၆၆(၃) ကို ဆောင်ရွက်ပေးပါ။ ကျွန်တော်တို့၏ အသေးစိတ်များကို စာပို့ချထားပါသည်။ 

(MMLN)  Hygienic Legal Clinic နှင့် ဖရာ့နးအပါဝင်ခြင်းဖြင့် လေးဖက် (FEM) လေးဖက်

ဤဖော်ပြချက်မှာ သော့ချက်များကို ကြည့်ပါ။ (English below)

(ဗ) ပုဒ် 66(၃) ကို စာမျက်နှာကို စာပို့ချပါသည်။ ဖြစ်ပါက ဗိုလ်ချုပ်မှာ ကြည့်ရှိပါ။

အခြားများအားလုံးအတွက် သို့မဟုတ် နယ်မြေအလိုအရ လေးဖက်အားလုံးကို စာပို့ချပါသည်။
Repeal 66(d) to protect legal constitutionality, non-duplication and clarity

As lawyers and legal advocates working on cases relating to the media, internet and freedom of expression in Myanmar, Free Expression Myanmar (FEM), Myanmar Media Legal Network (MMLN), Hygienic Legal Clinic call on Members of Parliament and the Parliamentary Bill Committees to use the opportunity of reviewing the Government’s Telecommunications Law Amendment Bill to fully repeal Article 66(d).

Article 66(d) of the Telecommunications Law is legally problematic for three reasons:

1. 66(d) is unconstitutional – it conflicts with Myanmar Constitution Article 354 which guarantees every citizen the right to “express and publish freely their convictions and opinions”. International and regional standards allow for limitations to freedom of expression such as in regards to defamation, but require any limitations to be clearly and narrowly defined in the law. Article 66(d) is unconstitutional because it is neither clear nor narrowly defined, and this vagueness renders Article 354 meaningless.

2. 66(d) is unnecessary duplication – defamation is already provided for under Myanmar Penal Code Articles 499-502 which equally applies online as it does offline. Any
complainant of online defamation can therefore remedy their case under the Penal Code. Article 66(d) is legally unnecessary and instead of providing rights to complainants, actually creates legal conflict and confusion. International and regional best practice on good legislative frameworks require governments to simplify laws and remove confusion wherever possible.

3. 66(d) is bad legal drafting - the correct place for all of the criminal offences listed under Chapter 18 of the Telecommunications Law, including Article 66(d), is the Myanmar Penal Code. International and regional standards on good legal drafting include the principle that laws should be clear to those who are affected by them, and this includes ensuring that criminal offences are placed in laws where the public is likely to find them.

We call on Members of Parliament and the Parliamentary Bill Committees to modify the government’s draft Telecommunications Law Amendment Bill to fully repeal Article 66(d).

Signed,

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Yin Yadanar Thein, on behalf of Free Expression Myanmar http://freeexpressionmyanmar.org/

Free Expression Myanmar (FEM) and Myanmar Media Lawyer Network (MMLN) are the members of The Telecommunications Law Reform Coalition Group.