Reform abandoned?

5-year review of freedom of expression for Myanmar’s 2020 UN Universal Periodic Review
Acknowledgements

The report is copyrighted under a Creative Commons Attribution-NonCommercial-ShareAlike License. This license lets you remix, tweak, and build upon FEM’s work non-commercially, as long as you credit FEM and license your new creations under the identical terms.

About FEM

Free Expression Myanmar (FEM) is a national human rights organisation that is expert in free expression and information, engaging in legal reform, defending victims of violations, and promoting best international standards.

This report forms part of FEM’s objective to promote appropriate and needed reforms. See:

- www.FreeExpressionMyanmar.org
- www.facebook.com/FreeExpressionMyanmar
- coordinator@FreeExpressionMyanmar.org

Support

FEM would like to thank Heinrich-Böll-Stiftung for supporting this project.
Summary..................................................................................................................................2

Introduction...................................................................................................................................4

International obligations ..................................................................................................................6

Overarching legal framework ........................................................................................................8

Digital rights..................................................................................................................................11

Media freedom...............................................................................................................................14

Right to protest...............................................................................................................................17

Right to information.......................................................................................................................19

Discrimination and incitement.......................................................................................................21

Recommendations to the State.......................................................................................................24
<table>
<thead>
<tr>
<th>States recommending</th>
<th>States’ UPR recommendation</th>
<th>Implemented?</th>
<th>Situation improved?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Myanmar</td>
<td>“End impunity”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Reform MNHRC”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Protect rule of law”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Adopt human rights approach”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Reform Constitution”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Cooperate with Special Rapporteurs”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Ratify ICCPR”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Reform media laws”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Implement human rights principles”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Reform Press Council”</td>
<td>Reform Press Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Protect digital rights”</td>
<td>Protect digital rights</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Reform protest laws”</td>
<td>Reform protest laws</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Protect right to information”</td>
<td>Protect right to information</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Address ‘hate speech’”</td>
<td>Address “hate speech”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Address gender”</td>
<td>Address gender</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Introduction

The “Universal Periodic Review” (UPR) has reviewed Myanmar’s human rights situation twice, and will review Myanmar a third time later in 2020. Every UN Member State has their human rights situation individually reviewed once every five years under the UPR. Prior to Myanmar’s 2020 UPR, the Myanmar government, UN agencies, and civil society organisations have all submitted their own assessments. During the Myanmar UPR, every UN Member State will be able to ask questions and make recommendations on how Myanmar should improve its human rights situation. At the end of the review, a UN report will be written in which the Myanmar government either commits to implement those recommendations, or just notes them.

This report is FEM’s submission to Myanmar’s 2020 UPR. It includes all of the different UN Member States’ recommendations relating to freedom of expression which were made to Myanmar in the previous 2015 UPR. FEM has assessed each of the 2015 UPR recommendations and explained whether those recommendations have been implemented or not, and also whether that situation has improved, remained the same, or worsened over the past five years. Due to the submission rules on word count, FEM’s response to each recommendation is a brief summary, with an endnote explaining the source of that analysis. All of the sources are FEM’s previous reports, analysis, and statements.
A note on the definition of "Government"

Myanmar’s Constitution puts several government functions, including the police, under the authority of the military, rather than under the authority of elected civilian representatives. In effect, this creates two parallel governments whose power is overlapping and often difficult to separate. References to the "government" in this report should be understood to include both parties unless they have been explicitly separated.
International obligations

27 countries recommended that Myanmar: “Ratify the ICCPR” – FEM has seen no implementation of this recommendation or improvement in the underlying human rights concern since 2015.

The State has repeatedly committed to ratifying the International Covenant for Civil and Political Rights (ICCPR) both publicly and to the UN. However, the State has not done so and a parliamentary attempt was not supported by the government.

implemented? 😞😞😞 🙁🙂😊 Situation improved?
10 countries recommended that Myanmar:¹

“Cooperate with UN Special Rapporteurs” – FEM has seen partial implementation of this recommendation but also the underlying human rights concern has worsened since 2015.

The State has engaged with UN Special Rapporteurs’ “communications” (official letters to the State) but has failed to cooperate with them, the Special Rapporteur for Myanmar in particular. The State has also continued to encourage disinformation about and hostility towards the former Special Rapporteur for Myanmar, her role, and her statements.
Overarching legal framework

1 country recommended that Myanmar: “Strengthen human rights in the Constitution” – FEM has seen no implementation of this recommendation or improvement in the underlying human rights concern since 2015.

FEM led 20 national and international organisations in submitting freedom of expression recommendations to the parliamentary “Constitution Amendment Committee”. However, the Committee did not engage with civil society, and the Committee’s final recommendations excluded any substantive human rights recommendations, including on freedom of expression.

2 countries recommended that Myanmar: “Use a human rights approach when reforming laws” – FEM has seen no implementation of this recommendation and the underlying human rights concern has worsened since 2015.
Since 2015, the process of legal reform has been opaque, inaccessible, and arbitrary in nature. Over the past year, the State has increased barriers to civil society consultation in parliament, including by ordering MPs not to meet with civil society. Although the Association Law provides that registration is not mandatory, in practice State individuals and institutions will not engage with unregistered civil society organisations.

3 countries recommended that Myanmar:
“Strengthen the rule of law, legal standards, and judicial reform” – FEM has seen no implementation of this recommendation or improvement in the underlying human rights concern since 2015.

Case law shows that the courts still do not defend freedom of expression, and indeed the courts pose a significant punitive threat to those facing freedom of expression-related criminal prosecutions.
8 countries recommended that Myanmar: 13
“Strengthen the Myanmar National Human Rights Commission” – FEM has seen no implementation of this recommendation or improvement in the underlying human rights concern since 2015.

The Commission does not prioritise investigations into violations of civil and political rights, including freedom of expression, and does not consider holding perpetrators accountable to be one of its primary goals. 14 Since 2015, all commissioners have been replaced, without consultation, by the State, and none of the current commissioners have backgrounds in human rights.

9 countries recommended that Myanmar: 15
“Investigate and end reprisals and impunity” – FEM has seen no implementation of this recommendation or improvement in the underlying human rights concern since 2015.

Legal, physical, and psychological violence towards journalists and human rights defenders (HRDs) has increased since 2015. 16 There has been no adequate investigation into the five journalists who have been killed in Myanmar, one of which was killed since 2015. 17 The State has also become less willing to address crimes against expression. 18
“Digital rights”

Lithuania

Implement? 😞 😞 😞 Situation improved?

Since 2015, the State has attempted to further restrict freedom of expression in the digital space. Following a civil society campaign, the Telecommunications Law was superficially amended, without proper consultation, and the amended law continues to interfere with freedom of expression. A proposed amendment to the Law Protecting the Privacy and Security of Citizens would if adopted add yet more criminal restrictions to freedom of expression. The proposed amendment is in opaque limbo. The State has initiated the development of a “cyber-crimes framework” although it is as yet unclear whether this will include further criminal interference in freedom of expression, via for example a seventh criminal defamation provision. No attempt to amend the Electronic Transactions Law, which interferes in freedom of expression, has been made or promised. Despite the proposed amendment to the Law Protecting the Privacy and Security of Citizens, the State has not attempted to legislate to protect online privacy or personal data, or to regulate communications interception, all of which lack a legal framework.

The State has greatly consolidated control over access to the internet since 2015. The State gave a military conglomerate a telecoms licence, together with regulatory leeway in order for it to establish a large subscriber base, effectively reversing earlier deregulation which saw foreign private providers both gain market dominance and vastly increase internet access. As a result, the State has regained direct authority over more than half of all mobile subscribers, which, combined with the lack of privacy, data protection, and communications...
interception safeguards, has given the State unprecedented opportunities to surveil the public and interfere with freedom of expression.28 Not satisfied with authority over more than half of mobile subscribers, the State has also further interfered with freedom of expression by directing telecoms providers to effectively cut off millions of mobile telecoms subscribers who do not disclose their official IDs when registering a SIM card.27 Many marginalised groups do not have official IDs, and others are concerned about the risk of State surveillance and interference in freedom of expression.28

In 2019, the State activated a previously unused provision in the Telecommunications Law, directing mobile telecoms providers to shut down access to the internet in conflict-ridden Rakhine and Chin States.29 The shutdown directive has not been published and the State has only ambiguously justified it in a short statement referencing vague and overly broad national security concerns.30 Despite civil society’s joint campaigns and widespread public awareness,31 the shutdown is now the world’s longest and currently restricts internet access for 1.4 million people.32 In 2020, the State activated another previously unused provision in the Telecommunications Law, issuing a series of directives each ordering telecoms providers to block access to certain websites.33 In a repeat of the interference in freedom of expression seen during the shutdown process, the blocking directives have not been published and only been ambiguously justified with references to “fake news” and national security concerns. Although the directives have not been published, tests have shown over 2,000 websites have been blocked so far, including news websites and pro-Rohingya websites.34
ဗိုလ်ချုပ်မှူးကြီးမားသောအစိုးရ အစိုးရပ်စုံများကို ပြောင်းလဲသောအခါ ကျွန်တော်တို့ ခံချက်များကို ရေးသားပါသည်။

Reform abandoned?
Media freedom

Requesting States

“Reform media laws”

Implemented? 😞😞😞
Situation improved?

8 countries recommended that Myanmar 25 “Reform laws to protect media freedom and freedom of expression” – FEM has seen no implementation of this recommendation and the underlying human rights concern has worsened since 2015.

Media freedom and the State’s public support for media freedom have both declined since 2015. 36 Previous commitments to amend the News Media Law have been left in opaque limbo and the law continues to interfere in freedom of expression. 37 No attempt to amend the Printing and Publishing Law, which similarly interferes in freedom of expression, has been made or promised. 38 The Broadcasting Law was superficially amended in 2018 without any real consultation, leaving all anti-freedom of expression provisions, such as State control over the broadcast regulatory body, intact. 39 Despite adopting the amendment, the State still has not enforced the Broadcasting Law, 40 preferring to maintain direct control over all television and radio channels. 41

Criminalisation of journalism has increased year-on-year since 2015, with most threats coming from the executive and military. 42 Although they were later pardoned, 43 the show-trial and conviction of Reuters journalists, 44 as well as other journalists under national security laws, have significantly encouraged media self-censorship, 45 particularly on topics relating to conflict or other issues that the State finds “sensitive” such as the military, mismanagement, or corruption. 46

Criminal defamation laws are the greatest legal threat to freedom of expression in Myanmar, 47 and most journalists and HRDs remain fearful of them. 48 None of the six criminal defamation laws conforms to basic freedom of expression standards. 49 The laws do not define defamation, defences are lacking, and sanctions
Reform abandoned? 50. The laws protect feelings rather than reputations, are used to punish criticism or mockery of politicians and public officials, are based on minimal and unreliable evidence, and attract a 100% conviction rate of punitive imprisonment. 51. In response to a decriminalisation campaign and public pressure, 52 the State superficially amended two of the five laws, 53 but then continued to adopt a sixth criminal defamation law without proper consultation. 54 During the legislative processes, the State reacted to public pressure by effectively excluding civil society, 55 as well as limiting MPs’ ability to consult, prepare, or participate. 56
1 country recommended that Myanmar. 

“Ensure the independence of the Myanmar Press Council” – FEM has seen no implementation of this recommendation or improvement in the underlying human rights concern since 2015.

The Council continues to be dependent on the State primarily because the State selects and dismisses Councillors. Most journalists believe the Council has a low level of success in defending media, and in some so-called “hot” cases the Council has avoided actively supporting the journalists involved.
Right to protest

5 countries recommended that Myanmar:  “Reform laws to protect the right to protest” – FEM has seen no implementation of this recommendation or improvement in the underlying human rights concern since 2015.

Since 2015, at least 229 individuals have been convicted for their non-violent protests, mostly under the Peaceful Assembly and Peaceful Procession Law which interferes in freedom of expression by criminalising protesting. Following civil society’s joint campaign, a superficial amendment of the law replaced “permission to protest” with a vague “application to protest”. Most police interpret the amended law as meaning protesters must abide by all the police’s directives on locations, timings, and even slogans, else the application is not accepted.

Similarly, if protests deviate from the accepted application, for example by protesters shouting new slogans, the application is voided. A rejected or voided application renders the protest unlawful. Spontaneous protests also remain unlawful in effect because protesters cannot apply in advance. Those who organise or participate in unlawful protests can then be arrested, and all those arrested face collective culpability, long and slow trials, and a 100% conviction rate. Another proposed amendment which would further interfere in freedom of expression by requiring protest organisers to include information about funding sources in their application remains in opaque limbo.
4 countries recommended that Myanmar: “Reduce intimidation and excessive use of force aimed at protesters” – FEM has seen no implementation of this recommendation or improvement in the underlying human rights concern since 2015.

The vast majority of protests are non-violent. However, the State’s primary aim appears to be shutting down any protest that deviates from what was agreed in an accepted application, rather than facilitating non-violent protests. As a result, the State’s preparations are usually unnecessary, disproportionate, and excessive force to shut protests down, exploiting tactics that at least recklessly if not intentionally injure protesters.
Right to information

<table>
<thead>
<tr>
<th>Country</th>
<th>Implemented?</th>
<th>Situation improved?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cuba</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

“Right to information”

Since 2015, the State has adopted laws, policies, and practices which actively control, limit, and block access to information. The State controls all television and radio channels, bans the media from moving freely or accessing public institutions, arbitrarily shuts the internet down, and blocks news websites. The long-promised Right to Information Bill has remained in opaque limbo since 2015. Instead, in the wake of the Reuters case, the State quickly adopted a National Records and Archives Law which bolsters the Official Secrets Act, furthers State secrecy, and interferes in freedom of information. The law allows a “strictly confidential” 30-year classification to be applied to any information without safeguards or an independent oversight body. The law does not recognise the public’s right to access government-held information, including non-classified information. Any requests for information must be individually approved by a government supervisory body.

Anybody who tries to circumvent these information barriers and exercise their right to freedom of information is criminalised, for example under the Unlawful Associations Law, or Official Secrets Act. Although the Anti-Corruption Commission has ruled against several powerful individuals accused of corruption, Myanmar’s six criminal defamation laws, which include the Anti-Corruption Law itself, dissuade sharing and accessing information by criminalising whistleblowers. Amendments to the
Distortions of the International Court of Justice case.

Recent comments from a foreign governmental official about the Rakhine case.

In addition to creating barriers to information, the State has sometimes capitalised on low levels of public media and digital literacy by disseminating biased or manipulated information, commonly known as propaganda or disinformation.89 The State often justifies this action under the guise of countering “fake news” spread by the media, civil society, and the international community.89 Examples of large systematic attempts to disinform the public include the State’s domestic distortion of alleged atrocities in Rakhine State, and distortions of the International Court of Justice case.90

The State’s COVID-19 response has included further criminalisation of healthcare whistleblowers.87

Telecommunications Law and Anti-Corruption Law have not given any protection to whistleblowers.86 Just recently, the State’s COVID-19 response has included further criminalisation of healthcare whistleblowers.87

Reform abandoned?
Discrimination and incitement

Address ‘Hate speech’

Implemented? 😐asad 😊 😊 😊 Situation improved?

34 countries recommended that Myanmar:91 “Address discrimination, incitement and ‘hate speech’” – FEM has seen no implementation of this recommendation or improvement in the underlying human rights concern since 2015.

Since 2015, the State has not made any significant attempt to counter incitement to discrimination, hostility, or violence. The proposed Protection Against Hate Speech Bill, which includes vague and overly broad definitions of “hate speech” that would interfere with freedom of expression, but did not include provisions for promoting tolerance of diversity and pluralism, remains in opaque limbo.92 The State established the Rakhine Commission, led by Kofi Annan, to investigate allegations of atrocities in Rakhine State. FEM welcomed the Commission’s recommendations specific to media freedom, right to information, and incitement, but none of these have yet been implemented.93 The State has however issued a “hate speech” directive just before a reporting deadline given by the International Court of
Justice. The directive includes vague and overly broad definitions of “hate speech” as well as vague obligations which could be misused by officials to protect powerful groups from criticism, rather than protect minorities with protected characteristics, and therefore serves to interfere in freedom of expression.65

FEM has campaigned for the State to implement the UN Rabat Plan of Action in order to address discrimination and incitement.66 However, the State has not created the recommended substantive, systematic, and multi-sectoral programmes to encourage tolerance of diversity.67

Political leaders, the education sector, and the State-controlled media have at best made limited and arbitrary attempts to encourage some minority customs.68 At the same time, the State has sometimes perpetuated a nationalist public narrative according to which only State-selected minority customs and groups merit recognition, and that all others are a conspiracy to undermine symbols of the State or to secede.69
11 countries recommended that Myanmar: “Address gender-based violence and discrimination” – FEM has seen no implementation of this recommendation or improvement in the underlying human rights concern since 2015.

Women HRDs and journalists still face significant gender-based violence in reprisal for exercising their right to freedom of expression on taboo topics that challenge patriarchal power. These taboo topics include: campaigning for the rights of lesbians, bisexuals, and transgender people; challenging sexual violence in conflict; promoting sexual and reproductive rights; and advocating for women’s participation and leadership. Gender-based violence in reprisal for exercising freedom of expression is common and includes attacks on life, bodily and mental integrity, personhood and reputations, and privacy. Attacks come from all parts of the government and security services, as well as from community and family. The proposed Law on the Prevention of Violence Against Women, developed in March 2013, remains in opaque limbo.
Recommendations to the State

FEM urges UN Member States to make the following recommendations to Myanmar during the UPR.

**Strengthen legal framework**

- Ratify the ICCPR and its Optional Protocols.
- Cooperate fully with the new Special Rapporteur for Myanmar.
- Amend the Constitution to protect the right to freedom of expression in accordance with international human rights standards, and prohibit prior censorship.
- Implement a clear, open, and inclusive consultation framework for all future laws and amendments, including removing any de jure and de facto barriers to civil society accessing and engaging with the State.
- Support and accelerate judicial independence and training in international human rights standards including freedom of expression. This should include applying constitutional law and developing new sentencing guidelines.

**Adopt new laws**

Adopt the following laws in accordance with international human rights standards and overriding all other laws:

- Right to information law, including whistleblower protection.
- Civil defamation law, effectively decriminalising defamation.
- Public service broadcasting law, replacing all State media.
- Privacy, data protection, and communications interception law.
- Gender-based violence law.

**Amend old laws**

Amend the following laws to bring them into accordance with international human rights standards:

- Broadcasting Law, specifically regulatory independence and an end to State media.
Reform abandoned?

Implementation

- Enforce the Broadcasting Law, providing licences to independent community and private providers.
- Order prosecutors to:
  - Adopt new and strong guidelines for a public interest test for all prosecutions.
  - Conduct new transparent, prompt, impartial, and efficient investigations into all killings of journalists and HRDs.
  - Investigate and prosecute police corruption and misuse of power.
- Order the removal of any de jure or de facto barriers to access to conflict areas for journalists and HRDs.
- Order all public officials to refrain from bringing criminal complaints against journalists and HRDs.
- Order the end to the internet shutdown and commit to a review of the shutdown and its effect.
- Order all State institutions and officials to proactively provide information to the public.
- Order implementation of the UN Rabat Plan of Action, prioritising training of officials.
• 2015 UPR recommendations: 143.4 (Viet Nam); 143.5 (Philippines); 143.6 (Namibia); 143.7 (United States of America); 144.1 (Paraguay); 144.2 (Latvia); 144.3 (Germany); 144.4 (Hungary); 144.5 (Sierra Leone); 144.6 (Slovenia); 144.7 (Montenegro) (Poland); 144.8 (Lithuania); 144.9 (Spain); 144.10 (Estonia) (Ghana); 144.11 (Greece); 144.12 (Bahrain); 144.13 (Switzerland); 144.14 (Algeria) (Libya); 144.15 (Turkey); 144.16 (Mexico); 144.17 (Thailand); 144.18 (Sudan); 144.19 (Brazil); 144.20 (Italy); 144.21 (Luxembourg); 144.22 (Georgia).

3 Myanmar Times (12 September 2019) “Parliament rejects motion to join international civil rights treaty”

4 144.1 (Paraguay); 144.2 (Bahrain).

5 UPR 2015: 145.7 (Bahrain).


8 UPR 2015: 143.20 (Portugal); 143.33 (Nicaragua).


11 UPR 2015: 143.86 (Singapore); 143.74 (Hungary); 143.48 (Republic of Korea).

12 FEM (3 May 2020) “Myanmar’s media not free or fair” http://freeexpressionmyanmar.org/myanmars-media-not-free-or-fair/.

13 UPR 2015: 143.42 (Nepal); 143.43 (Egypt); 143.44 (Chile); 143.45 (Senegal); 143.46 (Portugal); 143.47 (Sierra Leone); 143.31 (Thailand), 143.48
parliament-to-consult-on-draft-privacy-law-amendment/
- 57 UPR 2015: 144.31 (Thailand).
- 58 FEM (3 May 2020) “Myanmar’s media not free or fair” http://freeexpressionmyanmar.org/myanmars-media-not-free-or-fair/
- 59 UPR 2015: 144.84 (Brazil); 145.33 (France); 145.34 (Sweden); 145.35 (Luxembourg); 145.36 (Estonia).
- 60 FEM (26 March 2020) “No permission to protest” http://freeexpressionmyanmar.org/no-permission-to-protest/
- 61 FEM (26 February 2018) “5 violations that need addressing in protest law amendment” http://freeexpressionmyanmar.org/5-violations-that-need-addressing-in-protest-law-amendment/
- 63 FEM (26 March 2020) “No permission to protest” http://freeexpressionmyanmar.org/no-permission-to-protest/
- 64 FEM (26 March 2020) “No permission to protest” http://freeexpressionmyanmar.org/no-permission-to-protest/
- 65 FEM (26 February 2018) “5 violations that need addressing in protest law amendment” http://freeexpressionmyanmar.org/5-violations-that-need-addressing-in-protest-law-amendment/
- 66 FEM (26 March 2020) “No permission to protest” http://freeexpressionmyanmar.org/no-permission-to-protest/
- 68 UPR 2015: 145.23 (Uruguay); 145.99 (Italy); 144.82 (Chile); 144.83 (Norway); 145.22 (Italy).
- 69 FEM (26 March 2020) “No permission to protest” http://freeexpressionmyanmar.org/no-permission-to-protest/
- 70 FEM (26 March 2020) “No permission to protest” http://freeexpressionmyanmar.org/no-permission-to-protest/
- 71 FEM (26 March 2020) “No permission to protest” http://freeexpressionmyanmar.org/no-permission-to-protest/
- 72 UP 2015: 143.84 (Cuba); 143.85 (Georgia).
- 74 FEM (3 May 2020) “Myanmar’s media not free or fair” http://freeexpressionmyanmar.org/myanmars-media-not-free-or-fair/
- 77 FEM (3 September 2018) “Show-trial convicts Reuters journalists to 7 years imprisonment” http://freeexpressionmyanmar.org/show-trial-convicts-reuters-journalists-to-imprisonment/
- 82 FEM (3 September 2018) “Show-trial convicts Reuters journalists to 7 years imprisonment” http://freeexpressionmyanmar.org/show-trial-convicts-reuters-journalists-to-imprisonment/
- 84 FEM (6 March 2019) “NGOs call on parliament to consult on draft privacy law amendment” http://freeexpressionmyanmar.org/ngos-call-on-parliament-to-consult-on-draft-privacy-law-amendment/
- 87 FEM (4 April 2018) “Right to truth” http://freeexpressionmyanmar.org/right-to-truth/
- 88 FEM (4 April 2018) “Right to truth” http://freeexpressionmyanmar.org/right-to-truth/
- 89 These included:
- 90 9 recommendations to ratify ICERD: UPR 2015: 144.16 (Ghana); 144.4 (Hungary); 144.15 (Algeria) (Libya); 144.17 (Turkey); 144.18 (Sudan); 144.19 (Brazil); 145.1 (Austria); 143.9 (Egypt).
- 91 11 recommendations to protect women: UPR 2015: 145.14 (Lithuania); 143.63 (Japan); 143.103 (Italy); 143.56 (France); 143.53 (Pakistan); 143.57 (Austria); 143.69 (Spain); 143.68 (Serbia); 143.66 (Sweden); 143.67 (Namibia); 143.71 (Paraguay).
- 92 13 recommendations to protect religious minorities: UPR 2015: 143.89 (Sudan); 143.93 (Republic of Korea); 143.96 (Holy See); 143.94 (Indonesia); 143.90 (Malaysia); 143.91 (Turkey); 143.92 (China); 143.88 (Botswana); 143.97 (Poland); 145.65 (Sweden); 145.49 (Malaysia); 145.10. (Austria); 144.47 (Mexico).
- 93 6 recommendations to protect ethnic minorities: UPR 2015: 143.24 (Slovenia); 143.90 (Malaysia); 143.92 (China); 145.10. (Austria); 143.60 (Nepal); 143.61 (Ecuador).
- 94 7 recommendations to address incitement and “hate speech”: 145.12 (Norway); 143.62 (New Zealand); 145.48 (Belgium); 145.50 (Djibouti); 145.51 (Egypt); 144.51 (Algeria); 145.10. (Austria).
- 95 FEM (27 March 2017) “Protection Against Hate Speech Bill” http://freeexpressionmyanmar.org/protection-against-hate-speech-bill/
- 96 FEM (25 August 2017) “FEM welcomes Koﬁ Annan commission recommendations on media, access to information, and hate speech” http://freeexpressionmyanmar.org/fem-welcomes-koﬁ-annan-commission-recommendations-on-media-access-to-information-and-hate-speech/
Reform abandoned?


100 UPR 2015: 145.14 (Lithuania); 143.63 (Japan); 143.103 (Italy); 143.56 (France); 143.53 (Pakistan); 143.57 (Austria); 143.69 (Spain); 143.68 (Serbia); 143.66 (Sweden); 143.67 (Namibia); 143.71 (Paraguay).

101 FEM (29 December 2018) "Shut up girl, it’s too sensitive" [http://freeexpressionmyanmar.org/mdrf-invitation-shut-up-girl-its-too-sensitive/]

102 FEM (29 December 2018) "Shut up girl, it’s too sensitive!" [http://freeexpressionmyanmar.org/mdrf-invitation-shut-up-girl-its-too-sensitive/]

103 FEM (29 January 2019) "Daring to defy Myanmar’s patriarchy" [http://freeexpressionmyanmar.org/daring-to-defy-myanmars-patriarchy/]

104 FEM (29 January 2019) "Daring to defy Myanmar’s patriarchy" [http://freeexpressionmyanmar.org/daring-to-defy-myanmars-patriarchy/]

rights/2018/08/28/168009.html
Reform abandoned?

5-year review of freedom of expression for Myanmar’s 2020 UN Universal Periodic Review

7 November 2020 marks 10 years of Myanmar’s democratic transition. In 2010, the first partially-open general elections took place creating the quasi-civilian USDP government. Five years later, the 2015 general elections returned an NLD government. This year, Myanmar will have its third general elections. Over those 10 years, the right to freedom of expression – including its components media, digital, protest, right to information, and anti-discrimination – has faced great threats and in some cases been upheld. This report examines those changes.

This report is FEM’s submission to Myanmar’s 2020 UPR. It includes all of the different UN Member States’ recommendations relating to freedom of expression which were made to Myanmar in the previous 2015 UPR. FEM has assessed each of the 2015 UPR recommendations and explained whether those recommendations have been implemented or not, and also whether that situation has improved, remained the same, or worsened over the past five years.

5 November 2020 marks 10 years of Myanmar’s democratic transition. In 2010, the first partially-open general elections took place creating the quasi-civilian USDP government. Five years later, the 2015 general elections returned an NLD government. This year, Myanmar will have its third general elections. Over those 10 years, the right to freedom of expression – including its components media, digital, protest, right to information, and anti-discrimination – has faced great threats and in some cases been upheld. This report examines those changes.

This report is FEM’s submission to Myanmar’s 2020 UPR. It includes all of the different UN Member States’ recommendations relating to freedom of expression which were made to Myanmar in the previous 2015 UPR. FEM has assessed each of the 2015 UPR recommendations and explained whether those recommendations have been implemented or not, and also whether that situation has improved, remained the same, or worsened over the past five years.