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FREEDOM OF THE PRESS

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Burma

 Burma | Freedom of the Press 2014 |

Burma's media environment continued to improve in 2013, driven in part by the country's ongoing transition from military dictatorship to democracy, although the pace of reform slowed. Positive developments for press freedom during the year included the introduction of private daily newspapers as well as debates about, and some progress toward, new media legislation. In addition, exile media groups continued to return to the country to open offices and obtain publishing licenses. Nevertheless, Burma remained one of the more restrictive countries in Asia, with significant state control over the domestic media sector, a government monopoly on telecommunications and the internet, and a number of harsh laws still on the books.

The 2008 constitution provides for freedom of expression and of the press, while at the same time setting out broad and ambiguous conditions under which these rights may be curtailed. Moreover, these rights are not respected in practice, as the court system lacks the independence to try cases impartially, and many draconian laws still stand. For example, the 1950 Emergency Provisions Act bans content that would "affect the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order." The 2004 Electronics Transactions Law prohibits the electronic transfer of information liable to undermine national security, including communications about cultural or economic affairs. The criminal code, the Official Secrets Act, and other laws can also be used to restrict media freedom. Several lawsuits brought by government officials against privately owned weeklies in 2012 were successfully mediated by the interim Myanmar Press Council (MPC) in 2013, though in some cases these mediations followed protracted judicial proceedings. In one case, a defamation suit brought by the mining ministry against the *Voice* chief editor Kyaw Min Swe relating to corruption allegations at the ministry was dropped in January following out-of-court negotiations between the ministry and the MPC—but not before Kyaw Min Swe had attended 28 court hearings over a six-month period.

In December 2013, Ma Khine, a reporter with the Eleven Media Group, was sentenced to three months in prison for trespassing, after she went to interview a lawyer for a story about pirated movies. She also received one month for defamation and one month for "using abusive language." According to the reporter, the plaintiff agreed to be interviewed for the story but later became angry when asked how much she charged for handling a case. She later claimed that Ma Khine had forcibly entered her home and used abusive language when asked to leave. Eleven Media Group believes that the judge's heavy sentence may have been in retribution for the group's recent reporting about widespread corruption in the judiciary. According to the Committee to Protect Journalists (CPJ), Ma Khine was the first Burmese reporter to be imprisoned since President Thein Sein released 14 jailed journalists in a 2012 presidential pardon.

Several media-related laws were drafted, introduced, and debated in 2013. In March, the information minister introduced in the lower house a new printing and

2014 SCORES

PRESS STATUS

Not Free

 PRESS FREEDOM SCORE
 (0 = BEST, 100 = WORST)

70

 LEGAL ENVIRONMENT
 (0 = BEST, 30 = WORST)

22

 POLITICAL ENVIRONMENT
 (0 = BEST, 40 = WORST)

24

 ECONOMIC ENVIRONMENT
 (0 = BEST, 30 = WORST)

24

publishing law intended to replace the 1962 Printers and Publishers Registration Act—without knowledge of or consultation with the MPC. Following a public outcry by the MPC and an alliance of other local media associations, the proposal was temporarily tabled. In July, however, the lower house approved the bill, prompting members of the press council to threaten resignation if the bill passed in the upper house. Many of the bill's more controversial measures, including a vaguely worded ban on reporting critical of the military-drafted 2008 constitution and possible prison sentences for publishers who failed to register with the government, were removed from the bill in November. The bill was awaiting approval by parliament at year's end. The Public Service Media Bill, which sets out a proposal for transitioning the state broadcaster to a public broadcaster, was also introduced in parliament in the fall, though a long debate is expected before passage. In October, the government passed a new telecommunications law that observers warn may require telecom operators to intercept or suspend communication services at the request of the government, based on vague national security or public interest concerns. An MPC-drafted media bill, containing stronger protections for press freedom, including the increased use of mediation to settle disputes, was passed by the lower house in early November. The bill also includes a proposal to abolish criminal defamation.

There is no freedom of information law in Burma, and access to government officials and departments is inconsistent. While Thein Sein pledges openness and holds official press conferences, many lower and mid-level bureaucrats, wary of displeasing their superiors and fearful for their jobs, continue to refer media queries to the president's office. The military remains particularly closed; despite the creation of a new military spokesperson position, the holder of the office rarely returns calls, according to reporters.

Foreign embassies, international media development organizations, and the newly formed journalists' associations continued to host training sessions, seminars, and forums to discuss the development of the media during the year. In addition, the government continued enlisting assistance in assessing state-run outlets, training personnel, and providing advice on the changing media landscape.

The elimination of prepublication censorship in 2012 and a fluid regulatory regime has resulted in uncertainty over what constitutes grounds for post-publication suspension of licenses, perpetuating self-censorship among many journalists and editors. In June 2013, Inwa Publications, the distributor of *Time* magazine, decided not to distribute the July issue of the magazine, which featured a cover story about the Burmese Buddhist monk Ashin Wirathu, entitled "The Face of Buddhist Terror"; the decision was later reinforced by a government ban on the magazine's sale in any form. Critics raised concerns that the government's use of emergency legislation to censor the issue set a dangerous precedent and restricted the space needed to discuss the sensitive issue of ethnic conflict. In a positive trend, access to previously censored online content, including independent and foreign news sites and overtly political content, improved in 2013.

In general, media outlets continued to expand their coverage of political news, addressing topics that had in the past been considered off-limits and engaging in more scrutiny of the activities of the government and legislature. Interethnic tension, however, remained a sensitive topic, especially in Rakhine State, where violence between Buddhists and ethnic Rohingya Muslims broke out again in March 2013 after earlier bouts of violence in 2012. Press and eyewitness reports indicated that the government was restricting access to cities and towns in Arakan State where incidents had taken place, and that reporters were often met with harassment and threats from the local population. Moreover, the government did not officially comment on the situation until five days after Thein Sein proclaimed a state of emergency in the area. In June, the European Parliament passed a resolution calling for journalists to be given unrestricted access to sensitive regions of the country. Some Burmese media outlets and Buddhist leaders have accused other members of the media—especially foreign or former exile media outlets—of biased coverage, raising concerns over incitement of hatred in an already volatile climate, especially with the use of social media.

Exile media organizations continued to return and negotiate their role in the country's media landscape. Many set up offices in Burma either officially or unofficially in 2011 and 2012, while retaining their offices abroad, given the

potential for government backsliding in the reform process. Media organizations affiliated with an ethnic minority appeared to face fewer obstacles in their attempts to register or obtain licenses in 2013 than in previous years, while minority journalists continued to assert themselves at media conferences and to demand representation in the newly established press council.

Cases of physical violence or harassment directed against members of the press occur occasionally. Several attacks on journalists were reported during the violence in Rakhine State in March. Both foreign and local journalists were met by angry mobs that prevented them from reporting on the riots. Radio Free Asia reported that in Meikhtila, a town at the center of the riots, armed Buddhist monks threatened several journalists who had witnessed them damaging a mosque and a house. The monks destroyed the memory cards from the journalists' digital cameras while one monk held a knife to the throat of an Associated Press reporter. Media advocacy groups called on the government to do more to protect journalists working in conflict areas.

The level of diversity and private ownership in the print sector continues to expand. The first eight licenses for privately owned daily newspapers were authorized in early March 2013; by year's end, 31 licenses had been issued, and at least a dozen dailies were operating regularly. Despite the easing of formal government controls, the largest print outlets remain state-run; additionally, private media ownership is highly concentrated. High levels of poverty and illiteracy, along with poor infrastructure and distribution networks, mean that print media are accessible mainly in urban areas. Most Burmese look to broadcast outlets as their main source for news. Six public television stations are available, of which five are controlled by the Information Ministry and one by the armed forces. The eight domestic FM radio channels are controlled by the government or its allies. However, radio programs transmitted from abroad by Voice of America, Radio Free Asia, and Democratic Voice of Burma are accessible and remain very popular. Because of high monthly subscription fees to access satellite television, most Burmese viewers install the receivers illegally. Authorities no longer restrict the importation of foreign news periodicals.

Internet connections are expensive, and in 2013 only 1.2 percent of the population accessed the medium, one of the lowest rates in the world. The government owns all internet service providers, although it announced in January that it would grant two licenses to private companies, each with an initial term of 15 years. Download speeds remain painfully slow, affecting the dissemination of information. Nevertheless, for those with access, a range of e-mail, blog, and social-media platforms—including Gmail, Facebook, and YouTube—have grown in popularity. The price of SIM cards for mobile telephones has dropped significantly in recent years, but mobile phone owners remain an elite group: less than 10 percent of the population has a mobile phone number, according to a 2013 report. Moreover, the cost of mobile data remains high and Wi-Fi signals are notoriously unreliable, making smartphone use limited, even for those who can afford them. The government has announced its intention to license a second private mobile operator, which could see mobile penetration rates grow to as high as 80 percent by the end of 2015.

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