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[Home \(/\)](#) » [Resources \(/resources\)](#) » [Civic Freedom Monitor \(/resources/civic-freedom-monitor\)](#) » Myanmar (Burma)

Myanmar (Burma)

[Introduction](#) | [At a Glance](#) | [Key Indicators](#) | [International Rankings](#) | [Legal Snapshot](#) | [Legal Analysis](#) | [Reports and Assessments](#) | [News and Additional Resources](#)



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Update

The State Administrative Council (SAC) issued a Cyber Security Law in January 2025, after previous drafts were leaked in 2021 and 2022. The NGO, Human Rights Myanmar, has [stated](https://humanrightsmyanmar.org/myanmars-cyber-law-a-serious-threat-to-privacy-speech-and-security/) (<https://humanrightsmyanmar.org/myanmars-cyber-law-a-serious-threat-to-privacy-speech-and-security/>) that the broad scope of application of the new Cyber Security Law to security vendors is likely to include associations that provide digital security services, such as CSOs and NGOs training individuals in how to protect themselves and their devices. The law requires vendors that offer security services to get a license from an as yet unnamed regulatory ministry, and provides for sanctions including prison terms for those that operate without a license.

In December 2024, the SAC changed the minimum amount that associations needed to retain in their bank accounts from 100,000 Kyat (USD 50-100) to between 15 to 100 million Kyat (USD 3,400 to 23,000). The SAC also reportedly ordered associations to retain 70 per cent of their overall budget in a State-run bank account, expending only up to 30 percent on operating.

The military junta's restrictive Organization Registration Law has been in effect for over two years. The Law violates the freedom of association by mandating registration, enforcing criminal penalties, and severely restricting legitimate civil society activities. (For a more detailed assessment, please see (<mailto:see>) [ICNL's legal analysis](https://www.icnl.org/post/news/the-impact-of-counterterrorism-measures-in-myanmar) (<https://www.icnl.org/post/news/the-impact-of-counterterrorism-measures-in-myanmar>)). Myanmar remains a high-risk jurisdiction (aka 'blacklisted' country) for the Financial Action Task Force (FATF). The military junta continues to use multiple counterterrorism and sedition laws to imprison journalists and other members of civil society.

ICNL continues to monitor new regulatory developments affecting civic space in Myanmar. For more on Myanmar and past reports, please check out our [Myanmar page](https://www.icnl.org/our-work/myanmar) (<https://www.icnl.org/our-work/myanmar>) and/or contact asia@icnl.org (<mailto:asia@icnl.org>).

Introduction

Although the term "civil society" was introduced in Myanmar only in the mid-1990s, community-based and religious organizations have been active in the country for decades. Traditionally, community-based organizations were formed by young people in order to assist in religious and social events.

During the Burma Socialist Program Party (BSPP) era, which began in 1962, civic space shrank dramatically. Only government-initiated organizations could be established. Literary and cultural associations initiated by the BSPP in ethnic areas continued their activities after the 1988 pro-democracy uprisings, but some of them transformed into ethnic-based organizations, which continue to teach their own languages and implement social activities today.

In the early 1990s, UN agencies and international non-governmental organizations (NGOs) began playing an active role in Myanmar. With their support, local NGOs were established. Many of these local NGOs focused on service-providing activities, such as healthcare and health education services, HIV/AIDS prevention, child protection and micro-finance.

In 2008, Cyclone Nargis fueled the growth of civil society, as sympathizers from all over the country formed local organizations to conduct relief work, soon joined by international NGOs. Inevitably, some of these relief organizations were temporary and have shut down, but many others continued carrying out social work for people in need.

Following constitutional reform in 2008, the first general elections in 20 years were held in 2010, bringing military-turned-civilian President Thein Sein to power in 2011. During the Thein Sein administration, Myanmar embarked on a slow and uncertain transition toward greater openness, but with continuing restrictions on the exercise of the freedoms of assembly, association and expression. The most notable improvement to the legal operating space came with the enactment of the new Association Registration Law (ARL) in July 2014. With the enactment of the new law, the 1988 Association Act was repealed. The ARL marked a relative opening of civic space.

In April 2021, the Committee Representing Pyidaungsu Hluttaw (CRPH), created by ousted elected representatives at the 2020 general elections, established the National Unity Government (NUG), that claims to be the legitimate government of Myanmar. The SAC declared them as terrorist organizations.

Following a military coup in February 2021, ousted elected representatives established the Committee Representing Pyidaungsu Hluttaw (CRPH) and the National Unity Government (NUG), claiming to be the legitimate legislature and executive government of Myanmar. The military junta declared them as terrorist organizations.

The 2014 Association Registration Law was repealed in October 2022 with the enactment of the new Organization Registration Law (ORL) by the State Administrative Council (SAC). This law is mostly repressive and constrains operations for both domestic and international NGOs (see the Legal Analysis section below in this report for further details).

+ AT A GLANCE

+ KEY INDICATORS

+ INTERNATIONAL RANKINGS

+ LEGAL SNAPSHOT

— LEGAL ANALYSIS

Organizational Forms

The new Organization Registration Law now categorises international organizations and non-governmental international organizations. Under the ORL, “internal organization shall be defined as a non-governmental organization which was registered under this law, formed with five or more citizens in order to carry out social tasks without taking any benefit in accord with the entitlements mentioned in the Constitution for the sake of the State and the citizens” (2c). Similarly, a “non-governmental international organization shall be defined as the organization officially formed in any foreign country to open its branch in the country with at least 40 percent of Myanmar citizens in the executive committee which was registered at the Union Registration Board under this law in order to conduct any social task without taking benefit in the country” (2d). These definitions, contrary to the 2014 ARL, introduce a limitation of the organization’s activities to “social tasks,” thereby preventing anything considered to be political activities.

Public Benefit Status

Local NGOs are entitled to income tax exemptions; from the time of registration, an NGO can apply for an income tax exemption with the Ministry of Finance and Revenue. The law does not, however, recognize “public benefit” or “charitable” status.

Public Participation

There were various governmental initiatives and plans to benefit civic participation underway prior to 2020 (see for instance the Union government’s 12-point economic agenda and Framework for Economic and Social Reform), but they were largely initial announcements whose progress was interrupted by the COVID-19 pandemic and then the military coup in 2021. Ethnic minorities and political opponents have long been targets of the military regime, who have deployed extensive efforts to prevent their public participation at all costs particularly after the coup.

Myanmar’s decentralization process had given extended responsibility to subnational levels of governance, with increasing efforts to encourage public participation, especially at the Village Tract or Township level, such as through the Ward or Village Tract Administration Law, 2012. Budget development and resources allocations mechanisms were one of the areas where subnational governments had shown promise for encouraging and enabling public participation.

The relevant laws and regulations affecting public participation included:

- The 2013 State and Region Hluttaw Law allowed for public questions and submissions directly to MPs and for individuals to attend parliamentary sessions
- The 2012 Ward or Village Tract Administration Law introduced a “people-centered development approach” with the establishment of committees at township levels to collect and respond to public queries

The Myanmar government had also joined various initiatives aimed at increasing its transparency and participatory governance, such as:

- Extractive Industries Transparency Initiative (EITI)
- Open Budget Index (OBI)
- Open Government Partnership (OGP)
- Open Budget Survey (OBS)

In practice however, most subnational governance actors have refrained from operating with much autonomy, and governance still follows a very top down approach.

The 2021 military coup resulted in an extensive shift of the legal framework towards repression. A state of emergency was declared in February 2021, enabling surveillance, arbitrary arrests and detention. Following the coup, widespread intimidation and violence against the general population rendered any attempt at public participation life-threatening. Attempts at voicing dissent have been criminalized, especially through the amended Penal Code and Counter-Terrorism Law.

Public Awareness

Any attempt at raising awareness on these participation and consultation mechanisms has largely come from CSOs, including both domestic NGOs and INGOs engaged in human rights education activities. However, the government has not shown willingness to publicize the few existing mechanisms, potentially due to their scarcity, and alternatively because it would expose itself to criticism. For instance, the Open Hluttaw platform (<https://www.frontiermyanmar.net/en/open-hluttaw-launches-mobile-app-for-parliamentary-oversight/>), designed to monitor elected representatives, was a promising initiative, but was interrupted by the coup.

Marginalized Groups and Intimidation of Activists

The government has resorted extensively to restrictions on participation and the use of certain communication tools, and internet blackouts, to keep marginalized groups, especially ethnic minorities, from participating in public affairs. The 1982 Citizenship Law in effect rendered the vast majority of the Rohingya minority stateless, significantly limiting their civic freedoms, including participation. Myanmar’s governments have often prioritized a Buddhist nationalist agenda, at the expense of ethnic and religious minorities in the country. Most official communications are available in the Burmese language only. The few communications available in ethnic languages usually have an instrumental purpose. While LGBTI individuals were sometimes tolerated, especially in urban areas, during the 2011-2021 period, same-sex practices remained criminalized and the LGBTI community continued to be harassed. There is also no explicit legal protection to protect women against violence and discrimination.

Following the coup, the military junta reinstated limitations on domestic travels, with checkpoints, authorizations and curfews preventing access to many ethnic areas. The environmental movement in Myanmar has investigated and reported on land grabs, illegal natural resources exploitation, corruption, forced displacements and direct links between natural resources governance and illegal trafficking (of arms, drugs, and logging) remain highly sensitive issues in the country. Farmers and traditional landowners often face court cases by the military forces for trespassing or illegal occupation of land.

The Union Election Commission cancelled voting in some conflict-areas ahead of the 2020 general elections, preventing millions from electing their representatives. The democratic nature of the 2020 general elections was significantly undermined, as opposition candidates enjoyed limited access to official state-run media and (due to pandemic-related restrictions) on in-person campaigning. The military coup d’état in February 2021 was the ultimate denial not only of the general elections results, but also of public participation in the conduct of public affairs.

Overall, the legal framework in Myanmar is both outdated and used in a repressive spirit to curtail anti-regime and anti-military criticism and repress political opposition. In February 2021, the Penal Code and the Electronic Transactions Law were amended to criminalize anti-regime statements. They have been used to target activists, protesters and especially free media. VPNs were banned in March 2021 and blocked in May 2024, ensuring further surveillance of the population.

Barriers to Entry

Between 2021-2022, there were reports that the State Administrative Council (SAC) was planning a new association registration law for to replace the 2014 ARL, which created a relatively enabling CSO regulatory regime including voluntary registration. The Organization Registration Law (ORL) was enacted on October 28, 2022.

The new registration law follows the logic of the decentralized registration system implemented under the 2014 ARL, as registration bodies range from Union Registration Board, Region or State Registration Board, Union Territorial Registration Board, Self-Administered Division or Zone Registration Board or Township Registration Board (2e).

The new law establishes a mandatory registration system, while the 2014 ARL operated on a voluntary principle. Under the 2022 ORL, both domestic and international non-profit organizations now “shall, to obtain the registration certificate, apply for registration” (sections 7 and 17 respectively).

The law enacts:

1. Elimination of voluntary registration, and criminal penalties for non-registration;
2. Limitation of permissible CSO activities to social tasks (section 2c) , excluding political, economic, and religious issues (section 2g);
3. Complex and expensive registration system with additional bureaucratic layers and security checks at multiple levels of administration;
4. Possibility of registration suspension or termination based on vague accusations of “harming the State’s sovereign power, the prevalence of law and order, security and national unity” (section 25), without due process protections or the possibility of appeal;
5. Strict financial monitoring around foreign funding and control of CSO financial flows (section 28g); and
6. Periodic renewal of registration.

The ORL triples the registration fees from those under the ARL: previous fees set at MMK 100,000 (national level) and MMK 30,000 (regional level) have now increased to MMK 300,000 (national level) and MMK 100,000 (regional level) for domestic organizations and MMK 500,000 for international organizations. For applicants at the divisional and township levels, fees have now been reintroduced (between MMK 30,000 and MMK 50,000) where there were previously no fees.

Certain safeguards (e.g., a written explanation in case of denial, section 10) remain in place, yet the registration process remains complex. Potential barriers to the creation and registration of organizations could include:

- the deterring effect of navigating complex requirements;
- concerns about the consistency of implementation across the numerous registration committees;
- In case of rejection, the organization is only allowed to resubmit its application within 30 days. Past this deadline, any rejection is final (sections 11 and 16).
- Periodic renewal of registration:
- difficult renewal processes (such as extensive requirements to apply for extension of registration at least 90 days in advance) (section 14);
- The registration certificate is valid only for a limited time period and must be renewed every 5 years. (section 47)

The SAC also issued a new Political Parties Registration Law on January 26, 2023. The law gave 60 days from enactment to previously registered political parties (more than 90) to re-register, effectively dissolving many parties that were prevented or chose not to do so, including the National League for Democracy (NLD). To compete in general elections, parties will now have to demonstrate they have 100,000 members and pay a 100 million kyats deposit (1,000 members and 10 million kyats for state or regional elections), and they will need to be able to contest seats in at least half of the constituencies, making it very difficult for small ethnic parties to qualify. It prevents individuals and organizations that have been declared as unlawful or terrorist to join or register as political parties (section 4f). In effect, pro-democracy organizations such as the NUG, the CRPH have been declared terrorist organizations under the SAC. Under this new law, most ethnic political groups and political opponents will struggle to challenge the military proxy-party (USDP) at the next elections.

The SAC issued a Cyber Security Law in January 2025, after previous drafts were leaked in 2021 and 2022. The NGO, Human Rights Myanmar, has [stated](https://humanrightsmyanmar.org/myanmars-cyber-law-a-serious-threat-to-privacy-speech-and-security/) (<https://humanrightsmyanmar.org/myanmars-cyber-law-a-serious-threat-to-privacy-speech-and-security/>) that the broad scope of application of the new Cyber Security Law to security vendors is likely to include associations that provide digital security services, such as CSOs and NGOs training individuals in how to protect themselves and their devices. The law requires vendors that offer security services to get a license from an as yet unnamed regulatory ministry, and provides for sanctions including prison terms for those that operate without a license.

Barriers to Operational Activity

The transition period (2008 to February 2021) and the enactment of the 2014 Association Registration Law, had alleviated some of the harassment associations were subject to by governmental authorities. The enactment of the Organization Registration Law in October 2022 now ensures a restrictive approach to regulating non-governmental organizations, similar to the military and SAC’s harsh approach to civil society post-2021 coup.

The key barrier to operations is the introduction of a limitation of accepted activities to “social tasks” and the prohibition of any activities “directly or indirectly related to the political, economic and religious sectors” (section 2g). This not only constrains civil society’s capacity to operate freely and their contribution to public affairs, it also appears contrary to obligations under international human rights law related to freedom of assembly, of expression, of association and the right to take part in the conduct of public affairs.

In December 2024, the SAC changed the minimum amount that associations needed to retain in their bank accounts to register or remain registered from 100,000 Kyat (previously USD 50-100) to between 15 to 100 million Kyat (USD 3,400 to 23,000). The SAC order also reportedly ordered associations to retain 70 per cent of their overall budget in a State-run bank account, expending only up to 30 percent on operating.

In addition, on September 26, 2024, the SAC decreed an amendment to the Counter-Terrorism Law, which added substantial fines for companies and organizations, such as banks, NGOs, INGOs, and telecom providers, that fail to comply with a prohibition or duty to act imposed by rules, regulations, terms, notifications, orders, directives and procedures issued under the Counter-Terrorism Law. These fines may also be imposed on an organization along with criminal penalties.

Another important barrier to operational activity is the territorial limitation implied by the multi-tiered system of registration committees.

Registered domestic associations are required to submit an annual narrative report and financial statement to the relevant registration committee (section 28g). They must also allow inspection of their publications, documents and premises (section 28h), and submit any organizational and management changes to the approval of the registration board (section 28j). The submission of the annual report is necessary in order to renew the registration certificate every 5 years.

Government-established NGOs or “GONGOS” may receive special privileges and create unfair competition for community-based organizations, and are not submitted to the law (section 26).

Barriers to Speech / Advocacy

Perhaps the most significant change of the political transition period in Myanmar between 2008-11 and 2021 related to freedom of expression. With the Censorship Board abolished in 2012, individuals and organizations enjoyed relative freedom of expression during the period, and space for political dissent. In addition, CSOs had more opportunity to contribute to law and policy making.

However, restrictive laws continued to be used instrumentally by the government to hinder the freedom of expression. The Telecommunications Law (Telecom Law), enacted in 2013, established the regulatory framework for foreign investment into Burma’s telecommunications infrastructure. Unfortunately, the Law also contained a number of provisions that impermissibly restrict the freedom of expression. Most notably, article 66(d) prohibiting the use of a telecommunications network to extort, coerce, defame, disturb, cause undue influence or threaten any person was used extensively during the period to curtail political dissent. Similarly, Burma’s 2004 Electronic Transactions Law, Article 33, criminalized using electronic transactions technology to commit any “act detrimental to the security of the State or prevalence of law and order or community peace and tranquillity or national solidarity or national economy or national culture.” These articles were used to jail dissidents, activists, CSO leaders and others for merely expressing opinions.

In addition, the Telecom Law, Article 77, authorizing the Ministry of Communications and Information Technology to order the suspension of telecom services in emergency situations was used to justify extensive internet blackouts. As there are no criteria as to what can trigger such a suspension, the government used the article to shut down internet and mobile communications arbitrarily, which often immediately preceded crackdowns on peaceful demonstrators or other human rights violations.

Furthermore, the government and military used the broad language of Section 505 of the Penal Code to stifle dissent and punish critics and activists. Section 505 criminalizes making, publishing, or circulating any statement or report that, among other things, is likely to cause public fear or alarm and therefore induce anyone to commit an offense against the state or against “public tranquillity.”

Following the 2021 coup, the junta used indiscriminate violence to target journalists, activists and ordinary individuals, and especially protesters, for voicing dissent and supporting the pro-democracy movement. The military re-installed censorship and used state-owned broadcast media to disseminate propaganda. Access to information and free media, including social media, is heavily restricted. The SAC revised the legal framework to curtail freedom of expression and the Penal Code was amended to bring criminal liability to demonstrators and supporters of the pro-democracy movement, most recently with the amendment in March 2023 of the Law on Printing and Publishing, amended to authorize licenses to be revoked or suspended in case of alleged publication of culturally offensive content. Section 505 (a) now contains broad language that could be used against individuals seen as encouraging civil servants to join the Civil Disobedience Movement (CDM). The criminal code and Electronic Transactions Act was further amended to criminalize anti-regime statements, while VPNs were made illegal in an attempt to prevent individuals from escaping arbitrary surveillance, which has become widespread again. Thousands of people have been arrested, forced into hiding or exile, and harassed for their pro-democracy views as a result of this crackdown. With the draft Cyber Security Law still in the pipeline, a repressive trend by the regime on freedom of expression continues to be expected.

In January 2025, the SAC issued the Cyber Security Law which also includes further criminalization of freedom of expression, including defamation.

Barriers to International Contact

There is no legal impediment to contact and cooperate with colleagues in civil society, business and government sectors, either within or outside the country. That said, the [Electronic Transactions Act \(https://www.icnl.org/wp-content/uploads/Myanmar_electrans.pdf\)](https://www.icnl.org/wp-content/uploads/Myanmar_electrans.pdf) (2004) remains in force, and has been used to impede the freedom of expression, as mentioned above. It was amended in February 2021 to introduce criminal liability for individuals engaging in “misinformation or disinformation with the intent of causing public panic, loss of trust or social division on cyberspace” (section 38 c), which could be used to repress criticism of the coup or of the junta’s actions. Following her arrest on 1st February 2021, State Counsellor Aung San Suu Kyi received a string of charges, including violating the Electronic Transactions Act with possession of unlicensed walkie-talkies. A foreign journalist had also been charged under the Electronic Transactions Act (and has since been released).

Barriers to Resources

Domestic and foreign NGOs were left in limbo due to the collapse of the financial system in Myanmar following the 2021 coup d’etat. Some INGOs also decided to boycott tax payments to show their disapproval of the new military regime. In March 2021, the military regime also seized the Open Society Foundation’s (OSF) accounts in Myanmar for their support of the Civil Disobedience Movement (CDM).

The Organization Registration Law also requires organizations “not to cooperate with, assist in and provide support to either directly or indirectly money laundering and terrorism financing through cash flow, cash management and monetary support” (section 6). Historically, a wide range of organizations have been categorized as “terrorists” in Myanmar, including pro-democracy actors such as the CRPH, NUG and the People’s Defense Forces (PDF). On top of intrusive financial monitoring, such vague wording actually hinders on non-governmental organizations’ ability to receive support, including funding.

The Financial Action Task Force (FATF) placed Myanmar on its blacklist in October 2022 for failing to prevent illegal activities and address money laundering and terrorist financing. While the heightened due diligence requirements to conduct economic affairs in Myanmar is welcome, it could further constrain Myanmar’s civil society’s access to remittance and foreign aid flows.

Barriers to Assembly

The Peaceful Assembly and Peaceful Procession law that came into force in 2016 required organizers of an assembly to request authorization from the township level police chief with 48 hours’ notice. Where assemblies proceeded without notification, organizers and protesters were routinely arrested and imprisoned. Some CSOs, including the Yangon Student Union Students, initiated broad-based public consultation and advocacy processes against this Act. Even where organizers provided notice, Section 20 of the law allowed police to targeted organizers by claiming they violated the conditions of the protest.

A blanket ban on demonstration was initiated in 2017 in 11 townships of Yangon region, used selectively to restrict protests, particularly those by minority groups. In 2020, extensive internet shutdowns in conflict areas, especially Rakhine and Chin states, impeded people’s ability to access information (essential in time of global pandemic), to organize, and to participate to public life, especially in the lead up to the 2020 general elections.

Following the 2021 coup and the large antimilitary protests that erupted across the country, freedom of assembly has been significantly restrained. In the weeks following the coup, gatherings of more than 5 people were made illegal and a curfew was implemented. The military’s violent crackdown on protesters continues to this day.

[back to top](#)

+ REPORTS

+ NEWS AND ADDITIONAL RESOURCES