Written Evidence from Burma Campaign UK (GMF0002)

1. Burma Campaign UK works for human rights, democracy and development in Burma. We were founded in 1991. We have campaigned on issues relating to media freedom in Burma for 28 years.

2. Executive summary:
   - When the military-backed government in Burma initiated what it called a reform process from 2011, the easing of restrictions on media were one of the most immediately visible and most internationally hailed reforms. The opening up of freedom of expression and the flourishing of a seemingly more independent media were taken as proof of the new direction that Burma was taking.
   - But the reforms were superficial, reversible and not anchored in law. The British government ignored warnings from media in Burma and from Burma Campaign UK that repressive laws used to control media and jail journalists were not being repealed, and that no new laws guaranteeing media freedom were being introduced.
   - Once sanctions were lifted and aid and trade was flowing, the government and military began stepping up the use of laws restricting media freedom. All the old laws used to jail journalists and restrict media freedom were still in place, and with even new ones added, the government and the military again targeted journalists and media organisations whose work they disapproved of. Even under the civilian government of Aung San Suu Kyi, arrests and media restrictions continued.
   - Our submission argues that a lesson needs to be learnt from this experience. If the British government wants to support media freedom globally, they need to support concrete changes in laws and constitutions, not just the appearance of change which can be temporary and aimed at relieving international pressure. Policy, and other measures such as relaxing of sanctions or other pressure, should not be implemented in response to superficial changes, promises made by autocratic regimes, or untested promises made by opposition parties expected to assume power at a later date.

3. When a limited political transition started in Burma after the rigged elections in 2010, steps were taken by the new military-backed government to reform media and state censorship in Burma.

4. These limited steps included a stop to prior scrutiny of some publications before going to press by a censorship board, the release of journalists along with other political prisoners from jail, allowing internet users to access sites previously banned, granting visas to international media, and a new media law in 2014. The new media law, although talked up beforehand as having great potential, in fact turned out to do very little to actually address media restrictions in the country.
5. The opening up of the media climate and the promise of more media reform was hailed by the international community, including the British government and was often cited as a sign of changing political times in Burma. It was used as one of the reasons to justify support for the political transition in Burma.

6. Hugo Swire MP, Foreign Office Minister at the time, stated in a speech in Rangoon in 2014: “Over the last three years, the world has watched with admiration and, frankly, surprise, the remarkable changes that have taken place here. Over one thousand political prisoners released. A thriving and active new Parliament. An end to fighting across much of the country. A human rights commission established. Trades unions formed. Emerging economic liberalisation. Freedom of the press. These are just some of the most obvious examples.” [https://www.gov.uk/government/speeches/hugo-swires-speech-at-the-british-council-in-rangoon](https://www.gov.uk/government/speeches/hugo-swires-speech-at-the-british-council-in-rangoon)

7. Even at this time despite some changes, there was not freedom of the press. Certain subjects were still taboo, especially relating to the Rohingya and the actions of the military in ethnic states. There was an unwritten line that journalists could not cross, resulting in many media not reporting certain subjects as they were not sure how far they could go. This ambiguity was deliberate on the part of the government.

8. Also, new laws were introduced, even when the Burmese government was said to be reforming. The Telecommunications Law in 2013, which regulates private telecom operators, has a section, 66(d), that deals with defamation, that has been used ever since to go after critics of the government and the military.

9. In addition, laws that could be used to imprison journalists were still in place, and after initial reforms, once sanctions were lifted and aid and trade was flowing, the reform process stalled. In the period after the minister’s speech in early 2014, the media climate had shifted again.

10. The vast majority of reforms relating to media and freedom of expression related to not using the laws available to restrict media freedom. They were not entrenched in law or the constitution. They were at the whim of the government, and having achieved the goal of relieving international pressure, there was a steady increase in the use of these laws.

11. After the landslide NLD victory in the 2015 elections, governments around the world expected a renewal of media reforms and a repeal of some of the undemocratic laws controlling journalism. But instead the opposite happened.

12. Since laws that could be used to arrest and imprison journalists were still in place, and wider freedom of expression laws had not been reformed in line with international human rights law, when the new NLD-led government wanted to stop criticism of itself it very easily could.
13. In 2017, three journalists covering a ceremony in Shan State, Northern Burma, in an area controlled by the Ta’ang National Liberation Army, were imprisoned under the 1908 Unlawful Associations Act. The three journalists, Thein Zaw (also known as Lawi Weng) from the Irrawaddy magazine, Aye Nai and Pyae Phone Aung from the Democratic Voice of Burma (DVB), were accused of being in contact with an unlawful association, a clear attempt by the Burmese military to discourage journalists for covering the war against ethnic minorities in the country.

14. The frequent use of Section 66 (d) of the Telecommunications Law by the government and the military has worked to create a culture of self-imposed censorship, since journalists and media outlets don’t dare publish certain things for fear of being sued and prosecuted. It has also been used to go after ordinary citizens, for posts done on social media.

15. The most prominent current media freedom case is the sentencing of the two Reuters journalists Wa Lone and Kyaw Soe Oo to seven years in prison for their uncovering of a Rohingya mass grave in Rakhine State. They were charged with breaking the colonial era Official Secrets Act, for documents they were in possession of. International appeals, including from Foreign Secretary Jeremy Hunt, to Aung San Suu Kyi has so far fallen on deaf ears.

16. The international community could have used the leverage of removing sanctions, and increased aid and trade, to secure much greater concessions from the military-backed government in Burma, including the repeal of repressive laws restricting media freedom, and introduction of laws which protect media freedom. Instead, changes in implementation of laws, which proved to be temporary, were welcomed and accepted as good enough.

17. Recommendations:
If the British government wants to support media freedom globally, they need to support concrete changes in laws and constitutions, not just the appearance of change which can be temporary and aimed at relieving international pressure. Policy, and other measures such as relaxing of sanctions or other pressure, should not be implemented in response to superficial changes, promises made by autocratic regimes, or untested promises made by opposition parties expected to assume power at a later date.

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