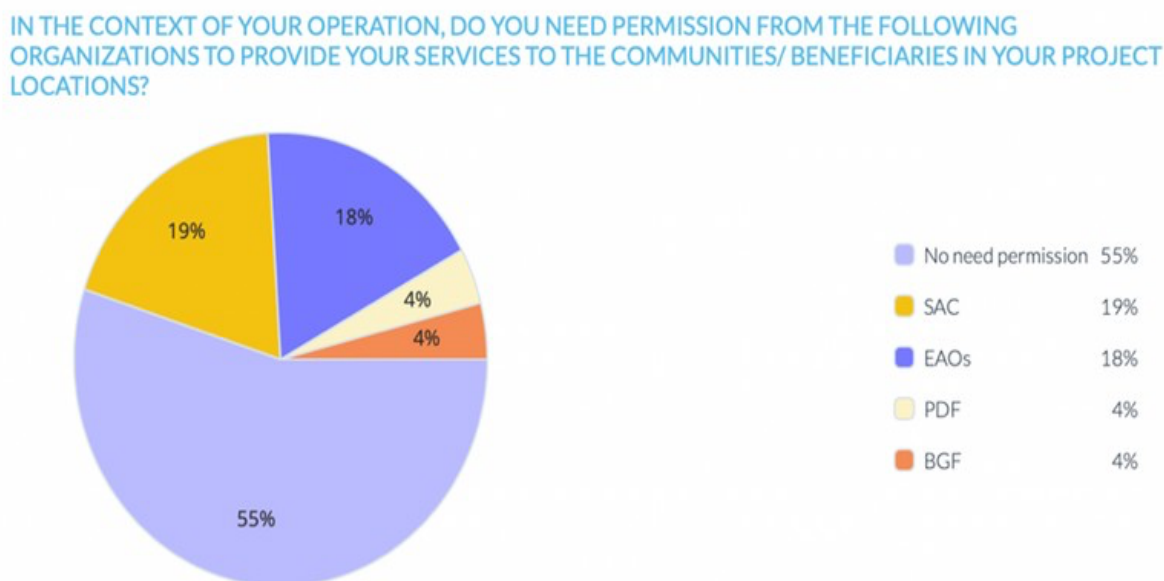
ADVOCACY SHIFT

In the post-coup era, CSOs suspended almost all advocacy activities with de facto authorities at all levels. Instead, they largely shifted activities to the National Unity Government (NUG), National Unity

Consultative Council (NUCC), and Ethnic Resistance Organizations (EROs). CSOs have strongly advocated with these entities for the inclusion of women, religious leaders, and ethnic minority groups in policymaking. Ethnic-based CSOs agreed that now was the time to elevate the role of EROs in the anti-coup movement. Funding agencies and the international community should recognize and understand why CSO advocacy has shifted to the NUG, NUCC, and EROs. In this study, various respondents from all studied locations reported that SAC is not their advocacy target.

Survey results show that 32% of surveyed organizations answered that they had suspended their engagement with de facto authorities, while 26% implemented project activities with permission from de facto authorities. 19% of the surveyed organizations said that it is more difficult than before to meet with de facto authorities, and that the line of authority is unclear. As the resistance movement escalated, local authorities and public servants (non-CDM officials) were targeted by the local People's Defense Force. As a result, SAC officials have also performed duties with a low profile, making the line of authority (especially in the General Administration Department and in some locations, ward and township administrators) even more unclear.

Figure 18 In the context of your operation, do you need permission from the following organizations to provide your services to the communities or beneficiaries in your project location?



55% of CSOs stated that permission is not required for project activities. 19% need permission from SAC, 18% from EAOs, 4% from PDFs, and 4% from Border Guard Forces (BGF). Among CSOs which need permission from EAOs are CSOs located in Kayin, Yangon, Lashio, and Mon State.

Furthermore, cross-tabulated results show that these organizations substantially delivered support for IDPs and also conducted awareness-raising on conflict reduction, environmental protection, women and child protection, and CSO network strengthening. In conclusion, advocacy-related activities require a low profile and need to target different levels of authorities associated with the SAC, EAOs, PDF, and BGF. Therefore, it is complex and risky to focus on advocacy in the current situation.

RECOMMENDATIONS

To sustain civil society development and its critical role, CSOs and the international community need to develop further adaptive strategies to survive under the repressive conditions of the current regime. This study's results may be useful in understanding the present CSO landscape and generating responsive actions for CSO sustainability and resiliency on a short and long-term basis.

Civil Society Organizations

Sustain CSOs' strategic objectives and civic values: CSOs should continue to uphold their strategic objectives and civic values, amplify the voices of grassroots communities and fight for the restoration of civic space.

Promote accountability and human rights: CSOs should continue to jointly advocate for the restoration of a just society and fight together to strengthen the fundamental principles and values underpinning civil society, including accountability, transparency and freedom from oppression.

Connecting with the international community: As CSOs continue to experience shrinking civic space in Myanmar, the collective voices of CSOs and affected communities must be brought to the international community to seek support and solidarity.

Humanitarian response: As the entire country faces an unprecedented humanitarian crisis, CSOs must continue to persevere – even amidst widespread crackdowns, arrests, detentions, and bodily threats by de facto authorities – and provide humanitarian support services, especially in Sagaing, Magway, Chin, Shan, Kachin, and Kayin.

Scale up digital security skills: CSOs have been relying on the use of digital and internet technology since the onset of the Covid-19 pandemic in 2020 and much more so after the military coup as many CSOs and humanitarian workers went into hiding

or exile. Therefore, CSOs must be protected and empowered with digital security skills to continue to work remotely.

Alternative advocacy strategy: As many CSOs are not engaging with de facto authorities, advocacy strategies should continue to target newly emerging administrative bodies such as the National Unity Government (NUG), National Unity Consultative Council (NUCC), and Ethnic Resistance Organizations (EROs).

Funding Agencies and the International Community

Continuous Funding Support: As funding is vital to the strengthening and sustainability of CSOs, donors and the international community should continue to provide funding, preferably directly to local CSOs.

Flexibility in due diligence: As many local CSOs work without guaranteed protection, obtaining evidence and documentation for services provided remains a challenge during the prolonged humanitarian crisis. Therefore, it is recommended that funding agencies allow flexibility in due diligence requirements.

Listen to CSO voices: As CSOs represent various community members and constituencies, CSOs tend to understand the local context and reflect the needs and concerns of communities. CSO closeness to communities also creates trust, allowing for more effective project implementation at the ground level and active participation of the community members. The international community and donors should always consult local CSOs and listen to their voices in designing programs, and also ensure these programs are locally led wherever possible and be aware of these factors in providing grants to CSOs.

Longer-term support for CSOs: Many CSOs indicated that support for CSOs should be on a long-term basis rather than implementing short-term projects. The international community and donors should provide funding support for long-term development programs, not only for more immediate humanitarian response.

CONCLUSION

This study explored the challenges and constraints facing CSOs working in the oppressive post-coup environment. Despite major challenges, CSOs played a key role not only in emergency response, but in actively resisting military rule and continuing to promote democratization and achievement of federal democracy. Although civic space has shrunk and leaders face arrest, detention, torture, and even death, CSOs are still involved in the movement to restore democracy.

The study also found that CSOs' freedom of expression and association were impacted by the military coup. CSOs faced multiple obstacles when externally engaging with funding agencies, including rigid grant policies and procedures, and general inflexibility. Except for some CSOs in Yangon, CSOs in other areas faced high risks in sustainability and had to struggle to survive.

Frequent revision of laws and policies by de facto authorities also resulted in further shrinking space, wherein CSOs working on sensitive issues had to lay low to avoid crackdowns by the military. Ongoing polarization around CSOs cooperating with the SAC and those refusing to engage has further threatened unity and strength of the sector.

While the challenges facing Myanmar civil society remain immense, CSOs' adaptability and persistence during the enormous difficulties posed by both the coup and the pandemic speak to the testament of the strength of the Myanmar people and their associations. With suitable support and solidarity from the international community, CSOs in Myanmar may continue their important work in a more effective and sustainable manner.

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