

Burma (Myanmar)

Status: Not Free

Legal Environment: 23

Political Environment: 24

Economic Environment: 25

Total Score: 72

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	97,NF	96,NF	95,NF	94,NF	85,NF

Significant changes in Burma's media landscape in 2012 were driven in part by continued openings in the general political environment, most notably increased space for political parties to operate and parliamentary by-elections in April that led to the opposition National League for Democracy (NLD) rejoining the political process and winning 43 of the 44 seats it competed for. Positive developments for press freedom during the year included the release of a number of imprisoned bloggers and journalists, an end to official prepublication censorship, the lifting of bans on coverage of certain topics, the establishment of several independent journalists' and publishers' associations, fewer reports of harassment and attacks against journalists, the removal of several foreign journalists from the government's blacklist, and despite a rocky start, progress toward a new media law. In addition, exile media groups continued to return to the country, with several opening offices and a few obtaining publishing licenses. But even after these rapid changes, Burma remained one of the more repressive countries in Asia, featuring significant state control over the domestic media sector, low penetration rates for electronic media, and a number of restrictive laws still on the books.

The 2008 constitution provides for freedom of expression and of the press, but it also contains restrictive language that contravenes international standards. 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 any individual or group from electronically sending information regarding government issues or national security, or messages of a cultural or economic nature. The criminal code, the Official Secrets Act, and other laws can also be used to restrict media freedom. The parliament continues to resist efforts to repeal such statutes. Several lawsuits were brought against privately owned weeklies in 2012, primarily by government officials, raising the prospect that defamation cases could become an important new means of curbing the media in the absence of direct censorship.

In early 2012, the government began drafting a new media law that would replace the 1962 Printers and Publishers Registration Act. Local media associations such as the Myanmar Journalists Network (MJN), the Myanmar Journalists Association (MJA), and the Myanmar Journalists Union (MJU) were not consulted in the drafting process, and passage of the bill was delayed after a leaked version showed that it would not guarantee press freedoms. An interim press council staffed by government officials, the Myanmar Core Press Council (MCPC), was formed in August to monitor journalists until a new media law could be enacted. Following protests by domestic journalists calling for more influence in the council, the MCPC was

replaced with the more inclusive Myanmar Press Council (MPC) in September. In November, the MPC drafted a code of ethics for journalists. A revised media law was expected to be introduced in the parliament in 2013.

Foreign embassies, international media development organizations, and the newly formed journalists' associations hosted many training sessions, seminars, and forums to discuss the development of the media during the year. In addition, the government enlisted the assistance of some of the newly returned exile media in assessing state-run outlets, training personnel, and providing advice on the changing media landscape. The formerly banned exile station Democratic Voice of Burma (DVB) jointly organized a conference on public-service broadcasting with the Information Ministry in September, and in October the government announced its intention to transform the country's state-run newspapers into public-service media. Also that month, President Thein Sein began holding official press conferences; other government officials and departments continued to make themselves more accessible than in the past.

Official censorship significantly decreased in 2012, and prepublication censorship was eliminated, though the resulting uncertainty about what constituted grounds for postpublication suspension of licenses led to an increase in self-censorship by journalists and editors. Prior restraint was lifted for those publications still subject to such restrictions, specifically for educational publications in March, for literary publications in May, and for all other publications in August, ending a 48-year-old practice. In July, publications were granted permission for the first time to place images of NLD leader Aung San Suu Kyi on their front pages. In December, it was announced that privately owned daily newspapers would be able to resume production in the country starting in April 2013. While government control and legal restrictions remain in place for domestic internet service providers, the government has recently begun to open up access to previously censored online content. Formerly blocked websites have recently become accessible, such as those with content relating to human rights and political reform, as well as independent and foreign news sites.

Burmese journalists in many instances took action to assert their rights in 2012, including by organizing protests against license suspensions imposed on the private press. In August, prior to the lifting of prepublication censorship, journalists from MJN took to the streets to protest the July suspension of *The Voice Weekly* and *The Envoy*, after the journals failed to submit their articles for prepublication scrutiny. The MJN, MJA, and MJU formed a Press Freedom Committee to seek a reversal of the suspensions by the government's censorship board. In addition, despite rising concerns about self-censorship, 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. Yangon-based journalists were able for the first time in 2012 to cover events in some ethnic minority areas, such as the fighting between government forces and minority guerrillas in Kachin State. However, interethnic tension remained a sensitive topic, especially in Rakhine State, where violence between Buddhists and ethnic Rohingya Muslims broke out in June and again in October. The government issued directives against coverage of the situation and maintained a close watch on journalists traveling to the region.

Exile media organizations continued to explore options for returning to the country. Several set up offices in Burma either officially or unofficially, but many retained their offices abroad given the potential for backsliding in the reform process. Media organizations whose affiliation with an ethnic minority was apparent in their names faced obstacles in their attempts

to register or obtain licenses. In addition, minority journalists remained marginalized at media conferences and in the newly established press council. Although several prominent foreign journalists were removed from the government's blacklist, most foreign reporters still found it difficult to obtain visas to cover events within the country.

No attacks on journalists were reported in 2012, and harassment dropped significantly, with only a few reports of threats in restive Rakhine State. According to the Committee to Protect Journalists, by the end of 2012, no journalists were being held in any of the country's prisons. Nine journalists had been released in January as part of a mass amnesty for political prisoners, including five from DVB. Additional journalists were released over the course of the year.

Media concentration remains high, even though a number of formerly exiled media organizations have begun opening outlets in the country. The government owns or controls all domestic broadcast media and the main daily newspapers, but that is expected to change starting in 2013. Authorities no longer restrict the importation of foreign news periodicals, yet due to high levels of poverty and illiteracy, as well as poor infrastructure and distribution networks, print media are accessible mainly in urban areas, and broadcast outlets are the main source of news for most citizens. 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 DVB are accessible and remain very popular. Because of high monthly subscription fees to access satellite television, most Burmese viewers install the receivers illegally.

Internet connections are expensive, and in 2012 only 1 percent of the population accessed the medium. The government owns all internet service providers. Nevertheless, for those with access, a range of e-mail, blog, and social-media platforms—including Gmail, Facebook, and YouTube—have grown in popularity. In some cases the services have been used to disseminate misinformation and hate speech, as exemplified by vitriolic responses to the Rohingya issue. Starting in mid-2012, fabricated news and falsified photographs associated with the violence in Rakhine State were posted on several Facebook accounts anonymously. Also in 2012, the government reduced the price of SIM cards for mobile telephones, though they remained among the most expensive in Asia. Complicated payment schemes for short-message service (SMS) make it either too costly or politically risky for Burmese seeking to use text messages as another platform for news, information, or civic mobilization.