Freedom
House

Myanmar

	2013	2014
Internet Freedom Status	Not Free	Partly Free
Obstacles to Access (0-25)	20	19
Limits on Content (0-35)	16	16
Violations of User Rights (0-40)	26	25
TOTAL* (0-100)	**62**	**60**

* 0=most free, 100=least free

Population:	53.3 million
Internet Penetration 2013:	1.2 percent
Social Media/ICT Apps Blocked:	No
Political/Social Content Blocked:	No
Bloggers/ICT Users Arrested:	Yes
Press Freedom 2014 Status:	Not Free

Key Developments: May 2013 – May 2014

- In March, Norway's Telenor activated Myanmar's first independent link to the international internet (see **Obstacles to Access**).

- Mobile penetration increased slightly under a program to distribute affordable SIM cards, but remains among the world's lowest (see **Obstacles to Access**).

- The October 2013 Telecommunications Law reduced, but did not abolish, prison terms for online activity (see **Violations of User Rights**).

- Democratic Voice of Burma video journalist Zaw Pe was sentenced in April 2014 to a one-year prison term in relation to his online reporting (see **Violations of User Rights**).

- Government officials pressured independent online media to alter advertisements and threatened to deny interviews (see **Limits on Content**).

Introduction

Telecommunications is becoming one of the most dynamic sectors in Myanmar's gradual transition from military rule to democracy.[1] In June 2013, the government granted two international tele-communications companies the opportunity to provide services and infrastructure alongside local firms. Besides creating jobs, the move drove much-needed legal reform. In October, the government passed a Telecommunications Law drafted with input from the international community.[2] Under the new framework, Norway's Telenor Group established the country's first independent connection to the international internet in March 2014. Qatar's Ooredoo introduced mobile phone service in much of the country in August.

The government of former military leader President Thein Sein officially ended media censorship in 2012, and internet freedom improved in 2013. The practices of the old regime, however, endure. Authorities employ 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. In January 2014, the government granted YTP a license to provide broader telecommunication services, further tilting a playing field that smaller players argue is already skewed. Plans to privatize the state-owned Myanmar Post Telecommunication (MPT) have not materialized since they were announced in 2012.

The telecommunications minister was dismissed amid an antigraft probe in early 2013. Yet despite official commitments to good governance, military-owned conglomerates still appear to be manipulating the market. The military-owned Myanmar Economic Corporation (MEC) began distributing data-enabled SIM cards for US$1.50 by means of a ballot in April 2013. Access to a cell phone cost up to $200 in 2012, so affordable connections represent major progress. Yet the distribution system was mired in corruption allegations, and cards resold on the black market for over $100.[4] Mobile penetration increased, but remains one of the lowest in the world, with just one phone for every two households. The internet also lacks bandwidth to support the surge in online activity.[5] Users said connection quality actually deteriorated in the past year as government and private sector services, including banking and commerce, came online. Inadequate infrastructure and electricity shortfalls are major challenges to overcome before access can expand.

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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   See, http://online.wsj.com/news/articles/SB10001424052702303615304579156981214121584.

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   *Daily Eleven*, August 28 and 29.

5   See, http://www.mmtimes.com/index.php/business/technology/8897-the-roots-of-myanmar-s-internet-woes.html.

Online communication reflected political polarization developed in advance of 2015 elections. Opposition leader and Nobel Peace Prize laureate Aung San Suu Kyi of the National League for Democracy (NLD) party now serves in parliament.[6] But she is barred from running for president in elections scheduled for 2015 under a clause in the constitution which excludes her for having family members who are foreign nationals—her children and late husband. The 2008 clause was drafted with her in mind, her supporters believe, and digital campaigns were waged by those who would amend the clause and those who would maintain it.[7] The influence of rising religious nationalism also increased online. The government has maintained discriminatory policies against ethnic minorities like the Muslim Rohingya,[8] 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.

Obstacles to Access

The Telecommunications Law passed on October 12, 2013, providing a foundation for the privatization of the industry. In March 2014, the Norway-based Telenor Group established an independent connection to the international internet.[9]

Yet poor infrastructure and widespread poverty continue to limit citizens' internet access and usage. The number of internet users has notably increased over the past four years, but remains a fraction of the population. The International Telecommunication Union (ITU) estimated internet penetration at 1.2 percent in 2013, up from 1.07 percent in 2012.[10]

Private internet connections are prohibitively expensive, though there is significant regional variation. The one-time installation cost of home broadband access ranged from $58 to $500 in early 2013, down from $530 to $588 the previous year, depending on speed and connection method. Prices continued to fall during the coverage period.[11] However, since Myanmar's gross domestic product was just $913 per capita in 2013, these costs keep personal internet access far out of reach for the majority.[12]

More people can access the internet via mobile phone. MPT has offered mobile phones since the 1990s, but charged from $2,000 to $5,000. The price dropped to $200 in 2012. In 2012, officials

6   "NLD Sweeps Parliamentary By-Elections," Radio Free Asia, April 2, 2012, http://www.rfa.org/english/news/Myanmar/elections-04022012160808.html.

7   "Myanmar's Aung San Suu Kyi Sworn in to Parliament," BBC, May 2, 2012, http://www.bbc.co.uk/news/world-asia-17918414.

8   Human Rights Watch, "Myanmar: Rohingya Muslims Face Humanitarian Crisis," March 26, 2013, http://www.hrw.org/news/2013/03/26/Myanmar-rohingya-muslims-face-humanitarian-crisis.

9   http://www.renesys.com/2014/03/telenor-activates-historic-link-myanmar/.

10   International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2013," http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx.

11   The MPT adjusted pricing from $58 to $50 for ADSL installation, plus an additional $100 modem fee, $50 annual charge, and monthly data plan. Plans ranged from $17 for 512 Kbps to $66 for 2 Mbps; YTP charged $100, plus a $50 modem fee, $60 annual charge, and the cost of monthly service. $60 for 512Kbps to $100 for 1Mbps; Redlink still charges $450 for installation, plus additional costs. An annual fee $60 for its Wi-Fi service. Its monthly fees vary from $30, $55 and $90 for 512Kbps, 1Mbps and 2Mbps of download speeds respectively.

12   International Monetary Fund, "World Economic Outlook Database," October 2012, http://www.imf.org/external/pubs/ft/weo/2012/02/weodata/weorept.aspx?pr.x=84&pr.y=11&sy=2010&ey=2017&scsm=1&ssd=1&sort=country&ds=.&br=1&c=518&s=NGDPDPC%2CPPPPC&grp=0&a=.

blocked a private company's initiative to sell more affordable SIM cards, but in 2013 it allowed MEC and MPT to distribute a finite number of SIM cards per month for less than $2 each.[13] Slow speeds and constant disruptions continue to drive up mobile internet prices, particularly since November 2013. Users reported needing from one to five minutes to load a single web page. A regular mobile internet user might spend MMK 10,000 to 20,000 ($10 to $20) per month, while those who rely on it for business spend from 30,000 to 50,000 ($30 to $50). SIM cards operating the CDMA 800 MHz radio frequency experienced worse connectivity problems than GSM phones on a 2G network.[14] Many SMS messages were never delivered or arrived after long delays, though they are automatically charged on sending.

The system for distributing these cheap SIM cards was a gift to corrupt officials and black market racketeers. Rather than make them available through service providers, users were directed to local government offices, where they were asked to submit household registration, ID, and two photos for the opportunity to enter a draw for one of the new cards. A US$1.50 SIM was soon worth much more on the black market. In September 2013, the Rangoon regional government set up a committee to monitor and supervise the draw, but has yet to have a noticeable effect.

The system threatened to perpetuate the urban-rural digital divide. The MPT sold more than half its SIM cards in Rangoon, and users in remote areas that lack the infrastructure to support frequent phone usage met with an automatic financial penalty when their credit expired within two months. Failure to purchase additional credit within 15 days of expiration led to disconnection. Power outages, service interruptions, and lack of transmission towers made the conditions onerous, and the company later announced it would revise them.[15]

Overall, there were over 1.2 million internet users on mobile phones in July 2013, according to MPT,[16] and 7 million mobile phones operating in Myanmar by December 2013. Teledensity in 2014 was 27 percent, a 10-percent increase over the previous year.[17] Despite the increase, this still averages just one mobile phone per two households. In April 2014, one year after affordable SIM cards were introduced, official statistics said 4.25 million had been sold.[18]

Until this year, the Ministry of Communications and Information Technology (MCIT) controlled the country's international connection to the internet through two main ISPs,[19] the state-owned Myanmar Post Telecommunication (MPT), and the military-linked Yatanarpon Teleport (YTP). Redlink, Sky-Net, and other FTTH providers operate under YTP.

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13   *Myanmar Internet Journal,* author interviews. Prior to the publication of this report, *Myanmar Internet Journal* was in the process of transferring online content from http://myanmarinternetjournal.com to a new URL, at http://www.internetjournal.media. Articles consulted between May 2013 and May 2014 had yet to be made available at the time of publication.

14   *Myanmar Internet Journal,* author interviews..

15   *Myanmar Internet Journal,* author interviews.

16   See, http://www.7daynewsjournal.com/article/11989.

17   There are over 8.7 million households in Myanmar. See, http://www.7daynewsjournal.com/article/11806.

18   http://myanmarinternetjournal.com/content/12035.

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

In 2012, the government announced plans to liberalize its telecom sector and invite foreign investment.[20] In June 2013, the government awarded international licenses to Norway's Telenor and Qatar's Ooredoo, allowing them to offer services and infrastructure alongside local firms.[21] The tender and selection processes were widely applauded as fair and transparent. After the Telecommunications Law was enacted in October 2013, operator licenses for the two companies followed in January 2014. Both subcontracted other international companies to build infrastructure.[22] MPT also plans to cooperate with Telenor, Ooredoo, and other operators to expand the telecoms network and build over 80,000 transmission towers across the country.

Telenor said it would pay $500 million for a 15-year license in addition to expenditure on network construction, and expects to break even of its investment, which could peak at $1 billion, in three years.[23] In February 2014 the CEO of Telenor Myanmar said in February the company would sell 2 and 3G SIM cards for $1.50 each, with coverage expanding to 90 percent of the country in five years.[24] Telenor also said it is in the process of hiring 3,000 employees, setting up a Telenor Myanmar Academy for training them, and invited distribution representatives and retail stores to join its network.[25] Ooredoo pledged to invest $15 billion to develop Myanmar's telecom sector and said it would roll out a network within six months, aiming for 97 percent coverage in five years. The firm will sell a 3G SIM card for MMK 1,500 kyat ($1.50). At a Rangoon press conference in August 2013, Ooredoo announced its plan to hire over 30,000 employees, 99 per cent of them local. However, training is urgently needed to fulfil employment goals. Local candidates who applied for jobs at ICT firms in 2013, even technical graduates, were underqualified and limited to administrative positions.[26]

To compete with Telenor and Ooredoo, MCIT officials said MPT would transform from a state-owned to a public firm. Local news reports said MPT invited Orange and Vodafone, two leading telecommunication companies that did not win the operating licenses, to enter into a private partnership.[27] YTP, now 49 percent private-owned, began transforming into a public company in 2012, though the process has been opaque.[28] The other 51 percent remains government-controlled. What's more, military-linked entities own most of the public holdings, while the company's transfer of state-owned capital to a new, public firm lacked transparency. The newly-constituted firm has 23 directors, including many accused of cronyism in connection with the junta, further tainting the transition. Some, such as Asia World's Tun Myint Naing, remain subject to United States and European Union sanctions for its involvement in illicit drug business.[29] On January 30, 2014, the government granted YTP

20   Martin Petty, "Insight: Disconnected for Decades, Myanmar Poised for Telecoms Boom," Reuters, September 13, 2012, http://in.reuters.com/article/2012/09/13/us-myanmar-telecoms-idINBRE88C03K20120913.

21   Shibani Mahtani and Chun Han Wong, "Norway's Telenor, Qatar Telecom Get Myanmar Telecom Licenses," *Wall Street Journal,* June 27, 2013, http://online.wsj.com/article/BT-CO-20130627-703302.html.

22   *Daily Eleven*, July 31, 2013 and http://www.telecomasia.net/content/ooredoo-taps-digicel-myanmar-rollout.

23   See, http://www.reuters.com/article/2014/01/30/telenor-myanmar-idUSL5N0L40BN20140130.

24   See, http://elevenmyanmar.com/index.php?option=com_content&view=article&id=4978:telenor-to-sell-30-million-sim-cards-in-eight-months&catid=37:science-tech&Itemid=360.

25   *Daily Eleven*, August 14, 2013.

26   Interview with three graduates from Technical Institute and Computer University, and four graduates of other majors including Accounting, and English, Rangoon, August and September 2013.

27   See,http://www.ft.com/intl/cms/s/0/b8dcbc36-3d14-11e3-86ef-00144feab7de.html#axzz2tX5ltFBA.

28   See, http://article.wn.com/view/2012/11/02/Myanmars_YTP_aims_to_become_public_company_through_reform/.

29   *Daily Eleven*, September 6, and November 27, 2013.

a telecommunications license, making it the fourth service provider after state-owned MPT, Telenor and Ooredoo.[30]

Despite progress, military-owned conglomerates continue to skew the telecommunications playing field. In December 2013, the Central Bank granted military-owned Inwa Bank a mobile banking permit, an idea first mooted by Telenor and Ooredoo in June.[31] In September, the head of Telenor Myanmar even advised the government to draw up robust regulations and to open the market to "as many players as possible," rather than specifying individual banks to launch mobile services.[32] However, observers said Inwa benefitted from a special relationship with the Central Bank to obtain permission ahead of rival companies, though Central Bank officials said the military institution was simply better prepared, and that all private banks applying for the licenses would be treated fairly. Meanwhile, Lieutenant General Wai Lwin, chairman of Inwa, urged other private banks to join Inwa's platform instead of setting up their own mobile banking networks.

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.[33] Low bandwidth is largely responsible for the congestion experienced by local internet users, especially during peak afternoon hours. Officials said bandwidth would be increased before the Southeast Asian Games, a biennial regional sporting event in December 2013.[34] That upgrade did not take place until February 2014, and still fell short of demand.[35] Both MPT and MED bought vehicles equipped with mobile transmission systems to reduce congestion.[36] MPT in partnership with other providers spent several hundred thousand dollars to provide 4G service. However, attendees complained that the connectivity did not improve even near stadiums.[37]

Bandwidth was particularly limited between July and September 2013 after a fault damaged the SEA-ME-WE 3 cable south of the Irrawaddy delta.[38] The internet was completely interrupted for a few hours, but disruptions continued while repairs were made. All users were affected, and the slow connections had a particular impact on financial transactions and local industry.[39] No government-initiated service interruptions were documented during the coverage period of this report. However, Clause 77 of the October 2013 Telecommunications Law created a legal framework for possible future interventions, authorizing the MCIT to direct any private enterprise "to suspend a telecommunication service, restrict specific forms of communication, jam or intercept any commuta-

30   See, http://elevenmyanmar.com/index.php?option=com_content&view=article&id=4981:yatanarpon-public-company-to-be-awarded-telecom-licence&catid=37&Itemid=360.

31   See, http://www.bloomberg.com/news/2013-09-29/telenor-predicts-fivefold-myanmar-wireless-surge.html.

32   See, http://www.economist.com/news/finance-and-economics/21586841-mobile-phones-may-regenerate-countrys-withered-banking-system-leapfrog-spotting.

33   See, http://www.irrawaddy.org/investment/fiber-fix-brings-Myanmars-internet-back-up-to-speed.html.

34   See, http://www.irrawaddy.org/Myanmar/Myanmars-internet-receive-high-capacity-upgrade.html.

35   *The Voice*, January 30 2014.

36   See, http://www.7daynewsjournal.com/article/12968.

37   See, http://www.7daynewsjournal.com/article/12907.

38   See, http://consult-myanmar.com/2013/07/25/myanmar-internet-down-to-crawl-speed-as-sea-me-we-undersea-cable-goes-for-repair/.

39   See, http://myanmarinternetjournal.com/content/11930.

tion, hand over telecommunication equipment, or take temporary control of any telecommunication equipment."

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.[40] 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 industry. By-law drafts on licenses, competition, and networking were presented to the Attorney General's Office in March 2014. However, the by-law governing the regulator, expected in February 2014, was delayed due to a translation error, as it was drafted in English.[41]

Limits on Content

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. While digital content was not censored during the coverage period, sensitive political and social topics were less visible.

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-2014.

While content remained available and new readers were more likely to encounter it than they were in the past, authorities made a concerted effort to exclude certain topics from mainstream discourse. Independent publications, while freer than they were, rely on state-owned newspapers *New Light of Myanmar* and *The Mirror* to advertise their content to the much wider readership they built up with the junta's official sanction when the censorship remained in place. In late 2013 and early 2014, independent publications including the monthly *Human Rights and Democracy* journal, *Pae Tin Than* (Echo) weekly, and *Mawkun* (Annals) journal—which publish online and print editions—reported state-owned newspapers removing references to human rights, government corruption, and sensitive social issues such as premarital cohabitation from advertisements the independent outlets had

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40   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.

41   See, http://www.elevenmyanmar.com/index.php?option=com_content&view=article&id=5847:translation-errors-delay-telecom-by-law&catid=44:national&Itemid=384&.

purchased to publicize their content. Advertising requires pre-publication approval from government officials.[42]

The *Irrawaddy* weekly came under particular pressure after it launched a print version of its online Burmese-language edition in early 2014, a significant step for an outlet that was formerly exile-run. *The Mirror* soon refused to run *Irawaddy* advertisements citing lack of space, but also told them to "tone down" political headlines. Government officials separately told *Irrawaddy* editors that an illustration of the president published in the second issue was inappropriate, and the Ministry of Information (MOI) insisted they change the spelling of their brand, which they have used for two decades since they launched in English.[43] Though their publishing license was approved with the spelling "Irrawaddy," they were instructed to adopt "Ayeyarwady" in keeping with the official spellings imposed by the military junta in 1989. When they refused, authorities indicated their access to the government for media interviews would be limited if they fail to comply.

Traditional journalists also faced sanctions in reprisal for their coverage. Min Naing Soe, the editor of the weekly *Ludu Pon Yait* (Public Image) was fired after authorities accused the journal of spreading politically radical views. Other weeklies such as *Eleven Media*, *Thandaw Sint* (Herald) and *True News*—many of which also have an online presence—received official or informal warnings for their reporting on corruption and military-related issues.[44] Information officials shortened the duration of select foreign journalist visas from three months to one in February, and sought more detailed personal details and itinerary from applicants, focusing on media organizations that covered anti-Muslim violence.[45] An edition of *Time* magazine covering the violence was banned in June 2013, though it remained accessible online.[46]

In this climate, self-censorship remains common online, though topics considered off-limits have evolved during liberalization. Internet users are reluctant to discuss past abuses for fear of jeopardizing the political opening. In December 2013, police said they were investigating a former police officer who leaked old interrogation records on his pseudonymous Facebook account. His supporters said the leak was in the public interest, because they illustrated that individuals with political connections broke the law with impunity under the junta.[47]

The persecuted Rohingya minority also lack representation online, and individuals or news outlets that provide even neutral coverage of religious tensions are accused of anti-Burmese bias.[48] Some progovernment blogs, such as *Myanmar Express* and *OppositEye*, actively manipulate online commentary to launch smear campaigns against Muslims or the political opposition. In May 2014, a radical group of Buddhist monks named *Ma-Ba-Tha* (the Association of Protection of Race and Religion) launched an anti-Ooredoo campaign based on the telecom giant's roots in a Muslim country. The

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42   See, http://www.irrawaddy.org/Myanmar/govt-newspapers-alter-ads-referencing-human-rights-corruption.html.

43   Interview with the editor and publisher of The Irrawaddy Publication Group. Interview with other journalists working in Myanmar.

44   Interviews with an editor from Weekly Eleven Media, and four other journalists working for affected media outlets.

45   Interview with the editor and publisher of the *Irrawaddy*. See also , http://www.mmtimes.com/index.php/national-news/9566-journalists-question-motives-behind-new-visa-policy.html.

46   See, https://en.rsf.org/Myanmar-time-magazine-censored-twice-over-26-06-2013,44860.html.

47   See, http://www.nationmultimedia.com/aec/Police-investigates-online-leak-of-old-drug-scanda-30222222.html.

48   Asia Sentinel, "Myanmar's Irresponsible New Media," *Irrawaddy,* July 11, 2013, http://www.irrawaddy.org/archives/8862.

group announced a boycott,[49] denouncing anyone working for Ooredoo, or using their services, as a traitor. The government did not intervene.[50]

Social media and communication apps including Viber, Tango, Friendfinder, and Google+ are freely available. Facebook is the most popular, 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. For some users frustrated at 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.[51]

Ethnic Burman internet users also spread racially-charged comments across social media platforms throughout the coverage period.[52] A Buddhist monk named Wirathu used Facebook and YouTube to spread vitriol against Muslims, who he accused of raping Burmese girls.[53] A Facebook page in his name has thousands of supporters. Wirathu's 969 movement galvanized Buddhist nationalists in Arakan state and elsewhere to protest against allowing the Rohingya minority to register their ethnic identity in a 2014 census sponsored by the United Nations Population Fund.[54] In March 2014, the government conceded and said it would reject census respondents identifying themselves as Rohingya.[55] Nationalists also campaigned extensively during the coverage period to restrict interfaith marriage, a proposal submitted to parliament in May 2014.[56] The 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.[57]

Counter campaigns also had some success. An opposition initiative to amend Clause 59F is gaining currency online. The *Panzagar* or "Flower Speech" movement opposes the spread of anti-Muslim sentiment and has gained media attention and popular support.[58] 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.[59] In late 2013, activists mobilized public protests when the government proposed raising the price of electricity. Public outrage on issues such as land grabbing and corruption often find their first expression on the web.

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49   See, https://www.facebook.com/ven.wirathumsy and http://www.mmtimes.com/index.php/opinion/10259-anti-ooredoo-campaign-only-hurts-the-people.html.

50   Interviews with local four journalists who cover the anti-Ooredoo campaign: June 7 and 8, 2014. See also, http://www.mmtimes.com/index.php/opinion/10259-anti-ooredoo-campaign-only-hurts-the-people.html and http://www.irrawaddy.org/Myanmar/burmese-nationalist-campaign-call-anti-ooredoo-boycott.html.

51   See, http://www.ethanzuckerman.com/blog/2014/03/12/myanmar-no-longer-closed-still-complicated/.

52   Sait Latt, "Intolerance, Islam and the Internet in Myanmar today," *New Mandala*, June 10, 2012, http://asiapacific.anu.edu.au/newmandala/2012/06/10/intolerance-islam-and-the-internet-in-Myanmar-today/.

53   See, http://www.telegraph.co.uk/news/worldnews/asia/burmamyanmar/10177815/Burmas-bin-Laden-of-Buddhism.html.

54   See, http://www.irrawaddy.org/Myanmar/wirathu-joins-arakanese-protest-census.html.

55   See, http://www.irrawaddy.org/Myanmar/govt-rejects-rohingya-census-classification-causing-problems-among-muslim-communities.html.

56   See, http://www.abc.net.au/news/2014-03-01/an-myanmar-considers-law-restricting-interfaith-marriage/5292534; and http://www.rfa.org/english/news/myanmar/interfaith-marriage-04042014150710.html.

57   See, http://www.foreignpolicy.com/articles/2014/03/28/why_Myanmar_is_heading_downhill_fast.

58   See, https://www.facebook.com/panzagar.

59   See, http://www.trust.org/item/20140403131148-4mqvg/?source=hpblogs.

Besides employing online tools for social and political mobilization, users have organized gatherings such as BarCamp meetings in Rangoon and several other cities to share ICT-related expertise.[60] In January 2014, MIDO and the U.S. Embassy held a two-day technology TechCamp in Rangoon, where technology and civil society experts discussed how digital tools can address real world challenges.[61]

Violations of User Rights

The October 2013 Telecommunications Law transformed the industry, but failed to repeal harsh punishments for political dissent on electronic media. Fears that these could be abused to repress government critics grew as traditional media journalists were arrested during the year. Digital video journalist Zaw Pe was sentenced to a year in prison in relation to an interview he conducted in 2012. Hackers targeted the Eleven Media *news website for "slandering the government."*

Parliament enacted the long-pending Telecommunications Law, drafted with the help of international experts including the World Bank, in October 2013.[62] Domestic and international investors applauded the consultative drafting process,[63] along with the guidelines for the industry which provided the foundation for improving access. But media and rights activists pointed to many shortcomings. Notably, the law failed to repeal the notorious Electronic Transaction Law (ETL) of 2004, which has routinely been used to criminalize internet activism. Instead, parliament amended the ETL, reducing but not eliminating possible jail sentences for ill-defined online actions.

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."[64]

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."[65]

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60   Local ICT firms and foreign companies such as Ericsson attended BarCamp held at the Technological University (Thanlyin) in August 2013 and recruited potential employees from students and other participants. *Daily Eleven*, August 10 2013.

61   See, http://elevenmyanmar.com/index.php?option=com_content&view=article&id=4534:techcamp-aims-to-help-civil-society-organisations-challenges&catid=37:science-tech&Itemid=360.

62   See, http://pwplegal.com/documents/documents/9f1dd-Telecommunications-Law.pdf.

63   See, http://online.wsj.com/news/articles/SB10001424052702303615304579156981214121584.

64   "Constitution of the Republic of the Union of Myanmar (2008) – English," available *Online Myanmar/Myanmar Library,* http://www.Myanmarlibrary.org/show.php?cat=1140.

65   See, http://www.burmalibrary.org/docs6/Computer_Science_Development_Law.pdf.

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He also proposed improving a law regulating e-commerce and drafting one to combat cybercrime, though a possible timeframe for doing so is unclear.[66]

Dozens of political prisoners formerly jailed for electronic activities remain free since they were released en masse in 2011. Though the release was described as an amnesty, they were generally not 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.[67]

The year 2014 saw a sharp decline in press freedom in Myanmar which affected at least one reporter with a digital platform. Zaw Pe, a journalist working for the online, formerly exile-run news outlet Democratic Voice of Burma (DVB), was sentenced in April 2014 to two one-year prison sentences, to be served simultaneously, for trespassing and disturbing an official.[68] An appeals court released him in July but failed to acquit him.[69] The charge was based on a 2012 video interview that took place during business hours at an education department office in the central Magwe region, where the journalist was investigating alleged funding irregularities.[70] Zaw Pe was among several DVB video journalists jailed for independent digital reporting under the junta, and international and local civil society groups condemned his 2014 trial.[71] At least five other journalists were detained during the coverage period of this report. After May 2014, nine traditional media practitioners were sentenced to prison terms ranging from two to seven years; separately, one was fatally shot in military custody.[72]

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 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 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

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66   *Myanmar Internet Journal,* author interviews.

67   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.

68   Zaw Pe (alternately spelt Zaw Phay) is also known as Thura Thet Tin. http://advocacy.globalvoicesonline.org/2014/04/14/myanmar-media-workers-protest-persecution-with-blackout/; https://cpj.org/2014/04/amid-rising-repression-burmese-journalist-given-ja.php#more.

69   See, https://www.dvb.no/news/dvb-journalist-zaw-pe-freed-burma-myanmar/42043.

70   See, http://www.dvb.no/news/dvb-journalist-questioned-after-being-sued-by-civil-servant/23475.

71   See, https://www.dvb.no/special-report/free-zaw-pe-burma-myanmar/39537.

72   See, https://cpj.org/2014/10/five-journalists-sentenced-to-jail-in-burma.php; https://cpj.org/2014/10/journalist-killed-in-military-custody-in-burma.php.

asked information officials for clarification about interception rules and procedures. Ooredoo told journalists it will prevent any wiretapping of its phone networks.[73]

Phishing attacks targeting activists appeared to decline during the coverage period. However, Eleven Media Group's news website was defaced in June 2013 by hackers who accused the outlet of slandering the government. Eleven Media said nationalist Facebook pages shared news of the attack immediately after it happened, but that internet protocol (IP) addresses associated with the attack were based in China and Russia.[74]

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73   *Daily Eleven*, November 8 2013. http://elevenmyanmar.com/index.php?option=com_content&view=article&id=4002:telenor-to-protect-its-customers-from-bugging&catid=44&Itemid=384.

74   See, https://elevenmyanmar.com/index.php?option=com_content&view=article&id=2447:hackers-a-major-threat-to-independent-media-in-myanmar&catid=44&Itemid=384.