

# ASSESSMENT OF MYANMAR CIVIC SPACE:

## Changes, Challenges, and Impacts

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### Introduction

Two and a half years since the military's February 2021 coup, civic space in Myanmar continues to contract as the civil conflict deepens. This civil society assessment, conducted in October 2023 by a cross-sectional working group of Myanmar civil society organizations (CSOs), builds upon initial evaluations in 2022 and spring 2023. It reports on the impact of significant shifts in Myanmar's policy towards CSOs during this period, particularly amendments to the 2014 Association Registration Law (ARL). The new Association or Organization Registration Law (ORL, October 2022) eliminated voluntary registration, imposed serious criminal penalties, and introduced onerous new restrictions and reporting requirements, altering the landscape for CSOs. The process to amend associated bylaws has unexpectedly stalled, creating additional confusion and barriers to free association for CSOs.

### SCOPE OF THE ASSESSMENT

This update explores the challenges and threats encountered by both registered and non-registered CSOs in the post-coup period. Additionally, it examines the impact of the amended ORL on the day-to-day operations and project implementation of CSOs, including potential obstacles and concerns raised by CSOs in response to changes in the non-profit regulatory regime.

### METHODOLOGY

The working group meticulously revised the study areas and questionnaires to align with the current context, drawing insights from previous assessments. Qualitative findings and interview testimonies have also been included to illustrate how CSOs have navigated threats and unjust measures imposed by the junta. The assessment incorporates adapted questions from Oxfam's Civic Space Monitoring Tool, tailored to suit the unique local context of Myanmar. The assessment focuses on five key aspects of civic space: regulatory frameworks, access to funding, administrative requirements and bureaucracy, potential obstacles related to the registration process under the amended ORL, and freedom of assembly and association.

By exploring these areas, the assessment endeavors to provide a comprehensive understanding of the evolving civic space in Myanmar in order to inform stakeholders, both locally and internationally, about the challenges faced by CSOs and the broader implications of recent policy changes.

# 1. Regulatory Framework

Unsurprisingly, the assessment data confirms that the current ORL is highly restrictive for civil society in Myanmar. Ongoing obstacles include registration status, funding flows, and restrictions on program activities. CSOs in different states and regions face different levels of threats, as documented below.

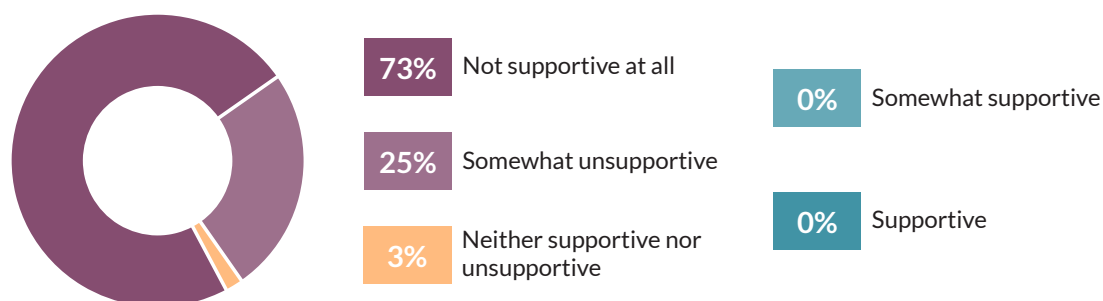
Interviewed civil society representatives expressed apprehension regarding the implementation of the Organization Registration Law (ORL) by the junta. Despite the regime's directive for CSOs to register their organizations in accordance with the amended ORL or face penalties, applications for registration have been rejected across all states and regions. Information on whether the regime is accepting and processing applications is unclear, even among CSOs within the same states and regions.

Irrespective of the size and scope of CSOs, the complex process of obtaining recommendations from relevant ministries poses a threat to the renewal or application of registration. The study data reveals that certain activities, especially those involving large gatherings such as trainings and workshops, are impossible to implement due to the mandatory registration requirement. This dilemma forces CSOs to operate in an atmosphere of fear and uncertainty about their safety nationwide, with variations in the degree of freedom depending on the state and region.

CSOs are also aware of the severe penalties in the amended ORL. Many fear that local de facto authorities might exploit the ORL and other laws to impose even harsher punishments, potentially leading to extrajudicial measures against CSOs who are disliked by the authorities. This has created a pervasive atmosphere of concern and caution within the CSO community. Local authorities have also prohibited implementation of activities in some cases, forbidding certain trainings and workshops from proceeding, or preventing CSOs from providing humanitarian assistances for natural disaster relief. In other cases, de facto authorities have allowed CSOs to work only in designated areas.

Figure 1

## How would you describe the regulatory framework?



## REGULATORY OBSTACLES

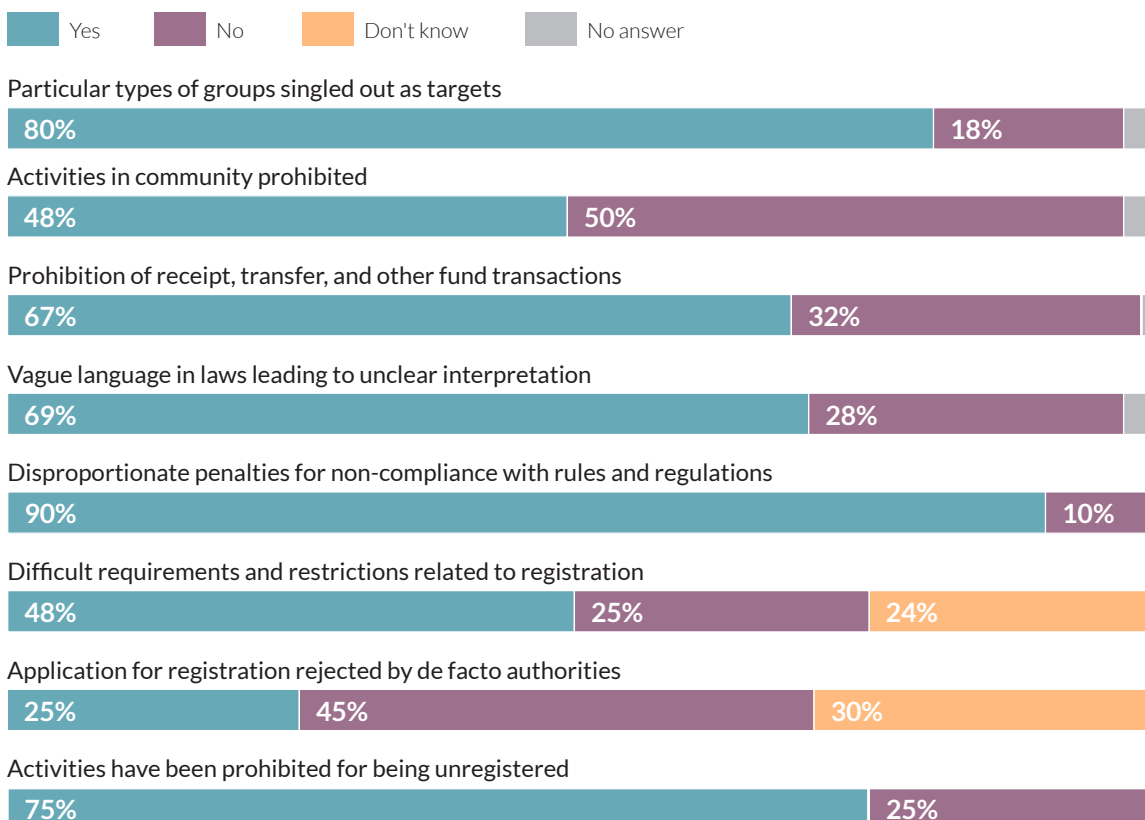
CSOs' ability to survive in the post-coup, post-ORL period has been sorely challenged. Most CSOs have terminated their human rights and advocacy-based programs, implementing humanitarian activities while keeping a low profile, or in some cases abolishing entire organizations.

Many CSOs expressed concern about the current regulations and practices with respect to the ORL. If they chose to register, they would face more restrictions and monitoring from the regime. Moreover, anti-junta forces could accuse and target them as traitors for affiliating with military actors. Conversely, if they chose not to register, the regime would nullify their status and confiscate their assets – or worse, they could be arrested and persecuted under the amended ORL.

According to the assessment data, 89% of the respondents claim that they are facing obstacles due to the disproportionate penalties imposed by the 2022 ORL. CSOs working in the areas of human rights, gender and women's rights are also being monitored or targeted by the regime, even though there is nothing explicitly forbidding these activities. These CSOs nevertheless have to conceal their work under the veil of charity and philanthropic programming, in order to avoid additional risk. 80% of the respondents state that CSOs working on politically sensitive issues, human rights, women's rights, and LGBTQ issues are being targeted and strictly monitored by the regime.

Figure 2

### Regulatory obstacles

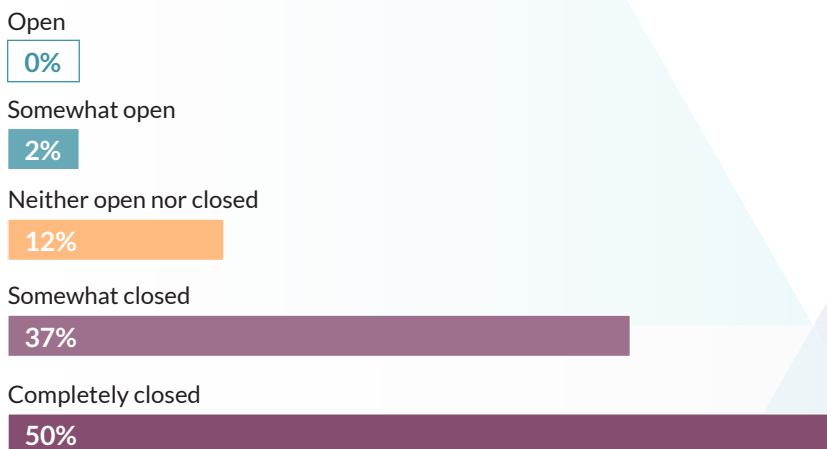


## 2. Access to Funding

Myanmar CSOs' access to funding is largely intertwined with their registration status, especially for organizations receiving international funding. All banking services are controlled by the Central Bank of Myanmar, which is under the regime's management. All banks will ask for a CSO's registration status when conducting banking services under the organization's name. Opening or using bank accounts under an organizational name is complicated and sometimes requires recommendation letters from state and regional administration departments and relevant State Administrative Council (SAC) ministries. Respondents note that as a result, they mostly rely on local funding, such as membership fees and small donations – but these often do not compare with their prior funding levels, resulting in a narrowing of their activities.

Figure 3

### How open is the funding environment?



The majority of CSOs face challenges accessing funding both domestically and internationally. Some CSOs respond that due to the nature of their work (e.g., human rights, LGBTQ issues, etc.) their registration applications have stalled or been rejected by the de facto authorities, resulting in greater difficulty accessing funding and banking services.

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Figure 4

## Access to funding

Are there funding mechanisms/practices that specifically favor or discriminate against certain organizations or focus areas?



Are there any major barriers to accessing and utilizing domestic or foreign funds?



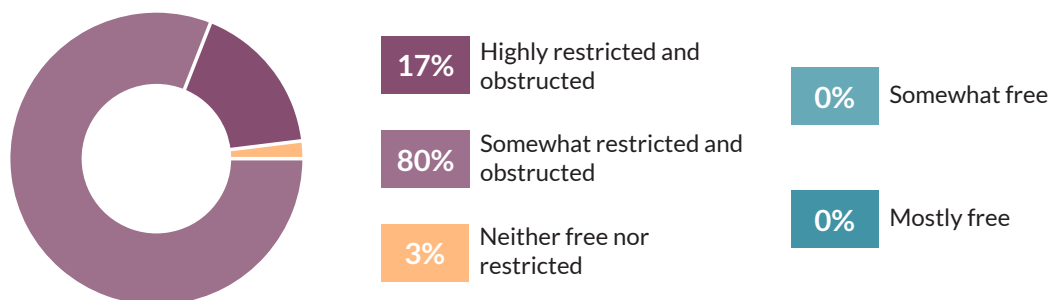
## 3. Administrative Requirements and Bureaucracy

The need to obtain continual permissions while being continuously monitored, surveilled, and questioned by security forces became the ‘new normal’ for CSOs under the regime. Local authorities would often interrupt civil society work in the community, demand bribes under the guise of ‘*donations*,’ and complicate CSO operations through complex procedures. According to survey data, some members of civil society were arrested for not getting the ‘appropriate’ authorizations from de facto authorities.

To mitigate such threats, CSOs have been implementing programs in a very low-profile fashion, avoiding activities which involve large gatherings of people, such as trainings and forums that would require advance permissions from authorities. In some conflict areas, the military has required local travel permissions to distribute humanitarian assistance for natural disaster relief programs; in others, the regime actually prohibits the provision of humanitarian assistance. According to survey data, local CSOs operating in areas under the influence of two different authorities (e.g. Ethnic Armed Organizations (EAOs) and the State Administrative Council) have more difficulties in carrying out their activities.

Figure 5

## Administrative and bureaucratic obstacles



OPERATIONAL OBSTACLES

92% of respondents state that they are being closely monitored and restricted via arbitrary investigations of their workplace, summons to local authority offices, threats, and on-site monitoring by junta-backed personnel. 58% note that they ended all activities related to human rights due to concerns for the safety of their members and staff. The majority of surveyed organizations (63%) state that they cannot operate their activities as before the coup.

Figure 6

Operational obstacles



4. Engaging in the Registration Process

Most CSOs remain troubled about the prospect of registration under the new ORL. While some CSOs are struggling with the application to renew their existing or expired registration, others continue their work with skeleton operations amid fear about the penalties imposed by the law. According to the assessment data, CSOs do not want to register under the junta’s regime; however, they are highly concerned about the security and safety of their community, organizations and members. Narrative data show that there are diverse opinions on whether organizations should register or not. CSOs are also generally worried that the junta will not stop at only the penalties imposed by the ORL but will use these as a launchpoint to enforce even harsher measures.

Figure 7

## Concerns regarding registering under the ORL

Yes No Don't know

Are you concerned about being forced to register under the newly amended registration law?

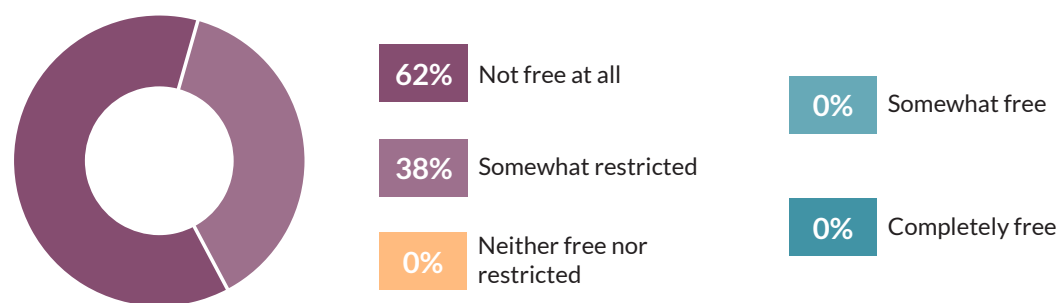


## 5. Freedom of Assembly and Association

All respondents agree that the freedoms of assembly and association have been severely curtailed under the junta's reign. The right to peaceful assembly and association is a far-fetched concept in the current context. Regulations prohibiting the gathering of five or more people and blocking access to funding have limited civil society, community, and individual rights to freedom of assembly and association. On the other hand, while the junta suppresses many CSOs, particularly those with any past involvement in rights work, other favored organizations receive special treatment to support pro-military campaigns.

Figure 8

## The environment for assembly and association rights



Despite the repressive environment and lack of human rights and freedoms under the junta, many CSOs continue surviving with minimal visibility and limited resources. Most CSOs responded that although there is very limited space to operate, they somehow are managing to nevertheless provide essential services for their community.

Figure 9

## Freedom of assembly and association

Yes No No answer

Are you able to peacefully strike and/or demonstrate?



Are there any restrictions limiting the freedom of assembly and association?





## 6. Qualitative Findings

The assessment also collected qualitative data to study the landscape of changes and adaptation after the coup. This summary provides a glimpse of civic space in Myanmar from the perspective of CSO representatives themselves.

### CHANGES AFTER THE COUP

Most CSOs and their members participated in anti-coup demonstrations and campaigns regardless of the nature of the organizations. Some CSOs faced more difficulties compared to others based on their geographical location, degree of members' participations in anti-coup campaigns, and history of their human rights-related work. These organizations were targeted by the junta and closely monitored by local authorities. Directly after the coup, CSOs saw the halting of their programs, some of which were terminated permanently later on. Even health-oriented CSOs providing services for the pandemic were unable to continue working on disease prevention and patient assistance as a result of the coup and martial law. General CSO survival became more desperate when the junta later imposed restrictions on banking services and financial transactions. As one organization noted:

Our work literally stopped after the coup. We already had a lot of problems with COVID-19, and the coup added fuel to the fire. We are now facing many challenges such as difficulty recruiting members, staff attrition, low morale, and the near disintegration of our organization. We have lost our way.

According to another respondent,

One of our members was arrested after the coup, interrogated and tortured while in detention. This also impacted our organization - we had to hide and keep a low profile until now.



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## REGULATORY ASPECTS

While many CSOs expressed concerns around mandatory registration under the new ORL, some do not view this as a threat to their organization's existence, despite the challenges the ORL poses. Whether they decided to register or renew their registration, the responses unanimously indicated that organizations would continue their work regardless. One organization explained:

We still have a valid registration and yet, we are keeping a low profile. Whenever we operate, we do it without showing our organization's image. Before the coup, it was different and we coordinated with the relevant department. However, now we are only working with community and youths at the local level.

## FINANCIAL AND OPERATIONAL ASPECTS

The status of registration greatly impacts access to financial and bank services and the viability of the organization's work. Banks typically ask for a valid (active) registration, especially for foreign currency transactions under the organization's name. Similarly, local authorities often prohibit CSO activities if the CSO does not have an active registration.

According to the study, CSOs have taken measures to overcome these financial barriers via individual bank accounts (personal and joint), or assistance from other partner organizations (local and/or international). As one CSO observed:

We have had to rely on the bank account of partner organizations. Sometimes, we use personal accounts of our members, but this has its limitations and can be dangerous.

Others noted that:

Some donors understand our situation and allow us to use personal accounts, but some do not. It's difficult to get funding in such dire situations.

Another unfortunately noted that "almost all of our activities were suspended due to the lack of access to funding."

Even with active registration status, it is very difficult for organizations to implement program activities under the current regime. Respondents re-emphasized that their mobility has been restricted by the authorities, especially in areas under partial control by ethnic armed groups. If CSOs want to operate outreach activities in some areas under their organization's name, they need travel authorizations from authorities, which are very difficult to obtain. Such an operating environment requires constant adaptation and vigilance. As another CSO representative stated,

Whether we have a valid registration or not, we must be vigilant and very cautious in building trust. Even in the community, we cannot know everything that is happening. Ironically-speaking, one silver lining of this situation is that we've had to innovate and improve some of our approaches.

## Conclusion

Myanmar CSOs well understand that they are treading in dangerous waters. Operating in 2023 Myanmar under an increasingly desperate military regime, as well as fragmented authorities in various states, civil society remains in the crosshairs of a dangerous, unstable political situation. Nevertheless, Myanmar civil society has adapted and managed to maintain operations, prioritizing service provision to communities, even at great risk. Such operation requires an extremely low profile, as almost all study respondents noted. It will be imperative for CSOs to continue to maintain low visibility to avoid attracting further attention and harassment from the junta and local authorities intent on interfering with civil society's existence. Regardless, the perseverance of Myanmar civil society continues to inspire, as do the resistance and resilience of the Myanmar people.



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