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The 1 February 2021 military coup d'état was met with widespread and unified opposition. A nationwide resistance movement transcending ethnic, religious and socioeconomic identities saw millions of people taking to the streets to protest the coup. Since then, the SAC regime has committed a range of grave human rights violations against peaceful and unarmed demonstrators, including murder, torture, sexual abuse and gender-based violence, arbitrary arrest and detention, and enforced disappearance. The SAC has also instituted several policies and actions to restrict civic space, using formal and informal tactics to reduce the legitimacy and effectiveness of civil society.

Now more than ever, civil society is an essential component of the resistance against the SAC regime and a crucial player in delivering humanitarian, human rights and development programming. The current context is complex and fluid, with significant changes to key dynamics expected in the months to follow. While the range of contextual, programmatic, institutional and individual risks arising from the situation invariably requires an increase in risk tolerance, these risks require careful navigation and negotiation, both among civil society actors and development partners. This change will likely push the majority of CSOs into more clandestine modes of operation, where many will move towards remote or borderless responses.

This technical note provides a comprehensive overview of the organisational and operational risks for civil society under the new political context and suggests management and mitigation measures to address them. It is limited in scope to Myanmar civil society actors, including community-based organisations, nongovernmental organisations (NGOs), labour unions, and faith-based organisations and foundations.

1   Primary risks to civil society

1.1   Increased risk of arrest, detention and enforced disappearance

The threat of arrest and detention for civil society partners is significant and varies depending on what the individual does, how vocal they have been against the SAC and their levels of visible participation in the civil disobedience movement (CDM). Authorities continue to arrest and detain individuals perceived to be in opposition to the SAC or support of the CDM, including protestors, students, grassroots organisers, civil servants, Union Election Commission members, journalists and representatives of the National League for Democracy. Security forces have abducted individuals from their homes with targeted arrests and late-night raids, without warning and often

without an official warrant. When a targeted individual is not found after receiving a pre-arrest warning, security forces target family members to increase pressure on the wanted individual.[1]

The denial of fair trial rights and due process is extremely concerning in the current context.[2] Arrests often coincide with the confiscation of phones and laptops, preventing individuals from communicating with legal services, family, friends or colleagues. Therefore, these connections then have no information on the individual's whereabouts or the charges they face. Currently, people are being charged under a range of different offences, including treason and dissent, spreading false news or incitement to fear, and obstructing the SAC or civil service.[3] This response is exacerbated in areas under full SAC control, where martial law is enforced. Cases typically go before a military tribunal with limited right of appeal and increased likelihood of harsher outcomes where many offences carry lengthy prison sentences or even the death penalty.[2] There are wide reports of torture and mistreatment in detention, including allegations of sexual abuse and gender-based violence in custody.[4,1] In some cases, detainees have died in custody, and their remains have been returned to family members.[5]

The impact of arrest and detention varies. In the best-case scenario, the individual is held in detention and released shortly thereafter; in the worst-case scenario, the individual is at risk of torture, sexual violence and loss of life.

1.1.1   Mitigation measures

- Temporary relocation can provide immediate physical safety for at-risk individuals but requires CSOs to identify 'safe houses' and other forms of material assistance to enable their staff to go underground. The criteria for safe houses are context-specific, and the level of risk depends on different features, including (1) the location of the safe house, (2) who the landlord is and whether they are willing to forsake registration requirements, (3) who the neighbours are, and (4) the presence of government offices in the direct vicinity.
- It is important to maintain an up-to-date database of international and local organisations that can finance emergency support for civil society members at risk — particularly flexible and long-term emergency support — by negotiating financing directly with emergency support mechanisms or through intermediary organisations (see **Error! Reference source not found.**). Additionally, international organisations and diplomatic missions can be

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[1] Office of the High Commissioner of Human Rights and Thomas H. Andrews, *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar,* (Geneva: Office of the High Commissioner of Human Rights, 2021).

[2] Linda Lakhdhir, "Martial Law in Myanmar a Death Knell for Fair Trials," *Human Rights Watch,* March 16, 2021, https://www.hrw.org/news/2021/03/16/martial-law-myanmar-death-knell-fair-trials.

[3] "Myanmar Jails Two Journalists for Incitement and Spreading False News, Employers Say," *Reuters,* June 2, 2021, https://www.reuters.com/article/myanmar-politics-media/myanmar-jails-two-journalists-for-incitement-and-spreading-false-news-employers-say-idUSL3N2NK3O8.

[4] "Outcry in Myanmar as Tatmadaw Airs Images of 'Tortured' Detainees," *Al Jazeera,* April 19, 2021, https://www.aljazeera.com/news/2021/4/19/outcry-in-myanmar-as-military-airs-images-of-tortured-detainees.

[5] "Body of Arrested Myanmar Poet Khet Thi Returned with Organs Missing," *The Guardian*, May 10, 2021, https://www.theguardian.com/world/2021/may/10/body-of-arrested-myanmar-poet-khet-thi-returned-to-family-with-organs-missing.

valuable partners in securing safe cross-border passages where external state commitment is required.

- While the rule of law has effectively collapsed under the current regime, maintaining links to legal aid networks and human rights lawyers to access legal support in the event of arrest is important (see **Error! Reference source not found.**). At a minimum, this access will ensure that family and friends have information regarding relevant developments, including the individuals' whereabouts, hearing dates and charges.

- Where financially possible, individuals who are arrested or detained can receive appropriate support. However, given the high risk of detention and the severe impact that may result from such intervention, it is important that organisations discuss at a management level what type of support they can provide in the event of staff detention.

- Access to psychosocial services enables healing from trauma (see **Error! Reference source not found.**). While this is relevant to all civil society actors, it is especially important for those who have been affected by the current circumstances and associated risks.

- Access to medical care for individuals who have suffered physical assault, sexual violence or torture is crucial. However, ongoing civil disobedience has limited medical assistance by bringing the public healthcare system (which accounts for 80% of all hospitals and clinics in the country) to near collapse, with thousands of health professionals joining the movement and refusing to work under the SAC regime.[6] In some areas, private facilities provide the only reliable health services, and it is necessary to factor the additional cost of using these services needs into planning and budgeting for emergencies.

1.2   Increased threat to physical security

The threat to physical security varies in likelihood and severity and is contingent on several factors, including who the individual or organisation is, what they are doing, and where they are located. Currently, the SAC appears to be primarily targeting journalists, leaders of the CMD, government employees on strike and influential figures, including prominent activists and celebrities who have been vocal in supporting the resistance. However, in many other instances, whom is targeted seems relatively arbitrary.

Many civil society members are participating in protests against the SAC in both personal and professional capacities. In some cases, this participation increases an individual's exposure to violence. However, the severity of this risk depends on where and when the protest takes place, the scale of the protest and the presence of security forces. The use of excessive and lethal force against peaceful and unarmed protestors is widely documented and includes beatings, water cannons, slingshots, tear gas, kinetic impact projectiles such as rubber bullets and, in some

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[6] Nick Marsh, "'I Will Not Return to Work': Myanmar Coup Cripples Healthcare System," *BBC,* 26 April 2021, https://www.bbc.com/news/world-asia-56827116.

instances, live ammunition.[7] The severity and scale of military reactions vary significantly from protest to protest, and it is difficult to predict which factors determine the degree of use of force.

The risk of physical violence during detention is widely documented, including torture and sexual and gender-based violence.[1] Arbitrary exposure to violence is also of concern (for example, when security forces shoot rubber bullets or live ammunition into residential buildings). The use of bombs, incendiary devices and improvised explosives is now increasingly common across the country.[8] Typically, they are used to target security forces or pro-SAC institutions ranging from police stations to military-linked businesses, but there is no clear pattern to the attacks, and they remain unpredictable. Suspected informants or people perceived as pro-SAC are also being attacked and sometimes killed.

1.2.1   Mitigation measures

- Institutionalising guidelines and practices – including protocols related to avoiding more volatile areas or events that are likely to see the presence of security forces – can reduce the threat to staff's physical security.
- It is important to conduct detailed risk assessments prior to travelling for project implementation or monitoring, as well as to develop a uniform understanding of acceptable risk thresholds across the organisation. This assessment includes identifying specific threats and risks, probabilities, impacts, vulnerabilities and preventive action.
- Physical offices can close or move to safer areas, including non-government-controlled areas or neighbouring countries.
- Securing and maintaining the provision of emergency funds will support access to medical care and psychosocial support for staff.[9]
- When threats target an individual, some of the mitigation measures detailed in the previous section are also relevant, including going underground and exploring safe passages into neighbouring countries.

1.3   Escalating conflict and civil war

The escalating conflict in Myanmar is likely to pose significant operational challenges and risks for civil society actors and those providing humanitarian services in the affected areas. Following the coup, the conflict between the military and ethnic armed organisations (EAOs) has drastically increased, including in areas that were under a ceasefire and, for some EAOs, outside their

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[7] "Myanmar: Vast Arsenal and Notorious Troops Deployed During Nationwide 'Killing Spree' Protest Crackdown – New Research," *Amnesty International*, March 11, 2021, https://www.amnesty.org/en/latest/news/2021/03/myanmar-arsenal-troops-deployed-crackdown/; "Myanmar: Amid Surging Death Toll, End Use of Lethal Force Immediately," *Amnesty International*, March 1, 2021, https://www.amnesty.org/en/latest/news/2021/03/myanmar-surging-death-toll/.

[8] "Myanmar Hit by More Than 300 Bombing Attacks Since Feb. 1 Coup," *Radio Free Asia,* May 26, 2021, https://www.rfa.org/english/news/myanmar/bomb-05262021180056.html.

[9] See the *What Civil Society to Support?* technical note.

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territorial boundaries.[10] In May 2021, the National Unity Government (NUG) announced the formation of the People's Defence Force to protect civilians and represent the resistance.[11]

Grave human rights violations and breaches of humanitarian law by the military are widely reported, including incidents of security forces using civilians as human shields and gender-based violence targeting women and girls.[1] The number of internally displaced people sheltering in displacement sites without access to essential supplies, including food, water, shelter, access to healthcare and psychosocial services, is rapidly increasing.[12] Already, humanitarian actors do not have sufficient access to displaced populations because of insecurity and roadblocks. The situation is likely to deteriorate because of COVID-19 and the escalating conflict, hindering the delivery of goods and services to affected populations.

Going forward, a key consideration will be how civil society can continue to prioritise the delivery of goods and services to vulnerable populations while maintaining some form of political neutrality. Achieving this task will be challenging as service delivery will likely involve SAC infrastructure or SAC approvals and registration. The conflict is only likely to worsen, and a nationwide, full-scale civil war is a possibility that all civil society actors will need to consider. Escalating conflict and civil war have implications on the physical security and safety of staff and could result in disbanded services, cancelled activities and relocated of staff.

1.3.1   Mitigation measures

- Engaging and cooperating with authorities would be safer in a limited capacity and only when necessary (e.g. requesting permission for activities).
- Moving to cross-border responses is recommended where possible. Managing offices or service delivery can occur from either neighbouring countries or areas outside of central government control where conflict does not present a direct risk to staff. If moving to a cross-border response is possible, this may limit reach to certain states and regions and is contingent on the levels of scrutiny in bordering countries.

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[10] "Fighting Surges in Myanmar's Growing Anti-Junta Conflict," *Reuters*, May 23, 2021, https://www.reuters.com/world/asia-pacific/fighting-flares-myanmar-town-chinese-border-2021-05-23/.
[11] "Myanmar's Shadow Government Parades New Armed Forces," *Reuters,* May 29, 2021, https://www.reuters.com/world/asia-pacific/myanmars-shadow-government-parades-new-armed-force-2021-05-29/.
[12] "Fears for Supplies in Myanmar as Exodus Grows from Fighting," *Reuters,* May 19, 2021, https://www.reuters.com/world/asia-pacific/fears-supplies-myanmar-exodus-grows-fighting-2021-05-19/.
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