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Freedom of Expression During Myanmar's Revolution

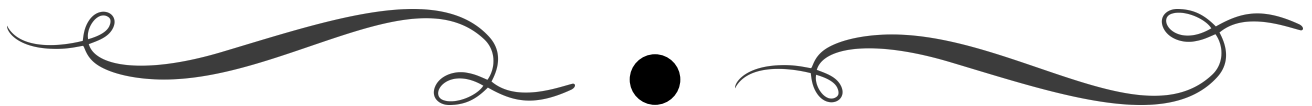
The Gap Between Legal Provisions and Practice



Athan – Freedom of Expression Activists Group

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www.athanmyanmar.org

Cover Photo: Pyay Kyaw Aung

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Background of Athan - Freedom of Expression Activist Organization

Athan - a non-profit organization for the Freedom of Expression Movement in Myanmar, was founded by youth activists on 15th January 2018 and intends to ensure the right to freedom of expression to practice in society.

Athan, a research-based organization, was established by combining two organizations, (RTTL) Research Team for Telecommunications Laws and (WSJ) We Support Journalists, to promote Freedom of Expression with three core approaches - research, advocacy, and awareness-raising. Our organization continuously researches and investigates laws, customs, regulations, and case studies that oppress freedom of expression and works on legal reform according to democracy standards, campaigns, and lobbying to achieve a broader level of freedom of expression in respective country categories based on our research and investigation.

Athan and its founder, Maung Saungkha, earned the Human Rights Tulip Award from the Netherlands in December 2018. Athan's ambition for Myanmar is to become a society with complete freedom of expression, which is one of the democratic standards.

1. Introduction

The military coup of 1 February 2021 marked a major turning point in Myanmar's political and legal history. The military's seizure of power constituted a blatant violation of Articles 417 and 418¹ of the 2008 Constitution, which was in force at the time, with those entrusted with safeguarding the law instead breaching it. Consequently, on 31 March 2021, the Committee Representing the Pyidaungsu Hluttaw (CRPH)² formally declared the complete abolition of the 2008 Constitution through Announcement No. 2/2021.

This decision also legally invalidated the military regime's narrative that the 2021 coup was carried out in accordance with the Constitution. However, it simultaneously created a constitutional vacuum at the national level, leaving Myanmar without a governing constitution. To prevent the collapse of the rule of law and administrative mechanisms, and to establish the legal legitimacy of the revolution, it became urgently necessary to fill this vacuum.

In response to this need, revolutionary forces that emerged following the military coup issued the Federal Democracy Charter (FDC) on 31 March 2021. The Charter assumed the character of an interim constitutional framework, replacing the 2008 Constitution and serving as the highest legal framework during the revolutionary period. From 2023 onwards, revolutionary territories across Myanmar also began drafting and promulgating their own interim political arrangements. These developments began with the Interim Arrangements for Karenni State, followed by the Chinland Constitution, the Sagaing Federal Unit Interim Constitution, and the Mandalay Region Interim Political Plan, respectively.

These interim constitutional frameworks not only filled the legal gap left by the abolition of the 2008 Constitution, but also served as a foundational basis for establishing the legitimacy of the revolutionary forces and for building a future federal

¹ The Constitution of the Republic of the Union of Myanmar (2009) - Pg. 167, 168.

² <https://crphmyanmar.org/publications/statements/crph3103212/>

state. In particular, they function as a social contract between those who govern and those who are governed, aimed at protecting citizens' rights.

Douglass C. North, a Nobel Prize-winning institutional economist, argues in his institutional theory³ that the principles applied in establishing a state's foundational institutions play a decisive role in shaping its future political order. Accordingly, it becomes essential to examine how freedom of expression—one of the fundamental requirements of a democratic system—is incorporated into these foundational frameworks and the extent to which it is guaranteed, as they can serve as the critical veins of future federal units.

This study is a comparative analysis of how freedom of expression is placed in the Federal Democracy Charter and the interim legal frameworks enacted by three key revolutionary areas—Karenni State, Sagaing Region, and Mandalay Region—that emerged following the collapse of the 2008 Constitution. It comparatively examines how freedom of expression is addressed in papers and how it is practiced on the ground. This study furthermore identifies gaps between legal provisions and practical implementation, security-based restrictions, and self-censorship among the public.

³ North, D.C. (1990) *Institutions, institutional change and economic performance*. Cambridge, England: Cambridge University Press.

2. Background

2.1 Freedom of Expression in International Human Rights Standards

Freedom of expression is the foundation for a democratic society. It is explicitly recognised in Article 19 of the Universal Declaration of Human Rights (UDHR)⁴ and Article 19 of the International Covenant on Civil and Political Rights (ICCPR)⁵. Freedom of expression includes the right to hold opinions and ideas, to seek, receive, and impart information, and to express freely across media, artistic, educational, and digital domains.

According to Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR), as interpreted by General Comment No. 34⁶, any restriction on freedom of expression must meet the following criteria: (1) it must be provided by law; (2) it must pursue a legitimate reasons such as “(a) to respect the rights or reputation of others, and (b) to protect national security, public order, pulic health or morals”; and (3) it must be necessary and proportionate.

However, Myanmar's current conflict context reveals clear gaps between these international standards and their implementation in practice. In particular, newly enacted interim political arrangements and legal frameworks either fail to recognise freedom of expression or recognise it while restricting it on vague or indeterminate grounds. Moreover, even though some legal provisions do not expressly impose limitations, freedom of expression is restricted in practice through local orders and directives, as well as through fear and rumours spread within communities.

⁴ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁵ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁶ <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

2.2 Administrative and Legal Frameworks During Myanmar's Revolution

The Federal Democracy Charter (FDC) serves as a central-level interim framework; however, in practice, administrative and judicial functions are governed by interim political arrangements adopted at the regional level. To examine variations in the challenges encountered in the exercise of freedom of expression, this study compares three regions that operate under differing administrative models.

Karenni State has a long-standing presence of Ethnic Revolutionary Organizations (EROs) and has established structured legislative and administrative mechanisms through the Interim Executive Council (IEC), operating in a state-level form of governance.

Sagaing Region has the most powerful armed resistance. However, rather than operating under a centralized command structure, it relies on township-level People's Administrative Bodies and defense forces under collective leadership and local authority.

Mandalay Region still retains the influence of the military regime's administrative mechanism, but revolutionary forces exercise parallel administrative and judicial functions through a combination of overt and clandestine means.

Examining how freedom of expression is affected across these diverse administrative and legal contexts can help identify policy strengths and weaknesses that should be taken into account in the construction of future federal units.

2.3 Objectives

This study aims to examine the extent to which freedom of expression is protected under the legal frameworks and interim administrative mechanisms that emerged during Myanmar's revolutionary period, and to analyse the restrictions and challenges encountered in practice on the ground.

This study is conducted with the following four objectives:

1. **To examine legal frameworks:** To assess whether provisions related to freedom of expression in the Federal Democracy Charter and the interim political arrangements of Karenni State, Sagaing Region, and Mandalay Region are in line with international human rights standards.
2. **To identify practical conditions on the ground:** To document and examine restrictions affecting the media and the public arising from claimed security concerns, local orders and directives, and armed conflict.
3. **To analyse gaps between law and practice:** To conduct a comparative analysis of gaps between legal provisions on paper and their implementation in practice, as well as the key factors contributing to these gaps.
4. **To present policy recommendations:** To put forward policy and procedural recommendations aimed at strengthening the protection of freedom of expression in the process of laying the foundations for a future federal democratic state, directed at the National Unity Government, federal units, civil society organisations, and other relevant stakeholders.

3. Research Methodology

This study primarily utilizes qualitative research methods to examine legal provisions and their implementation in practice. Multiple case study and data triangulation approaches were adopted, in which multiple data sources were collected simultaneously and analysed together. The findings derived from these sources were cross-checked to identify areas of convergence and divergence.

The study draws on the following sources of data:

1. Document analysis: An examination of the Federal Democracy Charter (FDC) and the interim political arrangements and draft legal frameworks of Karenni State, Sagaing Region, and Mandalay Region.
2. Field-based data collection: Interviews and focus group discussions (FGDs) were conducted with local residents, journalists, activists, civil society organisations, and relevant officials in the respective regions.

Data obtained from these two methods were analysed in combination to identify gaps between the rights articulated in legal provisions and the conditions observed in practice on the ground.

3.1 Data Collection

For the analysis of legal frameworks, which are treated as secondary data in this study were drawn from the Federal Democracy Charter (Parts I and II) issued by the National Unity Consultative Council (NUCC); the interim arrangements and statements of the Karenni State Interim Executive Council (IEC); the Sagaing Federal Unit Interim Constitution; and the Mandalay Region Interim Political Plan.

Table 1: Summary of Documents Reviewed

Document Type	Document Title	Issuing Body	Year Issued	Scope of Use
Charter	Federal Democracy Charter (FDC)	National Unity Consultative Council (NUCC)	2022	Foundational framework
Interim Arrangement	Interim Arrangements of Karenni State	Karenni State Interim Executive Council	2023 (amended in October 2024)	Regional governance
Interim Constitution	Sagaing Federal Unit Interim Constitution	Sagaing Federal Unit Hluttaw	2025	Constitutional framework
Interim Arrangement	Mandalay Region Interim Political Plan	Mandalay Regional Hluttaw	2025	Regional governance

Voices from the ground, treated as primary data in this study, were collected through individual interviews and focus group discussions (FGDs). Participants in individual interviews included journalists, local residents, and activists residing in areas where the relevant interim legal frameworks are applied. Legal professionals and technical experts who assisted, directly or indirectly, in the drafting process of these frameworks participated in the FGDs. Due to security considerations, those interviews were conducted via secure digital platforms such as Zoom and Signal, while FGDs were conducted in person.

Table 2. Summary of Interview and Focus Group Discussion Data

Type of Data	Number of Participants	Participant Categories	Regions
Individual interviews	6	Journalism trainer; member of Independent Media Council; Journalist; Activist; Local displaced person	Karenni State; Sagaing Region
Focus Group Discussions (FGDs)	4	Legal professionals; technical contributors involved in drafting interim arrangements	Karenni State; Mandalay Region

Participants for interviews and focus group discussions were selected using purposive sampling, focusing on individuals with direct experience relevant to the research focus, such as those who have faced violations of media freedom or have been involved in policy development processes. Additionally, snowball sampling was employed to facilitate access to difficult-to-reach sources on the ground.

3.2 Data Analysis

The collected data were analyzed using the following methods.

1. Comparative Legal Analysis: Regional legal provisions were examined in comparison with international human rights standards to identify strengths and weaknesses.
2. Thematic Analysis: Data obtained from interviews and focus group discussions (FGDs) were coded and organised into key themes, including claimed security concerns, self-censorship, and legal gaps.

The Thematic Analysis approach was applied to code data obtained from interviews and focus group discussions. During the coding process, coding memos were compiled, relationships between codes were reviewed, and Google NotebookLM was used as a supporting tool to organise and structure the identified themes. However, major substantive analytical decisions, theme definition, and translations were undertaken solely by the researcher.

3.3 Ethical Considerations

As this research study concerns conflict areas and sensitive political subjects, the Do No Harm policy was strictly observed throughout the process. To ensure the safety of participants during interviews and discussions, their names, addresses, and job titles were not disclosed and replaced with code names. Informed consent was obtained from participants prior to participation.

4. Limitations and Challenges

Armed conflict in Myanmar and logistical issues on the ground imposed limitations and challenges on this study. The primary limitation was the inability to conduct on-the-ground data collection due to the intensification of armed engagement in 2025. As a result, only the focus group discussions (FGDs) were conducted in person, while all the other data collection processes were conducted remotely.

A second limitation involved internet and communication disruptions. The military regime cut internet and electricity in the research areas, and some revolutionary groups also disabled WiFi and Starlink satellite connections. These disruptions hindered interviews, limited contact with sources during internet shutdowns, and caused significant delays in the flow of information. Furthermore, some participants relied on public Starlink cyber cafes for internet access, which restricted their ability to respond freely to questions.

Although the names and personal information of participants were anonymized, fear remains prevalent under current political conditions. Some respondents were concerned about criticizing the military regime and local authorities affiliated with revolutionary groups, and therefore chose to provide only safe responses. This form of self-censorship may have affected the depth of data collected to some extent.

In addition, data collection was conducted via digital platforms such as Signal and Zoom. As a result, participation was limited mainly to individuals with internet access, digital literacy, and proximity to urban areas. Consequently, this study may not fully reflect the voices of the general public in areas experiencing complete internet shutdowns.

The final limitation is that the interim political arrangements and draft legal frameworks examined in this study are living documents that are subject to ongoing change. As a result, the findings of this research reflect conditions during the period

from December 2025 to early 2026 only and may not align with subsequent policy developments or revisions.

5. Findings by Region

5.1 Federal Democracy Charter (FDC): Foundational Normative Baseline

In this study, the Federal Democracy Charter (FDC) enacted by the National Unity Consultative Council (NUCC) is used as a normative baseline for examining the implementation of freedom of expression within interim governance arrangements during the Spring Revolution. The FDC was adopted to address a legal gap and establish a mutual political agreement among revolutionary forces following the invalidation of the 2008 Constitution after the 2021 Coup.

In this section, the Federal Democracy Charter (FDC) is set as a normative baseline grounded in international human rights standards, and the examination focuses on how freedom of expression is recognized and how its recognition can be applied across regions.

5.1.1 Conceptual Recognition of Freedom of Expression with Limited Guarantees

The Federal Democracy Charter (FDC) guarantees fundamental human rights, equality, and non-discrimination, and states that all citizens are entitled to enjoy their rights without discrimination on the basis of race, religion, gender, disability, or sexual orientation. These provisions demonstrate alignment with international human rights standards, such as the ICCPR, at the foundational level.

While it provides for the protection of media freedom, the right to information, and the right to freely report news, it does not explicitly establish freedom of expression as a distinct individual right.

5.1.2 Prioritizing Collective Rights over Individual Freedom

Although the Federal Democracy Charter (FDC) does not explicitly state freedom of expression as an individual right, its cultural rights provisions address that “persons

residing in the Federal Union shall have the right to preserve, protect and promote the languages and literature of their respective ethnic groups.”⁷

This observation was also reflected in the focus group discussions (FGDs), where participants noted that the focus was primarily on collective rights, with no explicit reference to freedom of expression as an individual right.

“When the Federal Charter was first being developed, the thinking was largely grounded in collective group identities. Rather than starting from specific rights related to farmers, youth, women, or the media, the focus was placed on collective groups more broadly, and on how to mobilise and bring together as many groups as possible,” said a participant of the FGD⁸ who was involved in the drafting process of the Federal Charter.

That’s why the Federal Democracy Charter recognises freedom of expression as a human right at the conceptual level, but does not yet clearly articulate specific guarantees or conditions in line with international standards.

5.1.3 General Alignment with International Standards but Lack of Clarity in Articulating Rights

The Federal Democracy Charter states that it will follow international standards and cooperate with international organisations. However, its references to international standards remain general, and it does not clearly specify the circumstances under which freedom of expression and other human rights can be restricted. This lack of clarity may allow for variation in implementation, depending on the views of authorities and security conditions.

⁷ Federal Democracy Charter - Part 1 - Chapter (4) - Part (3) - Fundamental Policies for Building Federal Democracy Union

⁸ A participant of FGD who involved in the development of Federal Democracy Charter by National Unity Consultative Council

*“When drafting these legal frameworks, we did consider the five core elements of freedom of expression; it’s not that they were ignored. Human rights principles, international law, treaties, and declarations were all taken into consideration during the discussions. Elements of freedom of expression, such as language and culture, are easier to address. However, aspects of freedom of expression, related to political views, or public preferences tend to be restricted in the name of revolution,”*⁹ said a legal expert who participated in the focus group discussion, reflecting on how rights were considered and subsequently limited during the drafting process.

To address the ambiguity regarding freedom of expression in the Federal Democracy Charter, the National Unity Government issued a “Position Statement on Freedom of Press and News Media”¹⁰ on 3 May 2024, three years after the adoption of the FDC. While this document does not explicitly incorporate freedom of expression, it provides a more detailed articulation of media freedom and the public’s right to access information.

However, since this position statement is a policy-level document, it remains necessary to further examine, based on conditions in practice, how far it can be applied or adapted within regional interim governance arrangements.

5.1.4 Restrictions on Freedom of Expression Based on Security Justifications

According to data from research interviews and focus group discussions, in some areas under the administration of the National Unity Government, freedom of expression and the rights of journalists have been restricted, internet access has been controlled, and media coverage has been prohibited. Although these conditions may be permitted under international standards, the absence of a systematic assessment of necessity and proportionality can risk excessive interference with freedom of expression.

⁹ A legal expert who provided legal assistance in the processes of developing interim arrangements

¹⁰ Position Statement on Freedom of Press and News Media

“Security means both for the journalists and the public. These concerns have affected the freedom to report news; you can’t include everything you know. There are certain parts that can’t be fully disclosed, and there are constraints”¹¹ said a member of the Independent Myanmar Press Council in an interview for this study.

In addition, conditions on the ground indicate that even local authorities do not impose any restrictions on freedom of expression; people engage in self-censorship due to social pressure and security concerns. For example, in liberated areas, being perceived as a ‘military informant’ can result in severe consequences, ranging from social punishment to threats to life, beyond any formal judicial process. This concern was highlighted by a journalism trainer who participated in the research interviews.

*“In my view, the most serious threat arises when someone is accused of informing the enemy. In everyday terms, this is described as being ‘an informant’, someone alleged to have shared locations, reported activities, or disclosed what is happening in a particular place. For example, when an incident occurs, and a person speaks to journalists, or reports it to an individual or an organisation that does not exercise control in that area, they may be accused of providing information to the enemy. In such situations, the risk of being labelled an informant is extremely high and poses a serious danger,”*¹² he said.

As a result, some journalists and members of the public often choose silence, even when they witness misconduct by revolutionary forces, out of fear of being labelled an “informant”. While such situations do not constitute direct legal restrictions on freedom of expression, they can nonetheless be understood as factors that substantially weaken its practical exercise.

5.1.5 Analysis

In summary, the Federal Democracy Charter recognizes freedom of expression as part of the broader body of human rights, and generally states that it will follow the

¹¹ A member of Independent Myanmar Press Council who participated in the research interview

¹² A journalism trainer

international standards. However, it lacks sufficient mechanisms to guarantee and implement it as an individual right.

In the charter, freedom of expression is conceptually aligned with international standards, but gaps remain in on-the-ground protection and effective implementation.

5.2 Interim Arrangements of Karenni State

This section examines the extent to which freedom of expression is recognised and protected in the interim arrangements of Karenni State, in line with international human rights standards, and how such protections operate in practice. Karenni State is documented as the first state to establish an interim state-level governance mechanism during the revolution. According to a study¹³ by the ISEAS – Yusof Ishak Institute, a Singapore-based Southeast Asia research institute, the Karenni State Consultative Council / Interim Executive Council has also succeeded in establishing economic management mechanisms, resulting in a comparatively more consolidated system of governance than in other regions. However, the study, from the perspective of freedom of expression, identifies notable weaknesses in legal protections, alongside the use of technological measures to restrict information flows related to military and security matters.

5.2.1 International Standards Referenced Only in General Terms

Chapter One of the Karenni State Interim Arrangements, titled “The Foundation of the Karenni State Consultative Council (KSCC),” states that “respecting and upholding human rights standards” is among the core values of the Council. However, the document does not specify which standards are being referred to, nor

¹³ Bissinger, J. (ed.) (2025) *Economic governance of non-state authorities in Myanmar: Potentials and pitfalls*. Iseas Publishing.

does it provide clear definitions of how freedom of expression is to be protected. While such generic statements may convey a positive political image, they present a legal weakness that allows authorities to interpret the way they prefer. Therefore, international standards are mentioned only for inclusion.

5.2.2 Restriction of Freedom of Expression Based on Security Justifications

Since 2023, the Karenni State has shifted from the interim government toward serving more practical administrative duties. When the administrative and security pressures intensified, measures such as restricting access to information and prohibiting journalists from gathering news began to emerge. These controls have been particularly happened after the military regime committed an airstrike and intensified military activities. During such times, people's rights to access information and freedom of expression have been controlled. One example is the prohibition on using Starlink internet services.

A Karenni-based journalist interviewed by Athan shared his experience: *"There are limits on when and how long Starlink can be used. Certain restrictions are imposed mainly for security reasons. For example, on the ground, we have directives telling shops not to operate and people not to use the internet after 10 p.m. In some areas that have experienced frequent airstrikes, there have also been cases where internet access was cut off."*

A Karenni-based journalist interviewed by Athan shared his experience: *"There are limits on when and how long Starlink can be used. Certain restrictions are imposed mainly for security reasons. For example, on the ground, we have directives telling shops not to operate and people not to use the internet after 10 p.m. In some areas that have experienced frequent airstrikes, there have also been cases where internet access was cut off."*¹⁴ Based on this account, such restrictions amount to limiting the public's right of access to information on the basis of security justifications.

¹⁴ A journalist from Karenni State

On 16 April 2024, the Karenni State Interim Executive Council issued a directive¹⁵ on media ethics stating that the council will not control journalists and that journalists are free to gather and report news. However, the directive prohibits journalists from engaging in activities that could harm the military operations and administrative matters of Karenni State. The directive fails to define “harmful activities”.

In addition, similar to conditions in other areas under the National Unity Government, instances of self-censorship, in which individuals choose not to exercise freedom of expression for personal safety reasons, have also been observed. These practices are not primarily the result of legal controls imposed by authorities, but rather arise from social pressures within local communities. A Karenni-based journalist noted that *“If you speak up or express your own thoughts and opinions, there will always be people who disagree with you. Even though this is a liberated area, there are many different groups and individuals here who could come and harm you for that.”*¹⁶

While such restrictions may be permissible under international human rights standards in emergency situations, in the context of the Karenni State, they have not been defined or regulated within a systematic legal framework. As a result, these measures have harmed the practical exercise of freedom of expression. In addition, social pressures and the perception that “remaining silent is safer” have contributed to an increase in self-censorship.

5.2.3 Gaps between Legal Frameworks and On-the-Ground Practice

In summary, the Karenni State interim arrangements include freedom of expression only within general human rights principles and do not guarantee it as an individual right. Moreover, legal protection of freedom of expression has been weakened in practice due to security justifications. The regulation of journalists’ access to information through administrative directives highlights the absence of effective guarantees for news gathering and reporting.

¹⁵ Karenni State Interim Administration Council. 2024. *Directive No. 08/2024*.

¹⁶ A journalist from Karenni State

5.3 Sagaing Federal Unit Interim Constitution

Although the Sagaing Federal Unit Interim Constitution clearly recognises freedom of expression and related freedoms as fundamental rights, it also states provisions that allow for the re-restriction these rights. Sagaing Region is one of the strongest areas of armed resistance, and from a legal perspective, it possesses one of the constitutional frameworks most closely aligned with international standards. However, the lack of clarity in restrictive legal terminology, together with fragmented administrative authority in the Sagaing Region, has led these legal provisions to fail to provide effective protection in practice.

5.3.1 Legal Recognition of Freedom of Expression and the Lack of Clarity in Restrictions

Chapter Two of the Sagaing Federal Unit Interim Constitution, titled “Fundamental Rights, Entitlements, and Duties,” explicitly recognises freedom of expression and related rights such as the right to write, publish, access information, and distribute information¹⁷, as fundamental rights of all citizens. It also affirms freedoms of assembly, peaceful expression, and the right to form and join associations as citizens’ rights.

Regarding the protection of rights, Article 41(a) of this constitution provides that individuals whose human rights have been violated may file a complaint at the Federal Unit’s human rights commission and seek legal protection. Article 41(b) also affirms that citizens can obtain protection in accordance with the provisions of the Universal Declaration of Human Rights.¹⁸

However, when specifying the circumstances under which freedom of expression may be restricted, the Constitution does not clearly articulate the standards of legality, necessity, and proportionality as required under international human rights law. At the end of Chapter Two, “Fundamental Rights, Entitlements, and Duties,” it

¹⁷ Sagaing Federal Unit Interim Constitution

¹⁸ Sagaing Federal Unit Interim Constitution

provides that the exercise of the above rights and entitlements shall not harm public security, incite hatred or conflict among ethnic groups, religions, or communities, or unjustly damage the dignity or reputation of an individual or organisation through false means.

While the prohibition on hate speech in this provision is in line with international standards and constitutes a legitimate restriction, the phrase “conflict among communities” has a weakness due to its broad interpretation, as it can also imply political disagreement as “conflict”. In addition, the prohibition against “unjustly damaging the dignity or reputation of an individual or organisation through false means” poses a significant obstacle to freedom of expression and media freedom. For example, when an organisation’s misconduct or corruption is exposed, that organisation may claim that its reputation has been harmed. The major risk here lies in the absence of clear criteria for determining what constitutes “false means.”

The term “public security” lacks precision and is overly broad. While protecting dignity and reputation is necessary, restricting political criticism in the name of those values is not a necessary prohibition in a democratic society. Although freedom of expression is formally recognised at the legal level, it remains difficult to conclude that the framework fully complies with international standards.

5.3.2 Restricting Freedom of Expression through Security Justification

The final part of the chapter on Fundamental Rights, Entitlements, and Duties in the Sagaing Federal Unit Interim Constitution contains a restriction based on “public security.” In practice, this provision has become a primary weapon for restricting freedom of expression. In conflict-intense areas such as the Sagaing Region, on-the-ground security conditions determine the scope of freedom of expression rather than legal frameworks. A Sagaing-based journalist who participated in the research interviews described this reality based on his personal experience.

“In cases like the ‘Anyar Dubai’¹⁹ article, there were claims on the ground that airstrikes happened after that article was published. At hospitals in the

¹⁹ <https://burma.irrawaddy.com/article/2025/02/22/397718.html>

*NUG-controlled areas, there were concerns. We were not allowed to film videos or take photographs for our reporting. I have personally encountered situations where access was denied on the grounds that airstrikes might occur,”*²⁰ he said.

Based on justifications for airstrikes and military security concerns, authorities have not only restricted freedom of expression, the right to access information, and the right to report news, but have also frequently blocked Starlink internet services, a key means of accessing information.²¹

In addition, there have been cases in which criticism of local administrative bodies or revolutionary forces has been deemed a potential threat to security, leading to demands to remove social media posts and, in some cases, warnings.

“There was a case where the public protested against a person involved in the judiciary sector because they no longer trusted him. Someone posted on social media that people were protesting against him because they did not accept such individuals. That post was then labelled as ‘damaging his reputation,’ and the person who posted it was immediately arrested. After the arrest, there was no information about the charges, where the person was being held, how they were being detained, or whether any order had been issued. In this case, individuals part of the justice sector themselves violated a person’s freedom of expression by carrying out the arrest,”²² said a political activist from Sagaing region.

In addition, this report finds that freedom of expression is not restricted by laws or formal orders issued by local authorities, but rather by self-censorship, in which individuals choose not to exercise their freedom of expression for their own safety. This phenomenon is driven not only by personal security concerns but also by social pressures within local communities.

²⁰ A journalist from Sagaing Region

²¹ <https://www.ludunwayoo.com/news-mm/2025/12/21/143372/>

²² An activist from Sagaing Region

A journalist from Sagaing region said, *“Local people are reluctant to show their faces when we want to produce video reports. They’re worried that soldiers from the military regime would recognize their faces and arrest them when they go to cities such as Monywa or Mandalay from their villages. Even when they have personally experienced incidents such as airstrikes, they are afraid to reveal their names and show their faces.”*²³

Local people engage in self-censorship for “personal security”, which involves not only staying safe in their local area but also ensuring their safety when travelling through nearby military regime-controlled areas.

5.3.3 Gaps between Legal Frameworks and On-the-Ground Practice

Although freedom of expression is formally recognised in law, a defining characteristic of the Sagaing Region in its implementation and protection is the highly fragmented command-and-control structure. According to information from focus group discussions and research interviews, governance in Sagaing Region operates through a dispersed arrangement in which authority is shared based on location, among People's Defence Force (PDF) battalions under the National Unity Government's Ministry of Defence, locally armed groups outside the command chain of the Ministry, members of People's Administration Bodies, People's Defence Forces, village administrators, and other local authorities. As a result, restrictions on and protections of freedom of expression vary from one area to another. For example, a Sagaing-based journalist who participated in the research interviews noted that the permission process for the approval of gathering news differs depending on the level of authority.

He said, *“When we want to gather news in the village, we have to ask permission from the village administrator. If we want to report on military units, we have to obtain permission from the battalion commanders.”*²⁴

²³ A journalist from Sagaing Region

²⁴ A journalist from Sagaing Region

Such fragmentation of authority and procedural inconsistency affects not only individual journalists' ability to gather news, but also collective forms of public expression, including the rights to peaceful assembly and to protest. Interview data further indicate that there are contested and disputed practices in how authorities implement the restrictions under interim arrangements.

A political activist who participated in the research interviews explained how legal restrictions from interim arrangements function in practice to suppress public voices on the ground: *"In the interim arrangements, rights such as peaceful assembly and the right to march are restricted by legal wording. When protests emerge to expose injustice at the local level or to express public grievances, they are often labelled as activities opposing the revolutionary government or as unlawful actions. In some cases, such responses have included violent crackdowns, the use of armed force, and arrests of those involved."*²⁵

In summary, these findings indicate that while the Sagaing Federal Unit Interim Constitution recognises freedom of expression at a conceptual level, in line with international standards, it cannot systematically protect and promote it amid fragmented administration and security justifications.

5.4 Mandalay Region Interim Political Plan

Unlike the Sagaing Region, the Mandalay Region is not an area of intense armed resistance. However, it constitutes an urban–military interface where military operations, administrative control, and urban civilian life intersect. The Mandalay Region Interim Political Plan recognises freedom of expression and related rights as fundamental rights. This section examines the commitments to freedom of

²⁵ An activist from Sagaing Region

expression in the Mandalay Region Interim Political Plan and assesses their implementation in practice.

5.4.1 Legal Recognition of Freedom of Expression and Ethics-Based Restrictions

Chapter (4) of the Mandalay Region Interim Political Plan, titled “Fundamental Rights, Entitlements, and Responsibilities,” explicitly provides under Article 19(a) that all persons residing in the Mandalay Region shall enjoy the rights to freedom of expression, publication, access to information, and distribution of information.²⁶ In addition, Articles 19(b) and (c) guarantee the rights to freedom of assembly, peaceful protest, and the formation of associations.

However, Article 19(e), which limits these rights, raises concerns about compliance with the clarity requirements of international human rights standards. The provision states that “while exercising the freedom in this article must not harm democratic and federal principles, public health, and public morality.”²⁷

In this context, the term “public morality” is extremely broad and lacks a precise definition. Political disagreements or criticism of revolutionary leadership can readily be interpreted as harming public morality and leading to restrictions. This indicates that although freedom of expression is formally recognised, the conditions under which it may be restricted are excessively broad and pose a high risk of misuse.

In addition, Article 21(a) states that “individuals’ dignity and reputation must not be harmed.”²⁸ This provision can function as a legal weapon to obstruct investigative journalism and the exposure of corruption by framing such reporting as defamation.

5.4.2 Security Justifications and Self-Censorship

Unlike Sagaing Region, Mandalay Region is not a fully liberated area; rather, it is one where military control and revolutionary activities are mixed. As a result, security has

²⁶ Mandalay Region Interim Political Plan

²⁷ Mandalay Region Interim Political Plan

²⁸ Mandalay Region Interim Political Plan

become the primary justification for restricting freedom of expression. Local defence forces and administrative bodies impose internet and Wi-Fi shutdowns or restrictions out of concern that information about military operations may be leaked. For example, in some townships controlled by the Mandalay PDF Force, such as Singu Township has regulations governing the use of Starlink internet services; violations were reportedly subject to fines or the confiscation of Starlink devices in 2025²⁹. While authorities stated such measures are necessary for military strategies³⁰, they constitute direct restrictions on the public's access to information and freedom of expression.

Responsible actors on the ground have also acknowledged such security-driven strictness.³¹ One participant, who was involved in drafting the constitution and took part in a focus group discussion commented on the current situation as follows: *"Given the realities on the ground and the need to protect lives, I think some governing and managing decisions have been taken harshly."*³²

When considering such statements alongside on-the-ground cases, internet shutdowns are often justified as military necessities, while simultaneously constituting direct restrictions on the public's access to information and freedom of expression.

As in other regions examined in this study, self-censorship for security reasons is common in Mandalay Region. Because Mandalay is located close to urban areas under the strong control of military regime, residents are often required to travel for livelihoods, healthcare, and other social needs. In such circumstances, many choose silence and refrain from expressing criticism or political views in order to protect their personal safety. In particular, the risk of arrest during mobile phone inspections at military checkpoints has led individuals to take precautionary measures, such as

²⁹ <https://www.bbc.com/burmese/articles/c0ex8xr5yp7o>

³⁰ <https://burmese.dvb.no/post/681989>

³¹ <https://burmese.dvb.no/post/681989>

³² A participant of Focus Group Discussion who involved in drafting the arrangement

deleting social media accounts or removing politically related content from their phones, to protect themselves.

5.4.3 Gaps between Legal Frameworks and On-the-Ground Practice

In summary, it is difficult to conclude that the Mandalay Region Interim Political Plan recognises freedom of expression in line with international standards. In practice, the implementation of freedom of expression is largely determined by security-driven concerns.

6. Comparative Analysis and Discussion

This chapter comparatively examines how freedom of expression is recognized, what restrictions are imposed and how these provisions are implemented in practice; in the Federal Democracy Charter of the National Unity Consultative Council, the Karenni State Interim Arrangements, the Sagaing Federal Unit Interim Constitution, and the Mandalay Region Interim Political Plan; what restrictions are imposed; and how these provisions are implemented in practice. Although all the charters, provisions, and legal frameworks presented in this study recognise freedom of expression in one form or another as a fundamental right, significant differences are evident at the level of practical protection and implementation on the ground.

6.1 Patterns of Restrictions – The Conflation of Individual Freedom with Collective Right

Reviewing these constitutional and interim legal documents reveals that the Sagaing and Mandalay interim arrangements explicitly recognise freedom of expression as an individual civil liberty. However, in the Federal Democracy Charter and the Karenni State Interim Arrangements, freedom of expression is embedded within collective cultural rights. The Mandalay and Sagaing interim arrangements and constitution explicitly guarantee “freedom of expression, freedom of publication, the right to access information, and the right to disseminate information.” Furthermore, the Sagaing Federal Unit Interim Constitution includes a distinct Right to Information provision that allows citizens to request records from the government.

These documents treat freedom of expression as a standalone civil liberty of citizens. However, the scope and boundaries of these rights are not clearly defined. Instead, broad, general terminology is used, resulting in uncertainty and complexity.

The findings of this research indicate that the Federal Democracy Charter and the Karenni State Interim Arrangement prioritize collective rights over individual rights, and that freedom of expression is conflated with cultural rights. Rights are framed not primarily as universal individual entitlements, but rather within the context of specific identity-based groups such as ethnic groups, women, and youth.

None of the four documents explicitly references or incorporates the standards of the ICCPR or the UDHR in defining the scope of these rights. This has created a situation in which local military leaders can interpret it however they want.

6.2 Re-imposed Restrictions and the Tension Between Security and Freedom

The key finding across all the regions is that security conditions override the provision of rights. Regardless of how interim arrangements and constitutional provisions are drafted, the term “security” ultimately prevails over constitutional guarantees in practice.

The draft constitution of the Sagaing Region states that rights may be restricted if they harm public security. Similarly, the Mandalay Region Interim Political Plan re-imposes restrictions on the rights it grants through broad, open-ended language, such as “if those rights harm democratic and federal principles, public health, or public morality.”

In addition, the Mandalay Region Interim Political Plan contains a constitutional immunity clause. Article 151 explicitly states that no legal action may be brought before any court in relation to legislative, executive, or judicial acts carried out according to this Interim Political Plan.³³ This provision represents a significant warning sign. Although Article 19 grants freedom of expression, Article 151 effectively provides immunity to interim authorities if they justify their

³³ Mandalay Region Interim Political Plan

actions as being undertaken under this Plan. As a result, protections for freedom of expression become ineffective in practice.

According to focus group discussions and research interviews, in nearly all regions, Starlink internet services have been cut off, and news gathering and reporting have been restricted on security grounds.

A local journalist from Karenni State said, "We can't report about military operations. The public's right to know and journalists' right to seek information are effectively absent. In those situations, freedom of expression is therefore undermined. At the same time, it is difficult to complain because their justification provided is the security of military operations."³⁴

A displaced person from the Karenni State said, "We've heard that Starlink internet will be cut off because the military airstriking in our township, Mawchi township. But we don't exactly know why it happened. We're just told that the information was leaked because of communication via Starlink. Sometimes, they would shut down everything."³⁵

A member of the Independent Myanmar Press Council said in an interview, "There is censorship in some places. For example, we are required to show the photos we plan to use to the authorities before publishing a report. There have also been instances of threats."³⁶

A Sagaing-based activist stated, "For security reasons, in some areas where there are heightened military tensions or attacks by the military, certain regulations regarding internet use are imposed."³⁷

³⁴ A journalist from Karenni State

³⁵ A displaced person from Karenni State

³⁶ A member of Independent Myanmar Press Council who participated in the research interview

³⁷ An activist from Sagaing Region

When freedom of expression and the right to seek and disseminate information are restricted based on security grounds, it has been observed that such limitations are not imposed solely by local authorities; individuals also engage in self-censorship.

A journalism trainer explained, "For example, even media outlets or individuals that are affiliated with or supported by an armed organisation may be allowed to follow that organisation and gather news. However, they are not free when it comes to writing. They may be free in the process of obtaining information, but they don't have freedom in how they present it. In the end, it becomes a form of self-censorship."³⁸

A Karenni-based journalist explained, "There are rumours and fears among the public that if certain information becomes known, the military will carry out airstrikes. Because of these concerns, even when people know something, they do not dare to speak. Even when incidents occur, or reports are released without any information about locations, people remain silent out of fear for their own safety and for the possible impact on the area where they live."³⁹

A member of the Independent Myanmar Press Council explained, "Among some news audiences, there are individuals who support these armed groups. In such cases, there may be matters that these groups believe should be concealed, or information they want to keep entirely hidden. When such information is reported or exposed, not only the responsible authorities but also their supporters may use social media to suggest that certain media outlets, such as KIC or others, should be 'dealt with' in some way. We have encountered situations where, after a post is published, screenshots of the news outlet's pages, especially Facebook pages, are shared as a way of encouraging action against us."⁴⁰

³⁸ An expert on media affairs who participated in the interview

³⁹ A journalist from Karenni State

⁴⁰ A member of Independent Myanmar Press Council who participated in the research interview

Table 3. Comparative Overview of Guarantees and Restrictions on Freedom of Expression by Region

Interim Plan	Legal Recognition	Re-imposed Restrictions	Practical Realities
Federal Democracy Charter	Entitled to fundamental human rights.	Collective and ethnic rights prioritised over individual FOE	Broad language; no clear standards
Karenni State Interim Arrangement	States that it “respects human rights standards”	Instead of legal restriction, the legal gap itself operates as a form of restriction.	Security-based directives
Sagaing Federal Unit Interim Constitution	Explicit recognition of FOE, and rights to write and publish	Public security, conflict, and reputation grounds	Fragmented administrative authority across locations
Mandalay Region Interim Political Plan	Explicit recognition of FOE, and rights to write and publish	Public morality and democratic/federal principles	Location-specific restrictions

6.3 Weak Participation of Stakeholders in Constitutional Processes

Although it is declared that all relevant stakeholders participated in drafting these interim constitutions and arrangements, in practice, participation has largely been limited to political actors and armed groups.

In the formation of the Karenni State Consultative Council under the Karenni State Interim Arrangement, five key stakeholder groups are explicitly listed: ethnic armed organisations, political parties, members of parliament, youth organisations, civil society organisations and strike committees, and women's representative groups. Similarly, the Federal Democracy Charter, the Sagaing Federal Unit Interim Constitution, and the Mandalay Region Interim Political Plan include stakeholder groups similar to those in Karenni. However, findings from the study's focus group discussions suggest that such participation was largely nominal and did not reflect genuine public consultation.

A participant of the FGD discussion who was also involved in drafting these interim plans said, "When these interim arrangements were drafted, the level of stakeholder inclusion varied by region. It was not the same everywhere. In some areas, efforts were made to bring together all local groups. However, the framework was built around those from the revolutionary side. Although they all represent multiple issues, there would be a problem if they were mixed. Once the revolutionary line was set as the starting point, inclusion became restricted from that stage."⁴¹

Journalists and members of the public who participated in the research interviews noted that they were unaware of the processes by which the interim arrangements were drafted.

A journalism trainer said, "The Independent Press Council of Myanmar was founded in December 2023. When these documents were being drafted, for example, Mandalay and Sagaing were done later, from what I have seen, around 2025. Karenni State was drafted slightly earlier than that. As far as I know, in the cases of Mandalay and Sagaing, I have not heard that the IPCM was involved."⁴²

⁴¹ A participant of Focus Group Discussion who involved in drafting the arrangement

⁴² An expert on media affairs who participated in the interview

An IPCM member confirmed, "There was no consultation with the IPCM (Independent Press Council of Myanmar), nor were there any requests for recommendations or comments."⁴³

"When laws and policies were drafted, as far as I know, women's organizations, political institutions, and armed groups were invited to discuss. But journalists like us were outsiders, such as civilians. So in those kinds of processes, I would have to say that we did not know about them,"⁴⁴ said a journalist from Karenni State.

According to data from the focus group discussions, journalists and media organizations were viewed not as participating actors but only as a fourth pillar responsible for oversight. As a result, when laws intended to regulate them were drafted, they themselves were excluded from the process.

A participant who provided technical support and took part in the discussions said, "When considering representation in the interim arrangements, the media were somewhat difficult to place. Because they are described as the fourth pillar, they were not counted within the interim arrangements. The structure focused only on the three main pillars, and in most cases, media organizations were not included. For that reason, even CSO representation became somewhat complicated in these interim arrangements. From which position should we speak? We could only speak in terms of principles. However, when it came to institutionalising and governing the structure through executive, legislative, and judicial pillars, the mechanisms did not clearly define where CSOs or other groups, such as strike committees, would fit. At most, they could participate at the highest level within the consultative council."⁴⁵

Although it was stated that public feedback was collected through Telegram, Signal, and email during the drafting of the Mandalay Region Interim Political Plan, this process was limited to passive participation (submission-based input) rather than

⁴³ A member of Independent Myanmar Press Council who participated in the research interview

⁴⁴ A journalist from Karenni State

⁴⁵ A participant of Focus Group Discussion who involved in drafting the arrangement

active consultation. As a result, important safeguards for freedom of expression and media freedom were not incorporated into the draft.

6.4. Reasons for Limited Participation and Structural Constraints

The inability of some stakeholders to participate in drafting the interim arrangements and the constitutional framework was not deliberate; it was also shaped by structural and on-the-ground constraints arising from the context of revolution.

The initial drafting of these constitutional frameworks occurred while armed confrontation was ongoing on the ground. Due to the military's targeted airstrikes against civilians and ground offensives, it was not possible to conduct broad public consultations or mass gatherings. As a result, policy drafters often relied on small, discreet, closed-group discussions, which constrained wider participation. This limitation was also highlighted by a journalism trainer who participated in the research interviews.

He said, "There was no environment in which individuals or organisations could freely communicate with one another during the revolutionary period. Security was prioritised. For example, there were concerns that information might be leaked to the military; questions such as what someone was currently doing, whether they were in Thailand, at the border, or inside the country, were often unclear. In such uncertain circumstances, people did not dare approach, contact, or engage others. That situation is also understandable."⁴⁶

Revolutionary forces responsible for drafting the interim arrangements were required to build both military and administrative structures simultaneously. As a result, there were limitations in legislative expertise and in the time available for drafting. Due to these constraints, policy documents often included terms such as 'international

⁴⁶ An expert on media affairs who participated in the interview

standards' or 'democratic principles' without providing detailed legal definitions or clarifying their technical legal implications. A participant in the study's focus group discussion addressed this issue as follows.

A participant in the focus group discussion stated, "The term 'international standards' is the most commonly used phrase; whenever something is drafted, that is usually where it begins. But whether the phrase 'international standards' was actually understood is questionable. What exactly are international standards? It is accepted that there should be freedom of expression. However, I do not think there was much consideration of what freedom of expression specifically entails or how it should be protected in detail. It seems that regulation only followed after implementation."⁴⁷

In addition, the Independent Press Council of Myanmar was only established after 2023, and the delay in their formation also limited opportunities for participation.

⁴⁷ A participant of Focus Group Discussion

7. Recommendations

7.1 For the National Unity Government (NUG) and Federal Units

- To establish a unified policy standard for freedom of expression – The National Unity Government (NUG) and the Federal Units should, based on the Federal Democracy Charter (FDC), adopt and issue nationwide minimum standards to guide the implementation of freedom of expression, media freedom, and the right to access information. These standards should clearly define the circumstances under which freedom of expression may be restricted, in accordance with international human rights law, specifically the principles of legality, necessity, and proportionality.
- To clarify generic terminology – General terms such as public security, public interest, harm to dignity or reputation, and public morality carry a significant risk of being used to excessively restrict rights. Therefore, the NUG and Federal Units should clearly define the meaning, scope of application, and permissible limits of these terms through detailed policy guidelines.
- To review immunity provisions – Provisions that bar legal action against authorities, such as Article 151 of the draft version of Mandalay Region Interim Political Plan, should be revised.
- Ethnic and cultural rights are important to a federal system. However, if these rights are not clearly linked with freedom of expression, there is a risk that collective identities may be used to restrict individual expression in the name of group protection. Therefore, policy guidelines should be developed to ensure a balanced relationship between collective rights and freedom of expression.

7.2. For Regional Military and Administrative Leaders

- To establish procedures for security-based restrictions – Regional military and administrative leaders should follow clear procedures when restricting news gathering or freedom of expression on security justifications. Such procedures

should include a written order, a specified time limit, and mechanisms for review. Restrictions should be automatically lifted once the underlying circumstances no longer exist.

- A designated media focal person should be appointed at the regional level to facilitate communication with media organizations.
- An internal complaint mechanism should be established to address cases in which authorities arbitrarily arrest individuals or compel the deletion of posts related to freedom of expression.

7.3 For Civil Society and Media Organisations

- Advocating that freedom of expression is not opposed to security - Civil society organisations and media actors should see freedom of expression not as an adversary of security, but as a principle that can enhance the legitimacy of revolutionary governance, and present policy recommendations accordingly.
- Solution-oriented advocacy - In relation to freedom of expression, civil society and media organisations should not limit themselves to opposing authorities alone. Instead, they should also propose constructive alternatives. For example, media actors could develop reporting guidelines on military-related coverage and negotiate with authorities.
- To systematically document violations on the ground - Although freedom of expression is legally recognised, violations in practice should be documented by region and type. Such documentation can help build an evidence base to support policy advocacy efforts.

- Digital security guidance for the public - In regions such as Mandalay, where military control and revolutionary activities intersect, civil society organisations should take the lead in providing digital security guidance and awareness-raising initiatives to reduce self-censorship and promote safer, more secure ways for individuals to exercise their freedom of expression.

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