



FREEDOM OF EXPRESSION  
ACTIVIST ORGANIZATION

**A Chance to Fix in Time**  
(Analysis of Freedom of Expression in Four Years)

**Press Release**

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The National League for Democracy (NLD) started serving as the government on April 1, 2016 after winning with a landslide victory in the 2015 general election. After taking office, four years passed on March 31, 2020. The report includes the findings related to free speech violations within four years.

**Executive Summary of Report**

People expected that human rights and free expression would be fulfilled more under the government led by NLD. However, no sign of conspicuous reform has been seen yet with continuing restrictions, limitation and violations of freedom of expression, media freedom and freedom of peaceful assembly and procession. Free speech violations were committed by not only the government and the Tatmadaw but parliamentarians under the NLD-led government. Every single citizen has the right to monitor and criticise the parliamentarians they have elected through general elections to represent their voice. People's monitoring and criticising the parliamentarians only lead it to good government and clean governance. In advanced democracies, political figures, parliamentarians and members of political parties do not respond to criticisms with prosecutions according to international standards and norms. Celebrities and public figures may respond to wrong accusations or disinformation through the media or some ways by which they can reach the public easily. Hence, elected representatives rather should attempt for legal reform and respect human rights themselves to head towards advanced democracy instead of violating and hindering the people's right to freedom of expression by means of power they gain as a representative.

Ko Ye Wai Phyo Aung, Research Manager of Athan said "a journey of democracy without freedom of expression is a maze created by dictators. The long-term interest of the nation is the freedoms for people. We always condemn every government's incidents of degrading human dignity and violating human rights".

**No Effective Law Amendment**

There is no effective abolishment or amendment of laws that are used to violate freedom of expression in the current term of the NLD-led government.

Recently adopted Law Protecting the Privacy and Security of Citizens and National Record and Archive Law also restrict the freedom of expression. Moreover, *Hluttaw* ignored the presence of other repressive laws and legal provisions that should be abolished such as Section 505 (a), (b), 124(a) of the Penal Code, Electronic Transactions Law, Section 17(1) of Unlawful Associations Act, Section 66(d), 68(a), 77 and 78 of Telecommunications Law.

Peaceful Assembly and Peaceful Procession Law, News Media Law and Printing and Publishing Enterprise Law were not amended in accordance with international human rights standards and democracy principles. Furthermore, Right to Information Law which is highly demanded by journalists and civil society organisations has not been proposed to *Hluttaw* even as a drafted bill.

### **Internet Shutdown and Blocked Websites**

People's right to seek, access and know information and media freedom are violated under the NLD-led government who calls themselves "democratic government" particularly in internet shutdown in Rakhine and Chin States. Surveys show that every single civilian who lives in those States has their economic, social, medical, political and educational rights violated because the government cut off the internet in the conflict-torn States with an excuse of national security. The government ordered the telecommunications operators to block more than 200 websites. The blocked websites included some official news media although the government and telecommunications operators did not publicly announce the list of blocked websites. The worst thing is the government's ignorance of civil society's demand to restore the internet in Chin State and Rakhine State as it is important for all of the people across the country to get health awareness and information promptly during the COVID-19 pandemic.

### **Continuing Arrests through Using Unjust Law**

The ongoing arrests of civilian protesters under the "democratic" government shows the situations under current government and military junta are the same. Arrests of students in Rakhine State for demanding an end to internet shutdown; police's denial of permission for students to organise protests calling for the peace and end of civil; arrests and prosecutions of dissidents who are against the government and the Tatmadaw. Meanwhile, Naw Ohn Hla's case in which she was prosecuted for using the term "Karen Martyr's Day" in an event, also proves that discussion on ethnic affairs is still fragile alike under the previous government.

Similarly, in terms of media freedom, prosecutions against covering and reporting under Unlawful Associations Act; various lawsuits against journalists under several different laws; prosecution of two Reuters journalists for uncovering the massacre in Inn Din village in Rakhine State are eroding the main foundation of democracy.

Based on the aforementioned facts, the incumbent government led by NLD does not acknowledge the importance of freedom of expression, a fundamental right among the human rights, freedom of assembly, procession and media freedom, main parts of democracy.

Ma Pan Hsu Pyae Eain, a Researcher of Athan said, "It is found that the government, the military and the police force did many oppressions to freedom of expression under the current

government and in terms of media freedom, journalists were prosecuted under draconian laws such as Counter Terrorism Law. We need many political parties that can guarantee to stop such violations and promote the fundamental rights”.

## **Recommendations**

**Unless the government is capable of protecting freedom of expression, a fundamental foundation of democracy, it will be more difficult to protect other kinds of human rights from being violated. A society without freedom of expression will only lead to situations of injustice with corruptions. It is more than four years since the current government was formed and the 2020 general election is going to be held in the near future. Hence, *Hluttaw* does not have enough time to make legal reform.**

NLD-dominant *Hluttaw* did not make effective legal reforms in terms of freedom of expression although NLD has sufficient number of MPs who dominate the *Hluttaw* to amend, abolish or enact any laws except the 2008 Constitution.

“A government formed with the promise to promote democracy for Myanmar is oppressing and restricting the freedom of expression and it means that the government does the opposite of what they said. It is questionable how they measure the "democracy" they mention and whether they define "democracy" as they want", Ma Htet Htet Zaw, a Researcher of Athan added.

Maung Saungkha, Executive Director of Athan urged “The government should drop the prosecutions and lawsuits over the criticism and covering news and release the people who were imprisoned because of these cases as soon as possible. The authorities should listen to the criticism with tolerance and patience in future too. Especially, they should choose to negotiate through the Myanmar Press Council (MPC) if they are dissatisfied with media coverage”.

## **For more information**

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