

Myanmar

	2014	2015		
Internet Freedom Status	Partly Free	Not Free	Population:	53.7 million
Obstacles to Access (0-25)	19	18	Internet Penetration 2014:	2.1 percent
Limits on Content (0-35)	16	17	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	25	28	Political/Social Content Blocked:	No
TOTAL* (0-100)	60	63	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2015 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2014 – May 2015

- International telecommunications companies Telenor and Ooredoo began providing mobile service in 2014, increasing the public's access to affordable SIM cards outside the state-issued ration (see **Availability and Ease of Access**).
- The supply of SIM cards fell short of demand, fueling black market prices up to ten times the market rate; service quality remained poor (see **Availability and Ease of Access**).
- The Ministry of Communication and Information Technology released two regulatory laws but bureaucracy slowed enforcement, and even the state-owned firm failed to comply. Other promised legislation on cybersecurity has yet to materialize (see **Regulatory Bodies and Legal Environment**).
- The government detained and charged internet users for online activities, including three men jailed for two years each for insulting religion on Facebook (see **Prosecutions and Detentions for Online Activities**).
- Government officials pressured social media users not to distribute or share content that offends the military, or disturbs the functions of government (see **Content Removals**).
- Parliament temporarily suspended a five percent tax on mobile phone top-ups in May 2015 following protests on social media (see **Digital Activism**).

Introduction

Internet freedom in Myanmar declined during the coverage period of this report in comparison with the progress made since the country undertook liberalization in 2011.¹ The government and security forces stepped up intimidation of internet users during social protests, intensifying conflict in ethnic minority regions, and during preparation for the 2015 national elections.

Since the political reform in 2011, telecommunications has become one of the most dynamic sectors in Myanmar. In 2013, the government granted two international telecommunications companies the opportunity to provide services and infrastructure alongside local firms. Besides creating jobs, the move drove much-needed legal reform. The government passed a Telecommunications Law drafted with input from the international community,² and Norway's Telenor Group established the country's first independent connection to the international internet in March 2014. Qatar's Ooredoo was the first to launch and offer a mobile phone service to a large part of Myanmar in August 2014. The Ministry of Communication and Information Technology (MICT) released two regulatory laws: "License Provision" in October 2014 and "Networking and Linking" in January 2015.

The government of former military leader President Thein Sein officially ended media censorship in 2012, and internet freedom improved in 2013, but the situation began to deteriorate since late 2014 as the practices of the old regime were revived. In addition to assaults and detentions, authorities employed legal, administrative, and other sanctions to influence content, and some clauses in the Telecommunications Law may allow censorship and surveillance.³ At the same time, the government amended, but failed to nullify, a 2004 Electronic Transaction Law which the junta notoriously used to criminalize political activism online.

Prior to 2014, internet access was only available through state-linked internet service providers (ISPs). They, too, are undergoing partial reform. The military-linked Yatanarpon Teleport (YTP) is transforming into a public company, but local news reports say government and military interests have purchased significant shares. Plans to privatize the state-owned Myanmar Post Telecommunication (MPT) have not materialized since they were announced in 2012.

Despite official commitments to good governance, military-owned conglomerates still appear to be manipulating the market. Since July 2014, the general public can access affordable SIM cards without needing to go through a state sponsored lottery, thanks to the international telecom companies, and mobile penetration has increased, though not enough to meet demand. Yet the internet lacks bandwidth to support the surge in online activity, and service quality remains poor because of inadequate infrastructure.⁴

Online communication reflected political polarization developing in advance of 2015 elections. Opposition leader and Nobel Peace Prize laureate Aung San Suu Kyi of the National League for Democ-

1 Earlier Freedom House publications referred to Myanmar as Burma. The military-led government changed the country's name from Union of Burma to the Republic of the Union of Myanmar without a referendum in 1989, a decision the opposition rejected as politicized. Myanmar became increasingly common, particularly after the regime adopted a more civilian form of government.

2 Shibani Mahtani, "Myanmar's Telecom Revolution Bogs Down," The Wall Street Journal, October 25, 2013. <http://on.wsj.com/1w4ITPD>.

3 "Interviews with three journalists and two web developers in Rangoon." October 2013; Daily Eleven, August 31. News citations without links refer to hard copy editions.

4 Naomi Gingold, "The roots of Myanmar's internet woes," Myanmar Times, December 1, 2013, <http://bit.ly/1HSrH1d>.

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racy (NLD) party now serves in the parliament.⁵ However, she is barred from running for president in elections scheduled for 2015 under a clause in the constitution that excludes candidates who have a spouse or children who are foreign nationals. Aung San Suu Kyi had two sons with her late husband, Michael Aris, and both are British citizens. The 2008 clause was drafted with her in mind, her supporters believe, and digital campaigns were waged by those who sought to amend the clause and those who wished to retain it. Other grassroots campaigns, such as a movement promoting educational reform, also employed mobile apps to spread information about protests and other activities. The most effective outcry in social media that forced the state to review its policy came from online protests against the government's imposition of five percent commercial tax on mobile top-ups starting from June 1st. Thanks to massive campaigns on social media, especially on Facebook, the parliament passed an urgent proposal to delay the tax until at least the end of the next fiscal year, on March 31, 2016.⁶

The influence of rising religious nationalism also increased online. The government has maintained discriminatory policies against ethnic minorities like the Muslim Rohingya,⁷ who are denied citizenship under Myanmar's law. Anti-Muslim hate speech was rampant online during the coverage period, overwhelming opposing campaigns that promoted tolerance. Since February 2015, the military has launched a military offensive against the armed Kokang ethnic group, which is based in the north-east along Myanmar's shared border with China. This was accompanied by social media warfare framing the Kokang conflict as an infringement on state sovereignty from the outside power, China.

Obstacles to Access

Internet access is improving in Myanmar, as increasing numbers of users go online via cell phones, which is growing comparatively more affordable. Yet internet penetration still ranks among the world's lowest. The quality of service remains poor because of inadequate infrastructure, and poverty continues to limit citizens' internet usage.

Availability and Ease of Access

The number of internet users has notably increased over the past five years, but remains a fraction of the population, though precise figures are disputed. Internet penetration was at 2.1 percent in 2014, up from 1.6 in 2013, according to the ITU estimate,⁸ which experts in Myanmar considered low. Users in most provincial towns have much worse access in comparison with the few urban cities, let alone rural villages. Power outages, service interruptions, and inadequate numbers of transmission towers have made the conditions onerous.

Private internet connections are prohibitively expensive, though there is significant regional variation. The one-time installation cost of home broadband access from the MPT, the dominant state-owned provider, is US\$50, plus an annual fee of US\$50, but monthly rates range from US\$17 to US\$80, depending on speeds, which range from 512 Kbps to 2.5 Mbps. For a faster fiber-optic internet connection, setup costs from US\$200 to US\$1,000 and monthly service, starting at US\$100, can run

5 "NLD Sweeps Parliamentary By-Elections," Radio Free Asia, April 2, 2012, <http://bit.ly/1IeJlpM>.

6 Ei Ei Toe Lwin, "Parliament suspends 5% tax on top-up," Myanmar Times, May 28, 2015, <http://bit.ly/1IjpinD>; San Yamin Aung, "Parliament Delays 'Top Up' Tax on Mobile Phone Use," The Irrawaddy, May 28, 2015, <http://bit.ly/1SCHkPg>.

7 Human Rights Watch, "Myanmar: Rohingya Muslims Face Humanitarian Crisis," March 26, 2013, <http://bit.ly/1HSsJdA>.

8 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2014," <http://bit.ly/1cblxxY>.

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up to thousands of dollars per month for speeds up to 100 Mbps,⁹ in addition to an annual US\$60 fee. Redlink, a private company run by the son of a former military general-turned-house speaker, charges even more. Users pay US\$500 in setup costs, plus US\$125 monthly and US\$60 annual fees for a fiber-optic connection of 2 Mbps. Prices have fallen during the coverage period in comparison with previous years. However, since Myanmar's gross domestic product was just US\$980 per capita in 2014, these costs keep personal internet access far out of reach for the majority.¹⁰

More people connect to the internet via mobile phones. During the coverage period, over 90 percent of internet users accessed the internet using a cellphone. Over 7 million people accessed the internet via mobile phone in December 2014, three times than the previous year. Just 120,000 internet users subscribed using ADSL or fiber-optic connections. In August 2014, the foreign telecom firm Ooredoo joined the market and sold its service charging US\$1.50 per SIM card. In the following month, Norway-based Telenor started distributing its SIM cards in the market with the same price.

Mobile penetration in the country reached at least 30 percent in December 2014, an increase from 13 percent in 2013.¹¹ Ministry of Communications and Information Technology figures cited by the ITU put mobile penetration at 49 percent in the same period.¹² The figures may be misleading, since many people use more than one SIM card and subscribe to different service providers in order to beat connection issues. Sales of dual-SIM handsets are increasing, as it is standard for mobile internet users to purchase at least two SIM cards. Officials reported mobile penetration reached 55 percent by March 31, 2015. This calculation was based on the number of active SIM cards, which totaled 28.1 million.¹³

Since the two foreign giants lack infrastructure compared to MPT, their underperforming services are often the impetus for users to spend more on dual connections, even while their presence in the market was expected to drive prices down. MPT has offered mobile phones since the 1990s, but charged from US\$2,000 to US\$5,000. The price dropped to US\$200 in 2012 after the country entered a political and economic liberalization in 2011. In 2013, the military-owned MEC and MPT distributed a finite number of SIM cards per month for about US\$1.50 each under a state-run lottery.

The state-owned MPT offers this more reliable service and coverage at a premium, in violation of the state's own pricing regulation. According to an MCIT directive, operators should not charge more than MMK 20 per minute for phone calls during peak hours and MMK 15 per minute off-peak. But the MPT charges its users MMK 50 per minute for a phone call. Ooredoo and Telenor charge MMK 25 per minute, according to local news reports.

An MPT promotional "Swe Thahar" (Friendship) plan introduced in January began pricing internet by volume rather than duration, but it cost users MMK 15 per MB compared to MMK 10 under Telenor and Ooredoo, while per-minute phone rates are still higher than Telenor and Ooredoo's. MPT users who have not signed up for the new Swe Thahar plan are not receiving the promotional pricing.¹⁴ In addition, the MPT did not offer its new plan to CDMA phone users. Users with CDMA phones paid

9 Based on an exchange rate of MMK 1,000 to US\$1, fiber service for 100mbps was listed at MMK 7,000,000 in 2015. See, <http://www.mpt.com.mm/en/product-services/fixed-line-internet/>

10 International Monetary Fund, "World Economic Outlook Database," October 2013, <http://bit.ly/1DvPA44>.

11 "The number of domestic mobile phone users increase to almost 17 million," The Internet Journal, December 15, 2014, <http://bit.ly/1ejxVyp>.

12 International Telecommunication Union, "Mobile-cellular Telephone Subscriptions, 2000-2014," <http://bit.ly/1cblxxY>.

13 Htoo Thant, "Mobile penetration reaches half the country," Myanmar Times, June 2, 2015, <http://bit.ly/1DvPA44>.

14 Aung Kyaw Nyunt, "MPT extends Swe Thahar promotion," Myanmar Times, March 27, 2015, <http://bit.ly/1Mokb8>.

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from US\$500, at the official rate, to as much as US\$5000 on the black market since the connection option was first available in 2000, and view their exclusion from more affordable pricing plans as discriminatory.

In total, a regular mobile internet user might spend MMK 10,000 to 20,000 (US\$10 to US\$20) per month, while those who rely on it for business spend from 30,000 to 50,000 (US\$30 to US\$50). This represents little change from last year and limits connectivity for a large percentage of the population since one quarter of the people remains below poverty line.¹⁵

Restrictions on Connectivity

Until 2014, the Ministry of Communications and Information Technology (MCIT) essentially controlled the country's infrastructure via the state-owned MPT, which covers over 90 percent of the country and is continuing to expand with a US\$2 billion investment from Japan's KDDI Corp and Sumitomo Corp.¹⁶

Myanmar is connected to the international internet via the SEA-ME-WE 3 submarine cable, and satellite and cross-border cable links with China and Thailand. China Unicom and MPT signed a Memorandum of Understanding in July 2013 to build a link from the SEA-ME-WE 5 cable through Mandalay and into China.¹⁷ The construction of the cable is in progress and expected to be in use by late 2015. Though both foreign firms are planning to establish their own cable links to Thailand, they so far share the MPT's backbone to connect with the international internet. Even if they could connect to the international internet in 2015, they would only serve users with a 10 GB bandwidth connection, while the MPT now provides 32.32 GB to its users, a significant increase from 3.92 GB in 2010-2011.¹⁸ Low bandwidth is largely responsible for the congestion experienced by local internet users, especially during peak afternoon hours. Power outages also frequently disrupt access.¹⁹

In late 2014, an MCIT spokesperson noted that there have been some discussions with international experts and consulting firms, including Price Waterhouse Cooper, about MPT privatization. Thus far, the connection to the international internet is essentially controlled by the state-owned MPT.

In October 2014, the MPT stopped accepting new applications for fiber-optic internet service. Since all ISP firms operate under the MPT, they also could not provide internet service to new customers. The stated reason for this service suspension for new users was that the MPT plans to expand bandwidth, and the service will be extended to new customers in 2015.²⁰

In some areas, Mabatha monks attempted to disrupt installation of transmission towers by Ooredoo because the firm has its roots in a Muslim country. In one June 2015 incident in Rangoon, monks took down Ooredoo's advertisement boards from public lampposts. The group announced a boycott

15 Asian Development Bank, "Asian Development Bank & Myanmar: Fact Sheet," December 31, 2014, <http://bit.ly/1RU97j7>.

16 Teppei Kasai, "Japan's KDDI, Sumitomo Corp to invest \$2bln in Myanmar telecoms," Reuters, July 16, 2014, <http://reut.rs/W9XIAR>.

17 Naomi, Gingold, "Fiber Fix Brings Burma's Internet Back Up to Speed," *The Irrawaddy*, July 30, 2013, <http://bit.ly/1LFvxiR>.

18 "Ooredoo soon to own fiber internet service provider," *7Day Daily*, March 1, 2015, <http://bitly.com/1mTkjOi>; "In Order to boost Internet Telenor and Thailand will be connected to the international Internet traffic," *7Day Daily*, January 25, 2015, <http://7daydaily.com/story/30242>.

19 Kyaw Hsu Mon, "Power Chief Pledges End to Rangoon Outages," *The Irrawaddy*, April 8, 2015, <http://www.irrawaddy.org/burma/power-chief-pledges-end-to-rangoon-outages.html>.

20 Aung Kyaw Nyunt, "Fiber connection freeze from leading ISPs," *Myanmar Times*, November 16, 2014, <http://bit.ly/1JyS5x6>. Interview with two managers from local ISPs in November 2014.

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of the company after it was granted an operating license in 2013, denouncing anyone working for Ooredoo, or using their services, as a traitor.

ICT Market

Despite progress in diversifying the market, state-owned conglomerates continue to skew the telecommunications playing field through two main ISPs,²¹ the state-owned Myanmar Post Telecommunication (MPT), and the military-linked Yatanarpon Teleport (YTP). Redlink, SkyNet, and other FTTH providers operate under YTP.

In 2012, the government announced plans to liberalize its telecom sector and invite foreign investment.²² In June 2013, the government awarded international licenses to Norway's Telenor and Qatar's Ooredoo, allowing them to offer services and infrastructure alongside the state-owned MPT.²³ In April 2015, the MCIT announced that it would award an operator license to the fourth telecom firm, Royal Yatanarpon, which was once the military-linked local firm YTP that is now being transformed into a public company. Royal Yatanarpon is reportedly planning to enter the market in partnership with Vietnamese military-linked Viettel Group, which is preparing to invest US\$1.8 billion in the Burmese telecommunications sector.²⁴ Up until late March 2015, the government has granted 19 local and foreign firms licenses to provide telecommunication services.²⁵ The government announced in 2012 that the MPT would be privatized in a few years, but nothing concrete was done in past few years.

Regulatory Bodies

The Posts and Telecommunications Department regulates Myanmar's telecommunications industry under the MCIT. Under the junta, the MCIT and intelligence agencies implemented arbitrary and ad hoc censorship decisions. Other state institutions tasked with information and communications technology (ICT) development and management are largely inactive.²⁶ The Myanmar Computer Federation, formed under the 1996 Computer Science Development Law and comprised of industry professionals, is the designated focal point for coordination with the ITU. Critics say it failed to take advantage of the 2011 political change to play a more active role in the ICT sector.

Clause 86 of the Telecommunications Law established an independent commission to take over regulatory functions within two years. The business community also welcomed the law's creation of an appeal tribunal mechanism to adjudicate over administrative issues in the telecommunications

21 Many still refer to the Ministry, formerly responsible for Communications, Posts and Telegraphs, by its old abbreviation MPT.

22 Martin Petty, "Insight: Disconnected for Decades, Myanmar Poised for Telecoms Boom," Reuters, September 13, 2012, <http://reut.rs/1riFOJi>.

23 Shibani Mahtani and Chun Han Wong, "Norway's Telenor, Qatar Telecom Get Myanmar Telecom Licenses," *Wall Street Journal*, June 27, 2013.

24 "Teleport and Royal Yadanarbon will be allowed to operate as a fourth operator," 7Day Daily, April 4, 2015, <http://bit.ly/1g8g9A9>.

"Fourth operator license issuing plans," The Internet Journal, April 4, 2015, <http://internetjournal.media/news/2237>.

25 "More communication services for business up to 19," The Internet Journal, April 2, 2015, <http://internetjournal.media/news/2223>.

26 These include the Myanmar Computer Science Development Council, the e-National Task Force, the Myanmar Computer Federation, the Myanmar Computer Professionals' Association, the Myanmar Computer Industry Association, and the Myanmar Computer Enthusiasts' Association.

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industry. The MICT released two regulations expanding on the telecommunications law during the coverage period, a License Provision on October 14, 2014, and a separate one on Networking and Linking in January 6, 2015. The enactment of the by-laws and regulations is a good indication of the government's willingness to further liberalize the country's telecommunications sector. However, bureaucratic processes are still blocking implementation.

Limits on Content

During the coverage period, the military actively pressured online media users and outlets not to tarnish its reputation and public image. While digital content was not subject to censorship, sensitive political and social topics were nevertheless underrepresented online. Myanmar's failure to remove restrictive punishments for online content occurred in the context of a deliberate government campaign to marginalize balanced and dissenting voices. Tactics included economic pressure on independent media, manipulative political commentary, and tacit encouragement of nationalistic hate speech against the Muslim minority.

Blocking and Filtering

The government lifted systematic state censorship of traditional and electronic media in 2012. Since then, political content appeared to be almost universally available, and even social content, such as pornography, was not blocked as of mid-2015.

Content Removal

While content remained available and accessible for new readers in theory, authorities made a concerted effort to exclude certain topics from mainstream discourse in ways that lacked transparency and due process.

Notably, the military pressured individual online users and media outlets not to damage the public image of the armed forces. In one instance, the military released a statement protesting the private weekly *Myanmar Times* journal for publishing a cartoon that "insulted the dignity of the armed forces," and prompted a takedown and apology from the journal. The cartoon, published in the March 25 edition, featured a husband and wife talking about the ongoing conflict between the military and ethnic Kokang insurgents. The husband relays that the army had taken the hills, to which the wife replies "aren't they satisfied with taking the farms?"²⁷ The military also released a statement on April 26 targeting the Eleven Media group for publishing a news article about military losses in a battle with the Kokang. The Armed Forces Accurate Information Team said the article breached journalistic ethics and harmed the dignity and spirit of military personnel.

Media, Diversity, and Content Manipulation

In this climate, self-censorship remains common online on military and related issues. While some topics are discussed more freely since liberalization, internet users are reluctant to discuss past abus-

27 "The Irrawaddy: Myanmar Times cartoon prompts swift apology to military – Nobel Zaw," BurmaNet News, April 6, 2015, <http://bit.ly/1LuThaZ>.

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es for fear of jeopardizing the political opening. On May 3, the military sent a warning letter to the Myanmar Press Council stating that the local news media outlets were not to cover any statements released by Kokang ethnic armed group. The letter warned that any media outlet that fails to follow the instruction will face action in accordance with the existing laws.²⁸

Social media and communication apps, including Viber, Tango, Friendfinder, and Google+, are freely available. In September 2014, the speaker of the Upper House even arranged for members of parliament to install Viber to communicate with one another and with their constituencies. MPs in the same political party or with similar view on particular issues set up Viber groups to exchange information.²⁹ In June 2015, when the Burmese currency value dropped to a record low of MMK 1,105 to the dollar and MMK 1,235 on the black market, Thura Shwe Mann, who is the speaker of the Lower House, invited Facebook users to make suggestions—and actually implemented some of them.

Facebook is the most popular social media platform, since many users developed the habit of using the platform to share information, initiate collective action on social and political issues, or follow exile media outlets when website blocking was still pervasive. According to one estimate, there were three million Facebook users in Myanmar in January 2015. (In better-connected Thailand, the number of Facebook users was estimated at 28 million.)³⁰ For some users frustrated with the challenge of navigating between sites on poor connections, Facebook is the sole source of online news, potentially depriving local outlets of the advertising revenue that would reduce their dependence on state-operated print outlets.

Some progovernment blogs, such as *OppositEye*, actively manipulate online commentary to launch smear campaigns against Muslims or the political opposition.

Ethnic Burman internet users also spread racially-charged comments across social media platforms throughout the coverage period.³¹ A radical group of Buddhist monks named Mabatha has intensified its anti-Muslim campaign in this coverage period. In January, the best-known leader of the group, Ashin Wirathu, called a UN special envoy a “bitch” and a “whore,” comments which were widely shared by extremists and military-hired cyber troopers.³² A Facebook page in Wirathu’s name has thousands of supporters.³³ He even created his own news app to propagate hate speech, but the authorities thus far have not taken any action against him or other hatemongers online.

In contrast, the persecuted Rohingya minority lack a domestic online audience, though some Rohingya bloggers and Facebook users have gained recognition overseas. Individuals or news outlets that provide even neutral coverage of religious tensions are accused of anti-Burmese bias.³⁴

Digital Activism

28 “Military bans media outlets from publishing Kokang group’s statements,” Daily Eleven, <http://bit.ly/1CVakuY>.

29 “Parliamentarians in support of Viber,” The Internet Journal, December 24, 2014, <http://www.internetjournal.media/new/794>.

30 “Facebook domestic consumption more than the three neighboring countries and at six percent,” The Internet Journal, January 22, 2015, <http://www.internetjournal.media/new/1254>

“The number of Facebook users 3 million,” The Internet Journal, December 20, 2014, <http://internetjournal.media/new/738>.

31 Sait Latt, “Intolerance, Islam and the Internet in Myanmar today,” New Mandala, June 10, 2012, <http://bit.ly/1g6ktQr>.

32 “UN condemns Myanmar monk Wirathu’s ‘sexist’ comments,” BBC News, January 22, 2015, <http://bbc.in/1E4GBDA>.

“Interview with a senior editor of the local weekly journal in March 2015.

33 “Ashin Wirathu’s Facebook Page,” Facebook Public Figure Page, 2013, <https://www.facebook.com/AshinWirathu>.

34 Asia Sentinel, “Myanmar’s Irresponsible New Media,” *Irrawaddy*, July 11, 2012, <http://bit.ly/1g3D7B>.

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In 2014, Buddhist nationalists successfully campaigned to force the government not to allow the Rohingya minority to register their ethnic identity in a 2014 census sponsored by the United Nations Population Fund. In early 2015, the government also conceded to their demand to disenfranchise over one million people, largely Rohingya and other minority groups, by revoking their temporary registration certificates, known as white cards.³⁵ In both online and off-line campaigns, nationalists also campaigned extensively during the coverage period to legislate bills to “protect” race and religion. In March 2015, the Lower House passed the Population Control bill, which requires mothers to have their children three years apart. Observers feared it would be implemented selectively to withhold rights from children born in minority communities. The Buddhist Women’s Special Marriage bill, requiring Buddhist women to seek permission from local authorities before marrying a man of another faith, was also passed in the lower house.³⁶ The Buddhist nationalist movement is also urging the government not to amend Clause 59F of the constitution, which bars Aung San Suu Kyi from becoming a presidential candidate in the 2015 election.³⁷

Campaigns to counter these negative online campaigns also had some success. The Panzagar, or “Flower Speech,” movement opposes the spread of anti-Muslim sentiment and has gained media attention and popular support.³⁸ It was set up by Nay Phone Latt, the blogger and director of the technology and free speech advocacy organization Myanmar ICT for Development Organization (MIDO), who spent nearly four years in jail for writing about the crackdown on monk-led protests in 2007.³⁹ In February 2015, the movement distributed “Speak Panzagar” stickers of 24 cartoon characters voicing Burmese-language slogans such as “Don’t spread hate” and “Don’t fuel conflict” for free download on Facebook and Viber. These stickers became very popular among internet users, and MIDO plans to make more representing different ethnic culture and languages,⁴⁰ and to make them available in six other countries with large minority populations from Myanmar, such as Singapore, Thailand, and the United States.⁴¹ In January 2015, MIDO and the U.S Agency for International Development (USAID) jointly organized a three-day long forum called “Peace Tech Exchange” where more than 100 groups joined and discussed how to stop hate speech with the help of technology.⁴²

Online campaigners also opposed a government-initiated five percent tax on mobile phone top-up cards announced on May 18, 2015, with some success. The tax was suspended on May 27 until the next fiscal year.

Violations of User Rights

The October 2013 Telecommunications Law transformed the industry, but failed to repeal harsh punishments for political dissent on electronic media. Journalists conducting online and off-line reporting on student protests and police crackdowns were harassed, attacked, and detained by police. Increasing

35 Andrew R.C. Marshall, “In Rohingya camp, tensions mount over Myanmar plan to revoke ID cards,” Reuters, February 16, 2015, <http://reut.rs/1DAe73b>.

36 Nobel Zaw, “Lower House Approves Two ‘Race and Religion’ Bills,” The Irrawaddy, March 20, 2015, <http://bit.ly/1H5vgVX>.

37 Min Zin, “Why Burma is Heading Downhill Fast,” Foreign Policy, March 28, 2014, <http://atfp.co/1LxiH7I>.

38 “Speak Panzagar” Facebook Campaign Page, February 2015, <https://www.facebook.com/panzagar>.

39 Thin Lei Win, “Myanmar activists launch anti-‘hate speech’ campaign,” Thomas Reuters Foundation, April 3, 2014, <http://tmsnrt.rs/1MKpet9>.

40 “Flower stickers will be distributed to countries/ or citizens living in Myanmar,” 7Day Daily, February 22, 2015, <http://7daydaily.com/story/32267>.

41 Catherine Trautwein, “Sticking it to hate speech with ‘flowers,’” Myanmar Times, March 2, 2015, <http://bit.ly/1CS0oVl>.

42 Kyaw Hlaing, “Hate speech technology in order to deter more than 100 organizations to discuss collectively,” The Internet Journal, January 15, 2015, <http://internetjournal.media/new/1155>.

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numbers of traditional media journalists were arrested during the year, contributing to a climate of intimidation online. Ten journalists were imprisoned in 2014 and 19 were facing trial, and Myanmar was the 10th worst jailer of media workers in 2014 according to the Committee to Protect Journalists. In addition, hackers targeted the Eleven Media news website for “slandering the government.”

Legal Environment

The current constitution, drafted by the military-led government and approved in a flawed 2008 referendum, does not guarantee internet freedom. It states that every citizen may exercise the right to “express and publish their convictions and opinions,” if “not contrary to the laws enacted for Union [of Myanmar] security, prevalence of law and order, community peace and tranquility or public order and morality.”⁴³

Parliament enacted the long-pending Telecommunications Law, drafted with the help of international experts including the World Bank, in October 2013.⁴⁴ Domestic and international investors applauded the consultative drafting process,⁴⁵ along with the guidelines for the industry, which provided the foundation for improving access. In fact, the telecommunication law itself failed to repeal the notorious Electronic Transaction Law (ETL) of 2004, which has routinely been used to criminalize digital activism. Instead, parliament amended the ETL, reducing but not eliminating possible jail sentences for ill-defined online actions.

Under the newly-amended ETL, “any act detrimental to” state security, law and order, community peace and tranquility, national solidarity, the national economy, or national culture—including “receiving or sending” related information—is punishable by 3 to 7 years imprisonment, down from 7 to 15 years. The Telecommunications Law itself also includes broadly-worded clauses that subject internet activity to criminal punishment. Clause 68 punishes “communication, reception, sending, distribution or sharing of incorrect information with dishonest intention” with imprisonment for up to a year, an unspecified fine, or both. Given Myanmar’s history of violating user rights, these broadly-worded legal provisions are a matter of concern for internet freedom. In 2014, Thaung Tin, an MCIT deputy, acknowledged the need to fix repressive laws like the ETL and the Computer Science and Development Law, which criminalizes unauthorized use of a computer with a “fax-modem card.”⁴⁶ Laws regulating e-commerce and combatting cybercrime are also anticipated, though the timeframe is unclear. In December 2014, the MCIT said that they are revising the ETL in order to clarify confusing language and will be presenting their draft to the public for discussion soon.⁴⁷

Prosecutions and Detentions for Online Activities

Dozens of political prisoners formerly jailed for electronic activities remain free after they were released en masse in 2011. Though the release was described as an amnesty, they were generally not

43 Republic of the Union of Myanmar Constitution, Ch. VII, Defense Services, art. 354 sec. b. <http://www.Myanmarlibrary.org/show.php?cat=1140>.

44 The Pyidaungsu Hluttaw passage of The Telecommunication Law, No. 31, October 8, 2013, <http://bit.ly/1g8hlU5>.

45 Shibani Mahtani, “Myanmar’s Telecom Revolution Bogs Down,” The Wall Street Journal, October 25, 2013. <http://on.wsj.com/1w4ITPD>.

46 The State Law and order Restoration Council passage of The Computer Science Development Law, No. 10/96, September 20, 1996, <http://bit.ly/1CXw1zk>.

47 “A newly designed Electronic Contact Cooperation Law may be released soon,” 7Day Daily, December 14, 2014. <http://7daydaily.com/story/26977>.

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acquitted, but rather released on condition that reoffenders will receive a new sentence in addition to previously unfinished sentences. At least three former military or government officials remain imprisoned after they were sentenced in early 2010 for leaking sensitive information about junta activities to overseas groups using digital tools.⁴⁸

In late February, police arrested freelance photojournalist Aung Nay Myo for uploading a satirical post on Facebook mocking the president's relationship with the military. The Facebook post depicted President Thein Sein and military commander general Min Aung Hlaing photoshopped into a poster for a movie known as military propaganda.⁴⁹ Though he was released after three days of detention, the interrogators forced him to turn over his password and take down the post. In news reports, authorities were quoted threatening those who shared the post with legal measures.

In March, a court in Rangoon jailed one New Zealander and two Burmese for two years each on charges of "insulting religion" in a promotional Facebook post depicting a photoshopped picture of the Buddha wearing headphones and sunglasses. The men were arrested in 2014 after members of the Association for the Protection of Race and Religion (Mabatha) complained to authorities.⁵⁰ The picture, which advertised a bar, was taken down the day it was posted.

On March 10, 2015, at least two journalists were arrested while covering a crackdown on student protests in central Myanmar. In a separate incident, two reporters covering labor protests in Rangoon were also briefly detained on March 4.⁵¹ All four journalists reported for media organizations who publish in both print and online formats. The case of a citizen journalist who was fatally shot in military custody in October 2014 has yet to be solved.

Increasing numbers of traditional media journalists were arrested during the coverage period. At least 10 journalists were imprisoned and 19 were facing trial in 2014, making Myanmar the 10th worst jailor of media workers worldwide.⁵² Journalists and online users who criticize or investigate military matters are frequently charged with national security-related laws such as the colonial-era 1923 Official Secrets Act and defaming the state or the court. In July 2015, the government sued 17 editors from the Eleven Media group with contempt of the court in the Mandalay Region Court.

Surveillance, Privacy, and Anonymity

State surveillance, historically pervasive and politicized, abated after the political opening, but intensified somewhat in 2013 due to religious unrest and the opposition-led constitutional reform movement, among other issues. Regrettably, the Telecommunications Law introduced greater scope for abuse. Clause 75 grants unspecified government agents the authority "to direct the organization concerned as necessary to intercept, irrespective of the means of communication, any information that affects the national security or rule of law." The clause added that the government would do so

48 In January 2010, a former military officer and a foreign affairs official were sentenced to death, and another foreign affairs official was sentenced to 15 years in prison, for leaking information and photographs about military tunnels and a general's trip to North Korea. Interview with Bo Kyi, cofounder of the Association for Assisting Political Prisoners (Myanmar), July 2012. The executions have not been carried out.

49 Deme Walls and Phoebe Seston, "Myanmar Photographer Released After Three Days in Jail," *Global Journalist*, March 3, 2015, <http://globaljournalist.org/?p=476>.

50 Helen Clark, "New Zealander Jailed in Myanmar for Disrespecting Buddha," *The Diplomat*, March 19, 2015, <http://bit.ly/1xE24wn>.

51 "Journalists assaulted, detained in Myanmar crackdown," *CPI*, March 12, 2015, <http://cpj.org/x/5f47>.

52 Aung Hla Tun, "Myanmar jails two journalists for defamation," *Reuters*, March 19, 2015, <http://reut.rs/1AInfvy>.

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without affecting the fundamental rights of the citizens, but included no privacy protections. Clause 76 allows the government to inspect or seize this information on the premises of private telecommunications enterprises.

Telenor requires SIM card registration in compliance with local regulations. In November 2013, however, Telenor announced that it would protect its customers from government wiretapping, and asked information officials for clarification about interception rules and procedures. But the firm's CEO, Petter Furberg, told media in May 2015 that Telenor was pressed by the authority to disclose phone records and locations of some users. Pending clarification to the law, the firm assessed requests on a case by case basis, complying with 3 out of 15 intercept requests it described as "serious drug offenses, terror threats, and missing persons."⁵³

Ooredoo told journalists it will prevent any wiretapping of its phone networks.⁵⁴ But several international and local civil society representatives and some diplomats believe that the military has stepped up surveillance by means of wiretapping, hacking, and even intercepting Voice over Internet Protocol (VoIP) calls amid the intensifying social protests and political rivalries developing during the coverage period.⁵⁵

Intimidation and Violence

Journalists and bloggers periodically face attacks in Myanmar, though no attacks targeting internet users were publicized during the reporting period. In one example on March 10, 2015, police beat several journalists with batons and stones, including a foreign photographer, as they covered a police crackdown on student protests in central Myanmar.⁵⁶

Technical Attacks

On October 2, 2014, hackers attacked the English-language site for *The Irrawaddy* magazine, in apparent reprisal for its coverage of meetings between Buddhist-nationalist groups, including controversial monk U Wirathu, and their Sri Lankan counterparts.⁵⁷ In April 2015, Eleven Media's website was attacked by hackers, who linked to Executive Editor Nay Htun Naing's Facebook profile from the main page of the website. The attack took place after the publication uploaded Nay Htun Naing's article responding to President Thein Sein's top economic adviser, who had lambasted the journalist for "declaring jihad" on the government through his coverage of deteriorating economic conditions.⁵⁸

53 Petter Borre Furberg, "Telenor Myanmar," London, slideshow, May 12, 2015, <http://www.telenor.com/wp-content/uploads/2015/05/Telenor-Group-Sustainability-Seminar-Telenor-Myanmar.pdf>, linked in Deniz Duru Aydin, "More telcos join the transparency push to expose government surveillance," *Access Blog*, June 15, 2015, <https://www.accessnow.org/blog/2015/06/15/more-telcos-join-the-transparency-push-to-expose-government-surveillance>.

54 "Telenor to protect its customers from bugging," *MM Business Blog*, November 11, 2015, <http://bit.ly/1OoBFLI>.

55 Interviews with three senior INGOs staff, five local NGOs chief, one senior ruling party leader and two diplomats." November 2014 and April 2015.

56 "Journalists assaulted, detained in Myanmar crackdown," *CPJ*, March 12, 2015, <http://cpj.org/x/5f47>.

57 Kayleigh Long, "Black hat hackers hit Irrawaddy website," *Myanmar Times*, October 3, 2014, <http://bit.ly/1SEjqTz>.

58 "Hackers attack Eleven Media Group's e-version website," *Daily Eleven*, <http://bit.ly/1ejeVQT>. Interview with Nay Htun Naing in April 10, 2015.