

Assessment of online freedom in 2021

၂၀၂၁ ခုနှစ်အတွင်း အွန်လိုင်းလွတ်လပ်မှုကို အကဲဖြတ်ခြင်း

အင်တာနက်ပေါ်တွင် လွတ်လပ်မှု

မြန်မာနိုင်ငံ

FREEDOM OF THE NET
MYANMAR

ကျေးဇူးတင် အသိအမှတ်ပြုခြင်း

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ဤအစီရင်ခံစာသည် လိုအပ်နေသည့် သင့်လျော်သော ပြုပြင်ပြောင်းလဲမှုများ အလေးထားဂရုပြုလာရန် FEM ၏ ရည်ရွယ်ချက် တစ်စိတ်တစ်ပိုင်းဖြစ်ပါသည်။

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Acknowledgements

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About Freedom House

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We analyze the challenges to freedom, advocate for greater political rights and civil liberties, and support frontline activists to defend human rights and promote democratic change. Founded in 1941, Freedom House was the first American organization to champion the advancement of freedom globally.

We recognize that freedom is possible only in democratic political environments where governments are accountable to their own people; the rule of law prevails; and freedoms of expression, association, and belief, as well as respect for the rights of minorities and women, are guaranteed. More than 2.5 billion people live in countries that Freedom House designates “Not Free,” more than a third of the globe’s population.

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:

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Overview

အင်တာနက်လွတ်လပ်မှု အခြေအနေ Internet Freedom Status ¹	၂၀၁၈ 2018	၂၀၁၉ 2019	၂၀၂၀ 2020	၂၀၂၁ 2021
	လွတ်လပ်မှုမရှိ Not Free	လွတ်လပ်မှုမရှိ Not Free	လွတ်လပ်မှုမရှိ Not Free	လွတ်လပ်မှုမရှိ Not Free
A) လက်လှမ်းမှီမှုအပေါ်အတားအဆီးများ (၀-၂၅ မှတ်) Obstacles to Access (0-25 pts)	၁၀ မှတ် 10	၁၀ မှတ် 10	၇ မှတ် 7	၄ မှတ် 4
B) အကြောင်းအရာများကို ကန့်သတ်မှု (၀-၃၅ မှတ်) Limits on Content (0-35 pts)	၁၆ မှတ် 16	၁၆ မှတ် 16	၁၃ မှတ် 13	၇ မှတ် 7
C) အသုံးပြုသူ အခွင့်အရေး ချိုးဖောက်မှုများ (၀-၄၀ မှတ်) Violations of User Rights (0-40 pts)	၁၀ မှတ် 10	၁၀ မှတ် 10	၁၁ မှတ် 11	၆ မှတ် 6
စုစုပေါင်း* (၀-၁၀၀) Total* (0-100)	၃၆ မှတ် 36	၃၆ မှတ် 36	၃၁ မှတ် 31	၁၇ မှတ် 17

Internet freedom in Myanmar collapsed following the February 2021 military coup, marking the most severe decline ever documented in *Freedom on the Net*. As part of its attempt to crush dissent and maintain power, the military junta shut down internet service, blocked social media platforms and websites, seized control of the telecommunications infrastructure, and ramped up intrusive surveillance. Despite these and other obstacles, including detentions and egregious physical violence, people in Myanmar continued to use digital tools to organize and voice opposition to the coup whenever possible.

Myanmar’s transition from military dictatorship to democracy had stalled under the leadership of the National League for Democracy (NLD) party, which came to power in relatively free elections in 2015. The military retained significant influence over politics under the constitution it drafted, and the government largely failed to uphold human rights and to prioritize peace and security in areas affected by armed conflict. A 2017 military operation and ongoing violence has forced hundreds of thousands of people from the Rohingya ethnic group to seek refuge in Bangladesh, and those remaining in Rakhine State continue to face the threat of atrocity crimes. Despite significant flaws and disenfranchisement, the November 2020

parliamentary elections resulted in a convincing victory for the NLD and a major defeat for the military-backed Union Solidarity and Development Party (USDP). That party’s claims of fraud were cited as justification for the ensuing coup, in which the military ousted the NLD-led civilian government.

A Myanmar translation of the report will be available soon.

Key Developments, June 1, 2020 – May 31, 2021

- The military began shutting down internet services nationwide shortly before the February 2021 coup (see A3), and in the subsequent months it seized direct control over state-owned mobile service providers that accounted for more than half of all mobile subscriptions in the country. Parallel pressure on private-sector providers was so severe that Norway’s Telenor, one of the market leaders, sold off its mobile operations in Myanmar shortly after the coverage period (see A4).
- The ruling junta also assumed control over Myanmar’s telecommunications regulator, quashing any independence it previously had through a series of opaque directives and threats to staff (see A5).

- Military authorities ordered the blocking of social media platforms, online news outlets, and certain financial-services websites, with some remaining inaccessible at the end of the coverage period (see A3, B1, and B3). As of June 2021, the military had revoked the licenses of seven major media outlets that were reporting on anticoup protests, and telecommunications companies were ordered to block their websites (see B1 and B6).
- The coup leaders' efforts to disrupt internet service and block online platforms were intended in part to suppress the organization of further protests. Authorities also banned virtual private networks (VPNs) and employed detentions and physical violence to punish users who expressed support for the anticoup movement. Nevertheless, citizens continued their attempts to mobilize via digital tools (see B8 and C4).
- The coup effectively nullified the constitution and the limited free expression protections it had offered, and the country's Constitutional Tribunal—tasked with holding state officials accountable under the charter—was replaced by the military days after it seized power (see C1).
- In March and May 2021, new evidence supported suspicions that the military was using extraction and interception technology to surveil protesters. The military also suspended limited privacy protections provided by the Law Protecting the Privacy and Security of Citizens and issued an amendment to the Electronic Transactions Law that increased government access to personal data (see C5).
- Journalists, digital activists, and ordinary users were held in pretrial detention and sentenced to prison terms for their online activity in the months following the coup. One Democratic Voice of Burma reporter received a three-year sentence in May 2021 in connection with his coverage of protests (see C3). Physical violence and torture have become widespread in detention, and disappearances of or public attacks on prominent social media users served as additional deterrents to the expression of dissent online (see C7).

လက်လှမ်းမီမှုအပေါ်အတားအဆီးများ

Obstacles to Access

A1: အခြေခံအဆောက်အအုံဆိုင်ရာ ချို့တဲ့မှုများသည် အင်တာနက် လက်လှမ်းမီမှုကို ကန့်သတ်ပါသလား သို့မဟုတ် အင်တာနက် ချိတ်ဆက်မှုအမြန်နှုန်းနှင့် အရည်အသွေးကို ကန့်သတ်ပါသလား။ (၀-၆ မှတ်)	၂ မှတ်
A1: Do Infrastructural lmltations restrict access to the Internet or the speed and quality of Internet connections? (0–6 points)	2

Access to the internet continued to improve during the coverage period, until the February 2021 coup. As of 2021, 43 percent of the population used the internet, an increase of two and a half million people since the beginning of 2020.² The speed and quality of service have increased in recent years due to the launch of fourth-generation (4G) mobile networks in 2017,³ and international bandwidth reached 2,036 Gbps in 2020.⁴ However, penetration overall remains lower than average for the Asia-Pacific region,⁵ and internet speeds are slower than average, particularly for fixed-line connections.⁶ The Ministry of Transport and Communications (MoTC) Universal Service Strategy for Myanmar 2018–22 aimed to reach 95 percent of the population with mobile broadband services and 99 percent of the population with basic mobile voice services by 2022.⁷ At the end of the coverage period, achieving this goal appeared unlikely, especially in light of the coup.

Private fixed-line internet connections are rare, and while fixed-line speeds increased during the coverage period, they remain slower than mobile connections.⁸ In 2020, just 0.5 percent of internet subscribers used fixed lines, a number that had not changed for five years.⁹ Since the beginning of the COVID-19 pandemic

in early 2020, the number of wireless broadband devices has grown in urban areas, as the need to work from home has increased.¹⁰

The number of mobile connections has also continued to grow, increasing to 69 million in January 2021, for a penetration rate of 127 percent.¹¹ Despite this growth, the share of the population with a mobile connection is lower than in neighboring countries.¹² Just over 50 percent of residents have mobile connections, though many people have multiple SIM cards, accounting for the nominally high penetration rate.¹³

Infrastructure development continues to be hampered by flooding, unreliable electricity, an inefficient bureaucracy, and private- and public-sector corruption.¹⁴ New international sanctions adopted in the wake of the military’s 2017 campaign against the Rohingya population have affected the export of telecommunications equipment to Myanmar, although it is unclear whether or how the sanctions have obstructed infrastructure development in particular.¹⁵ Existing infrastructure has also been damaged by a range of problems such as rodents, car accidents, and construction.¹⁶

<p>A2: အင်တာနက် အသုံးပြုရန် လက်လှမ်းမီမှု အတားအဆီး ဖြစ်လောက်သည့်တိုင်အောင် ဈေးကြီးလွန်းသလား သို့မဟုတ် ပထဝီအနေအထား၊ လူမှုရေးနှင့် အခြားအကြောင်းအရာများကြောင့် လူဦးရေ တစ်ပိုင်းတစ်စသည် လက်လှမ်းမီမှု ပြင်ပရောက်နေပါသလား။ (၀-၃ မှတ်)</p>	<p>၁ မှတ်</p>
<p>A2: Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons? (0-3 points)</p>	<p>1</p>

The internet became accessible to more people during the coverage period prior to the coup. Mobile data plans are affordable relative to other countries in the region.¹⁷ Deals offering free or near-free mobile access to social media platforms initially fed the rapid growth in Facebook usage and, after 2020, a similar explosion in TikTok usage.¹⁸

Prices for fixed broadband lines have continued to decrease, dropping on average by more than half between 2018 and 2021, though prices vary across different parts of the country.¹⁹ The costs of fixed-line connections have decreased due to competition with 4G mobile service and a dearth of demand from customers. While the average fixed-line connection now costs \$27 per month in urban areas, this remains prohibitively expensive for the majority of the population.²⁰

The Digital Economy Development Committee (DEDC) was established in 2017 to support and develop economic policies that promote a digital economy.²¹ In March 2019, the DEDC launched its Digital Economy Roadmap, which includes several plans to build digital inclusivity, improve connectivity, and harness technology to foster socioeconomic development.²² Although the roadmap divides responsibilities among different ministries, it is unclear whether or how much funding has been allocated to implement the strategy. In 2020, there were reports that the DEDC was reemerging after a long period of opaque and infrequent activity, with a new focus on technical skills provision.²³

National figures on internet access hide a digital divide that affects marginalized groups. Urban users who have

access to 4G service consume almost five times more data on average each month than the national average for all users.²⁴ The number of households that have access to a computer or to the internet remains small, particularly in rural areas.²⁵ Users in rural areas and small towns have poorer internet connections than those in urban areas. Disparities have likely increased following the coup, as services are affected differently by military directives.²⁶

In recognition of the geographical gaps in people’s internet access, the government announced the development of a Universal Service Fund (USF) in April 2018 to invest in telecommunications services for areas that are otherwise underserved, with the eventual aim of reaching 99 percent of the population.²⁷ The USF is supported by a 2 percent telecommunications tax that was rolled out in mid-2018.²⁸ At least some of the USF funding has since been reallocated to pay for a proposed biometric database for mobile subscribers (see C4), and the amount of the remainder is unclear.²⁹ A tender for implementing the first phase of the USF was announced in November 2020,³⁰ while the second and third phases have been suspended following the coup.³¹

Gender-based disparities in access are generally ignored by the government. Women are still less likely than men to own a mobile phone and significantly less likely to use the internet.³² For women, barriers to owning and using a mobile phone to access the internet include perceived lack of relevance, high costs, and insufficient literacy skills.³³

<p>A3: ချိတ်ဆက်မှုနှင့် ဆက်သွယ်မှုကို ကန့်သတ်ရန် ရည်ရွယ်ချက်များဖြင့် အစိုးရသည် အင်တာနက် အခြေခံအဆောက်အအုံများအား နည်းပညာပိုင်းဆိုင်ရာ သို့မဟုတ် ဥပဒေနည်းများဖြင့် ထိန်းချုပ်မှုကို ကျင့်သုံးပါသလား။ (0-6 မှတ်)</p>	<p>0 မှတ်</p>
<p>A3: Does the government exercise technical or legal control over Internet Infrastructure for the purposes of restricting connectivity? (0–6 points)</p>	<p>0</p>

Score Change: The score declined from 1 to 0 due to the military’s repeated shutdown of internet services nationwide, as well as months-long blocking of social media platforms including Facebook, Twitter, and WhatsApp.

Before the February 2021 coup, the government had generally refrained from restricting connectivity across the country, despite implementing one of the world’s longest internet shutdowns in Rakhine and Chin States beginning in 2019. Since the coup, military authorities have repeatedly shut down internet services nationwide.

The military began disrupting the internet shortly before the coup, starting in the early morning hours of February 1, 2021. At 8 a.m., all mobile data and some fixed-line internet access were cut off nationwide.³⁴ The military’s first internet shutdown after the coup ended later that day, but was followed by a near-total shutdown at 10 a.m. on February 6 that lasted 30 hours.³⁵ Military authorities then implemented nightly shutdowns affecting fixed-line (fiber-optic and cable) connectivity on February 15, lasting from 1 a.m. to 9 a.m., until reports that access had been restored began to surface on April 28.³⁶ Although the internet was on during the day in this period, users reported frequent short-term outages and slow speeds nationwide. On March 15, the military shut down all mobile data connections, which continued through the end of the coverage period,³⁷ leaving only wireless broadband services and fixed-line services working during the daytime.³⁸ On March 18, the military shut down public Wi-Fi connections.³⁹ On April 1, the military ordered providers to shut down wireless broadband internet services indefinitely. Daytime fixed-line service, which is used by between 0.5 and 5 percent of users, was consequently the only way to access the internet.⁴⁰

Months-long blocks on various social media platforms were ordered by the military in a bid to further control the flow of online information surrounding the coup (see B1). The military began listing some 1,200

approved internet services on May 25, which included a number of the previously blocked platforms.⁴¹

Before implementing the national shutdowns, the military briefly ended one of the world’s longest internet disruptions at the subnational level. On February 2, 3G and 4G mobile access was restored to 1.4 million people in Rakhine and Chin States.⁴² The government in June 2019 had cut off mobile internet service in these areas—where the military has conducted crackdowns over the past several years, first against the Rohingya and more recently against the Rakhine ethnic group—in order to “maintain the stability and law and order.”⁴³ The government had pledged to restore access when the security situation improved,⁴⁴ and a presidential spokesperson had said that the government would “fulfill every request made by” Myanmar’s military with regard to the shutdown in the two states.⁴⁵ The government had restored limited 2G access in August 2020.

The MoTC directed the internet shutdowns, apparently under orders from the military-controlled Ministry of Home Affairs (MoHA).⁴⁶ In the first few days after the coup, one telecommunications company documented the existence of the directives, which cited “fake news” and the need to protect national stability.⁴⁷ The company stopped documenting the directives it received,⁴⁸ however, reportedly due to license-related pressure from the MoTC (see B3). There were already reports that the MoTC had been pressuring telecommunications companies prior to the coup,⁴⁹ and these reports have increased since.⁵⁰

The MoTC has significant powers to cut off the internet without oversight or safeguards, as it controls much of the telecommunications infrastructure via the state-owned company Myanmar Posts and Telecommunications (MPT). Private-sector providers were gradually diversifying ownership of mobile infrastructure and the internet backbone. Myanmar has three underwater and four overland internet gateways.⁵¹ Because experts projected that bandwidth demand would grow 70 percent annually in the near

future, before the coup more companies expected to develop infrastructure,⁵² including through new satellite connections.⁵³ Since the coup, there has been no progress toward these goals.

Myanmar has 68,000 kilometers of fiber-optic cable and 11,000 more under construction.⁵⁴ The first private undersea internet cable, the Myanmar-Malaysia-Thailand International Connection (MYTHIC), was installed by the Campana Group, a company based in Singapore and jointly owned by Myanmar and Thailand. It began selling wholesale access to telecommunications companies in 2017.⁵⁵ The Campana Group planned to build a second undersea cable, called SIGMAR, with enough bandwidth to serve for at least 10 years,⁵⁶ though little was known about the progress of the cable’s development as of May 2021.

Myanmar’s government planned to launch a second satellite, MyanmarSat-2, in 2020 to support telecommunications infrastructure.⁵⁷ The satellite, built in a joint project with Hokkaido University in Japan, was held at the International Space Station following the coup, awaiting a Japanese decision as to whether it should be deployed at the risk of enabling military surveillance.⁵⁸

The legal framework has no specific regulations related to bandwidth throttling, but many legal provisions are vague and broad, meaning they can be misused for such purposes. A draft cybersecurity law under consideration in recent years that was created by the government could include restrictive provisions that affect Myanmar’s internet infrastructure (see C2).⁵⁹

<p>A4: (အင်တာနက်) ဝန်ဆောင်မှု ပေးသူများ၏ ထွေပြားစုံလင်မှုကို ကန့်သတ်သည့် ဥပဒေ၊ စည်းမျဉ်းစည်းကမ်းများ သို့မဟုတ် စီးပွားရေး အတားအဆီးများ ရှိပါသလား။ (၀-၆ မှတ်)</p>	<p>၁ မှတ်</p>
<p>A4: Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? (0–6 points)</p>	<p>1</p>

Score Change: The score declined from 2 to 1 due to increased military control over and pressure against providers, which led Telenor, one of the country’s main providers, to write off its Myanmar operation as a total financial loss during the coverage period.

Since the coup, the military has seized control of the state-owned mobile operator, MPT, in addition to the military-owned operator Mytel.⁶⁰ As a result, the military is now in direct control of more than half of all mobile subscriptions as well as much of the telecommunications infrastructure, which is managed by MPT.⁶¹ This has undermined the diversity of operators and, through the infrastructure, given the military a near monopoly in the telecommunications sector. Furthermore, the military, via the MoTC, has been issuing a significant number of directives to telecommunications companies, the legality of which the companies have questioned in many cases.⁶² The volume and nature of the directives raised concerns among civil society actors about whether telecommunications companies are operationally independent from the military. Several stakeholders

have confirmed that the military’s detention of senior business leaders from other sectors likely encouraged telecommunications companies to implement military demands without complaint.⁶³

The military pressure in the form of directives and threats to staff led one of the nation’s main mobile providers, Norway’s Telenor, to sell its Myanmar operations to a Lebanon-based company in July 2021,⁶⁴ after the coverage period. Telenor had written off its business in the country in May, essentially predicting a total financial loss, but said at the time that it would operate as long as it could still “contribute positively.”⁶⁵

Deregulation in 2013 removed many of the legal and regulatory barriers to entry for internet service providers (ISPs) and mobile service providers, leading to a proliferation in the number of licenses awarded. At least 207 telecommunications licenses had been awarded by 2020.⁶⁶ The 2017 award of a telecommunications license to the military-owned operator Mytel, and the comparative scale of Mytel’s investment since launching in 2018, undermined the diversity of providers and reasserted the state’s

dominance over the telecommunications market. Independent media outlets have reported that Mytel provides the military with massive profits.⁶⁷

Mytel is jointly owned by the Vietnamese military-controlled company Viettel, a consortium of local firms, and Star High Public Company, which is owned by the Myanmar military's Myanmar Economic Corporation (MEC).⁶⁸ Mytel operates using the telecommunications infrastructure owned by MECTel, which is also owned by MEC.⁶⁹ MEC was sanctioned by the US Treasury Department between 2008 and 2016 for its role in human rights violations committed by Myanmar's military.⁷⁰ In 2018, the European Union considered imposing sanctions on Mytel in response to the military's human rights abuses in Rakhine, Shan, and Kachin States.⁷¹ Since the coup, many activists have called for a boycott of Mytel due to the company's connections with the military and its human rights violations.⁷² Separately, Mytel and Viettel have both been found to engage in inauthentic behavior intended to malign competitors (see B5).⁷³

Mytel launched its 4G-only service in February 2018,⁷⁴ and had reportedly reached 10 million subscribers by 2020.⁷⁵ It joined three other mobile service providers in Myanmar, all of which are owned by the Myanmar government or foreign governments.⁷⁶ During the

coverage period, two foreign mobile service providers, Telenor and Ooredoo, had 22 and 10 million subscribers,⁷⁷ respectively, and a third provider, the state-owned MPT, had roughly 24 million subscribers.⁷⁸ Other providers that have received telecommunications licenses include a mixture of national and local fixed-line and mobile services. For example, Amara Communications, owned by a large domestic conglomerate, launched in May 2018 and provides a data-only service using wireless broadband boxes, including in Yangon, where it had already installed 300 towers by March 2018.⁷⁹ The Global Technology Group launched wireless broadband in 30 cities beginning in May 2018.⁸⁰

Before the coup, the administration of licenses was generally regarded as fair and transparent, and external efforts to influence decisions were largely rebuffed.⁸¹ However, in 2020 the government reportedly threatened to cancel licenses unless their holders complied with demands to block websites, including news outlets (see B1).⁸² Telecommunications providers have raised concerns about restrictions on building new towers,⁸³ and local government officials have stressed the need for providers to obtain permits to lay fiber-optic cables, build towers, and install Wi-Fi devices.⁸⁴

<p>A5: ဆက်သွယ်ရေး ဝန်ဆောင်မှုပေး ကုမ္ပဏီများနှင့် ဒစ်ဂျစ်တယ် နည်းပညာကို ကွပ်ကဲသော နိုင်ငံတော် စည်းမျဉ်းစည်းကမ်း ကြီးကြပ်မှု အဖွဲ့များသည် လွတ်လပ်၍ တရားမျှတပြီး အမှီအခိုကင်းသော ပုံစံဖြင့် လုပ်ငန်းဆောင်ရွက်ရန် ပျက်ကွက်ပါသလား။ (၀-၄ မှတ်)</p>	<p>၀ မှတ်</p>
<p>A5: Do national regulatory bodies that oversee service providers and digital technology fall to operate in a free, fair, and independent manner? (0-4 points)</p>	<p>0</p>

Score Change: The score declined from 1 to 0 because regulatory bodies retain no independence following their takeover by military forces as part of the February 2021 coup.

Myanmar's regulatory bodies have reportedly been under the direct authority of the military since the coup. The MoTC's Posts and Telecommunications Department (PTD) is responsible for regulating the telecommunications sector. The PTD was once both the regulator and a monopoly service provider for the

telecommunications sector. These roles were separated a number of years ago, with the PTD acting as the regulator and MPT acting as the state-controlled service provider. The PTD's responsibilities include issuing and renewing telecommunications licenses, regulating the frequency spectrum, addressing consumer protection, inspecting and supervising telecommunications providers, and carrying out any administrative actions against providers.⁸⁵ The whole of the MoTC, including both the PTD and MPT, is reportedly now influenced by the military-controlled

MoHA.⁸⁶ Orders from the MoTC to providers to install interception spyware before the coup, for instance, came from former military officials (see C5). The nature of this management remains largely opaque, as the military does not publish the directives it issues (see A4, B1, and B3).⁸⁷ The military has also repeatedly and publicly threatened MoTC staff who have participated in strikes against the coup.⁸⁸

Even before the coup, both the PTD and MPT lacked proper safeguards to protect regulatory and operational independence, leaving them vulnerable to political interference. For example, in March 2020, presidential spokesperson Zaw Htay said the government would “fulfill every request” made by the military regarding lengthy internet shutdowns in conflict zones (see A3).⁸⁹ Furthermore, the bodies’ decision-making processes are opaque, and they rarely engage or consult with civil society.⁹⁰ Article 86 of the 2013 Telecommunications Law outlines the responsibilities of a Myanmar Communications Regulatory Commission (MCRC), which has yet to be established.⁹¹ Even though the mandate for the MCRC’s composition does not sufficiently safeguard its independence, the Telecommunications Law calls for the MCRC to take over regulatory functions from the PTD. The commission would also operate a mechanism to adjudicate any administrative disputes in the telecommunications sector. Many analysts suggested that the government had long failed to establish the MCRC because it was unwilling to relinquish the more

direct control it had over the telecommunications sector through the PTD.⁹²

The Pricing and Tariff Regulatory Framework showcases how telecommunications rules favor state-owned service providers. The framework, an initial set of rules for mobile service providers, came into force in 2017 and included new floor pricing and a ban on offering free SIM cards or supplying telecommunications services below cost, among other provisions. The rule on floor pricing included a minimum charge for data (\$0.00065 per MB of data), calls, text messaging, and other services. The floor pricing, which was more expensive than some providers’ prices at the time of adoption, was established for all providers to follow. However, the government waived floor pricing for the military-owned Mytel, reportedly to enable it to achieve rapid growth when it was first launched.⁹³

Another state institution, the Myanmar Computer Federation, was formed under the 1996 Computer Science Development Law and is composed of industry professionals. It is the designated focal point for coordination with technology-related associations, working groups, and other stakeholders in the sector. In the years prior to the coup, civil society groups raised concerns that the federation was progovernment and operated opaquely.⁹⁴ For example, the federation’s leadership supported some of the government’s more draconian digital surveillance policies.⁹⁵ Since the coup, the federation has spoken out to criticize the military’s actions.⁹⁶

အကြောင်းအရာများကို ကန့်သတ်ခြင်းများ

Limits on Content

B1: အင်တာနက်ပေါ်ရှိ အကြောင်းအရာကို ပိတ်ဆို့မှု (သို့) စစ်ထုတ်မှုကို အစိုးရမှ ပြုလုပ်ပါသလား (သို့) အင်တာနက် ဝန်ဆောင်မှုပေးသူများအား ထိုသို့ပြုလုပ်ရန် ဖိအားပေးပါသလား။ (၀-၆ မှတ်)

၁ မှတ်

B1: Does the state block or filter, or compel service providers to block or filter, internet content? (0–6 points)

1

Score Change: The score declined from 3 to 1 due to open-ended blocking of social media platforms such as Facebook, WhatsApp, Twitter, and Instagram, as well as a range of websites, including news outlets, financial services, and gaming hubs.

The MoTC first began ordering telecommunications companies to block websites in March 2020, and blocking directives significantly increased following the coup. From February 2021 onward, the MoTC issued a series of orders requiring telecommunications companies to block access to URLs and internet protocol (IP) addresses under Section 77 of the Telecommunications Law, which allows authorities to issue blocking orders to license holders in “emergency situations.”⁹⁷ Each of the directives are temporary but open-ended. No exact list of blocked sites has been published, and after Telenor publicly reported the directives it had received, it was forced to cease doing so under pressure from the authorities.⁹⁸

The MoTC ordered all ISPs, mobile service providers, and international gateway managers to block access to Facebook on February 3, 2021. The block, which was initially set to last until February 7, was ostensibly meant to preserve stability and prevent fake news from “spreading misunderstanding.”⁹⁹ WhatsApp was also blocked.¹⁰⁰ Orders to block Twitter and Instagram followed on February 5.¹⁰¹ While WhatsApp and Instagram were included on a list of approved sites on May 25, Facebook and Twitter remained blocked at the end of the coverage period.¹⁰²

Many more secretive blocks on websites have reportedly been ordered since the coup, affecting popular platforms such as Wikipedia as well as national media outlets (see B6).¹⁰³ At least one telecommunications company has reportedly pushed

back against at least one MoTC order, with some success.¹⁰⁴

On May 25, the military began listing approved sites, meaning any blocking on them could be removed. The initial batch of some 1,200 approved internet services included a large contingent of banking and financial sites, entertainment sites like YouTube and Netflix, news sites such as the *New York Times* and US-based Cable News Network (CNN), and gaming platforms.¹⁰⁵

In March, May, and August 2020, the MoTC had issued a series of directives ordering internet providers to block more than 2,170 websites under Section 77 of the Telecommunications Law. Although the directives were not publicly released, well-known independent and local news outlets and websites based in conflict-affected areas, such as Rakhine State, soon became inaccessible. They included Narinjara News, Mandalay In-Depth News, Mekong News, and Voice of Myanmar, among others. Karen News, a local news agency in Karen State, was also found to be inaccessible. Several of the blocked outlets are owned by the Development Media Group, which previously had been targeted by authorities for its coverage of the rebel Arakan Army (see C3).¹⁰⁶ According to Telenor Myanmar, 67 websites were flagged for blocking in March 2020 for alleged “fake news,” and 154 websites were accused of carrying adult or explicit content. The remaining 1,917 websites included in the MoTC’s directives of March 2020 were also on Interpol’s list of banned child sexual abuse websites; such content can be legitimately restricted under international human rights standards.¹⁰⁷ Justice for Myanmar, a campaign group that has criticized the military, was blocked in August 2020.¹⁰⁸ In May 2020, Telenor reported that the PTD had issued a directive ordering service providers to block an additional 22 websites that allegedly

contributed to “fearmongering” and “misleading” people about COVID-19.¹⁰⁹

Major telecom providers complied with the 2020 blocking orders. Telenor Myanmar initially resisted the blocking of 67 websites for alleged “fake news,” citing the lack of a sufficient legal basis.¹¹⁰ The provider later

complied, however, after meeting with MoTC officials and determining that the “risk involved in not following the directive as regards fake news is likely to have wider implications in terms of servicing the public.”¹¹¹

<p>B2: အစိုးရ သို့မဟုတ် အစိုးရမဟုတ်သော အဖွဲ့/ ပုဂ္ဂိုလ်များသည် ဥပဒေ၊ အုပ်ချုပ်ရေး သို့မဟုတ် အခြားနည်းလမ်းများ အသုံးပြု၍ ထုတ်ဝေသူများ၊ အင်တာနက်ပေါ်တွင် အကြောင်းအရာများ ဝေမျှနိုင်ရန်နေရာပေးသူ (content host)များ၊ သို့မဟုတ် ဒီဂျစ်တယ်ပလက်ဖောင်းများအား အကြောင်းအရာများကို ဖျက်ပစ်ပေးရန် အတင်းအကျပ် ပြုလုပ်ပါသလား။ (၀-၄ မှတ်)</p> <p>B2: Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content? (0–4 points)</p>	<p>၁ မှတ်</p> <p>1</p>
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Pressure to remove content continued to originate from state and nonstate actors within Myanmar, as well as from outside the country, throughout the coverage period. Since the February 2021 coup, pressure from the military against media outlets, including demands to cease critical coverage and halt the use of words translating to “regime” and “junta” (see B5), has led to the closure of two large media enterprises, with one opting to take down its entire website.¹¹² It is also believed that officials have pressured detained users to delete their own content while in custody. Separately, content moderation efforts by social media companies like Facebook, YouTube, and TikTok have led to the

removal of content that should be protected under international human rights standards (see B3).

Prior to the coup, the government employed other channels to pressure social media platforms and users. Officials called for content hosts, notably Facebook but also WhatsApp, to address rampant intolerance, misinformation, and incitement on their platforms.¹¹³ But the government itself had failed to tackle these problems, and individuals linked to the government were often alleged to be responsible for perpetrating them.¹¹⁴

<p>B3: အင်တာနက်နှင့် ဒီဂျစ်တယ်အကြောင်းအရာများအပေါ် ကန့်သတ်ချက်များ ပြုလုပ်ရာတွင် ပွင့်လင်းမြင်သာမှု၊ ဖော်ပြထားသည့် ရည်ရွယ်ချက်များနှင့် အချိုးညီမှု သို့မဟုတ် လွတ်လပ်စွာ အယူခံဝင်နိုင်သော လုပ်ငန်းစဉ်များ ကင်းမဲ့နေပါသလား။ (၀-၄ မှတ်)</p> <p>B3: Do restrictions on the Internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process? (0–4 points)</p>	<p>၀ မှတ်</p> <p>0</p>
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Score Change: The score declined from 1 to 0 because directives to restrict content are being issued en masse without transparency, proportionality, or an avenue for appeal.

Since the coup, broad restrictions on digital content have been enforced without transparency and with gross disproportionality.¹¹⁵ Those who report on the

existence of such restrictions have been threatened with severe consequences.¹¹⁶

Though the government vaguely described the aims of its restrictions before the coup, the military junta has generally not. The Telecommunications Law includes a broad provision giving the MoTC absolute authority to temporarily block and filter content “for the benefit of

the people,” although this power was never intended to be used to block all content.¹¹⁷ The law does not explicitly hold intermediaries liable for content, but some provisions are vague and could feasibly be interpreted to justify content removal.¹¹⁸ There are also no avenues for appealing restrictions,¹¹⁹ and the only potential safeguard against abuse, the MCRC, has still not been established (see A5).

In the absence of the MCRC, the PTD retains control over content restrictions. The PTD does not publish procedural information on how or when any such decisions are made, or by whom. Military directives—and government directives before the coup—that order internet shutdowns and website blocks have not been published, and users have had to rely on telecommunications companies and civil society testing for more information about content restrictions.¹²⁰ The orders have become so common that many are conveyed to providers by telephone rather than through official channels.¹²¹ Recipients of directives are unwilling to publicize the orders’ exact terms due to the risk of legal liability, including potential violations of the Official Secrets Act, and there have been no reported legal challenges to test the directives’ lawfulness in courts. The only ISP that had been documenting and publishing the existence of restrictive directives following the coup, Telenor, ceased those activities on February 14, citing threats of license revocation and intimidation of staff.¹²²

In 2018, following complaints about its content moderation from within Myanmar and elsewhere, Facebook increased its moderation activity, expanded its appeals process for account and page takedowns,¹²³ and established a self-regulatory Oversight Board.¹²⁴ According to the company, it subsequently removed hundreds of Facebook and Instagram pages and accounts—with millions of followers—that had originated within and outside of Myanmar and were found to have violated the platforms’ community standards.¹²⁵ Removals in 2018 included the accounts and pages of top military commander Min Aung Hlaing, other military leaders, and the military’s Myawaddy television network,¹²⁶ as well as accounts associated with the Buddhist ultranationalist group Ma Ba Tha.¹²⁷ After the coup, Facebook removed or reduced the distribution of many pages run by the military or military companies, including Tatmadaw True News Information Team, MRTV, and MRTV Live.¹²⁸ The pages and accounts of various ethnic rebel

groups have also been removed by Facebook in recent years, as the company deemed them “dangerous organizations.”¹²⁹ This designation meant that any content supporting the groups could also be removed once identified. An unintended consequence of Facebook’s increased moderation activity has been the removal of legitimate content.¹³⁰

Some activists continue to argue that some of Facebook’s removals have compromised the public’s right to information about important national stakeholders, and that they have swept up a wide range of valid content, including commentary on and documentation of human rights violations.¹³¹ For example, certain media outlets, journalists, and human rights defenders have alleged that their content was wrongfully removed, particularly journalistic reporting about banned organizations.¹³² Despite requests from civil society,¹³³ Facebook is only minimally transparent about its restrictions. Some in Myanmar’s civil society sector suspect that this opacity masks significant internal problems, such as poorly trained staff who lack contextual and language expertise, problematic and insufficient algorithms,¹³⁴ and discriminatory decision-making.¹³⁵ The Oversight Board has agreed to review one case in which an appellant challenged Facebook’s decision to remove a post criticizing the postcoup environment on the grounds that it violated the platform’s hate speech policy.¹³⁶

A 2020 survey of journalists conducted by Free Expression Myanmar found that Facebook had warned a third of the participants that their journalistic content violated the platform’s community standards.¹³⁷ Of those surveyed, 15 percent said they had content removed. Since the coup, several news outlets have reported receiving Facebook warnings after they posted photos of murdered protesters.¹³⁸

In addition to Facebook, video platforms such as YouTube and TikTok have increased their content removals since the coup (see B5).¹³⁹ YouTube has removed at least five military-controlled channels, including the state-owned MRTV and the military-owned Myawaddy Media, MWD Variety, and MWD Myanmar.¹⁴⁰ Following international media attention,¹⁴¹ TikTok slowly took action to remove some of the extremely violent videos posted by soldiers on the platform, many of which threatened peaceful protesters with various weapons and methods of murder.¹⁴² In one video, viewed 180,000 times, a soldier

says, “Don’t touch [the coup leader]. It will cost you your life. Hear? You will die.”¹⁴³ TikTok has been criticized by civil society for not learning the lessons from Facebook’s moderation failures in previous

years.¹⁴⁴ While TikTok deleted many of the worst videos, technical glitches have left traces in place, and TikTok has not banned the military more broadly.¹⁴⁵

<p>B4: အွန်လိုင်း သတင်းထောက်များ၊ သုံးသပ်ဝေဖန်သူများနှင့် သာမန်အသုံးပြုသူများသည် မိမိကိုယ်ကို ဆင်ဆာဖြတ်တောက်မှုကို ကျင့်သုံးပါသလား။ (၀-၄ မှတ်)</p>	<p>၁ မှတ်</p>
<p>B4: Do online Journalists, commentators, and ordinary users practice self-censorship? (0–4 points)</p>	<p>1</p>

Since the coup, self-censorship online has grown significantly. Although many social media users have bravely condemned the coup and continue to do so, some have apparently taken self-censorship steps to hide their identity, such as changing their account names or removing photos.¹⁴⁶ The practice of using acronyms or nicknames for sensitive terms is now widespread across messaging tools.¹⁴⁷ The use of pseudonyms, which was common during earlier periods of military rule and enables people to speak out with less fear of detention and criminal prosecution, has grown despite a ban on the practice by Facebook and other social media platforms.¹⁴⁸ Many users have also stopped using normal phone lines and switched to encrypted smartphone apps, such as Signal and Telegram.¹⁴⁹ Hundreds of journalists are in hiding, and many have been detained for their journalism, particularly when reporting on the anticoup protests.¹⁵⁰

Self-censorship was common prior to the coup, including among journalists.¹⁵¹ Journalists, online personalities, and ordinary users faced a range of pressures to agree with government narratives on matters related to the military, major business groups, armed conflict, the Rohingya, religion, and other important topics.¹⁵² For example, some journalists and media outlets opted to use terms such as “Muslims” when referring to Rohingya to avoid potential ultranationalist backlash online; the term “Bengalis” is also sometimes used in a discriminatory attempt to link

the Rohingya to Bangladesh and deny their basic rights in Myanmar.¹⁵³ Pro-Rohingya activists largely relied on social media and the international news media to share information about violence and discrimination in Rakhine State, partly because few domestic media outlets were willing to risk the security threats or boycotts that can result from reporting on the topic.¹⁵⁴ Since the coup, more Myanmar users have actively spoken out about the Rohingya, in some cases apologizing for not believing past atrocity allegations in the light of the military’s recent violence against civilians protesting its seizure of power.¹⁵⁵

Self-censorship on gender issues is also widespread online among journalists and human rights defenders.¹⁵⁶ Women who discuss sex and women’s bodies online are often abused and harassed.¹⁵⁷ For example, while the global #MeToo campaign against sexual assault and harassment gained initial traction in Myanmar, some activists claim that survivors of sexual violence now often self-censor, having seen the intimidation faced by other women who have spoken out.¹⁵⁸ Before the coup, some users, including those who discussed what are considered sensitive issues, had also learned to avoid words and phrases that might be automatically identified and removed by content hosts such as Facebook, regardless of their legitimacy; even innocuous words that contain slurs within their text could be affected.¹⁵⁹

B5: သတင်းအချက်အလက် အွန်လိုင်းအရင်းအမြစ်များကို အစိုးရမှ သို့မဟုတ် အခြား သြဇာကြီးသော ပုဂ္ဂိုလ်/အဖွဲ့အစည်းများမှ နိုင်ငံရေးအကျိုးစီးပွား တိုးမြှင့်ရန် ထိန်းချုပ်ထားပါသလား သို့မဟုတ် ခြယ်လှယ်ထားပါသလား။ (၀-၄ မှတ်)

၁ မှတ်

B5: Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest? (0–4 points)

1

At the beginning of the coup, the military took control of all state-owned media and government communications channels. This entailed the capture of Twitter accounts and Facebook pages, including the Facebook page of the NLD.¹⁶⁰ The military has since used these outlets to disseminate its propaganda and threats.¹⁶¹ Some of the Facebook pages and Twitter accounts, including those controlled by the Ministry of Information, have been suspended, either directly by the platforms or in response to user-generated reporting campaigns.¹⁶² The military has also instructed the private media to report on the coup in a more supportive manner, and punished outlets that continued to criticize the junta.¹⁶³

The military has repeatedly threatened to revoke media outlets’ publishing licenses if they did not stop using Myanmar words that translate as “regime” and “junta.”¹⁶⁴ A directive issued in February 2021 by the military-run Ministry of Information argued that the terms were inaccurate, as the junta’s governing body was “constitutionally formed by the military.” Editors and journalists with the *Myanmar Times* reported interference in their work as management banned terms like “coup,” requiring the use of “power transfer” instead.¹⁶⁵ Most outlets continued their critical coverage, and the military had canceled the digital and print publishing licenses of seven large national outlets by June 2021, rendering them unlawful and leaving their staff at risk of arrest for unlawful association.¹⁶⁶

The military and its affiliates spread manipulated information claiming electoral fraud following the November 2020 elections. Since the coup, the military has simultaneously warned against spreading rumors and faced numerous allegations that it promotes misinformation itself.¹⁶⁷ Even before it seized power, the military’s messaging on certain issues, including on the Rohingya and other ethnic and religious minority groups, dominated the online landscape. These viewpoints had been presented on state-controlled broadcast media and fed into the public discourse on Facebook. The content was then amplified by users

with military backgrounds or other promilitary accounts.¹⁶⁸

Despite years of affirming its desire for media freedom, the NLD sought to retain control over state-owned media during its time in government,¹⁶⁹ apparently to manage what information was publicly available.¹⁷⁰ As a result, the NLD-led government and the military dominated the broadcasting sector and a significant portion of print media prior to the coup, including those outlets’ online presences, either directly through the Ministry of Information or via joint ventures with private companies.¹⁷¹ They claimed to use official Facebook pages—such as those of the Ministry of Information,¹⁷² the State Counsellor Office,¹⁷³ and the Information Committee¹⁷⁴—to provide the public with “unbiased” information and combat “fake” reports from international media, often citing coverage related to the Rohingya people.

Major social media companies have attempted to limit the spread of manipulated information emanating from the military (see B3). YouTube removed some accounts run by the military and imposed limits on others for disseminating disinformation after the coup.¹⁷⁵ In February 2021, Facebook banned the remaining military accounts on its main platform and on Instagram, including those of military-controlled media outlets and companies.¹⁷⁶

Military officials were also found to manipulate content during previous coverage periods.¹⁷⁷ The military regularly published inflammatory material on Facebook before being banned by the platform in 2018 (see B2).¹⁷⁸ According to multiple sources, nearly 700 military officials had been involved in a systematic campaign of disinformation for five years, creating and managing fake Facebook accounts and pages, which were then used to share false, misleading, and inciting content. Organized troll accounts allegedly helped spread the content to reach more users.¹⁷⁹ In 2019, Facebook banned a number of pages and accounts for engaging in “coordinated inauthentic behavior,” some

of which were allegedly run by persons associated with the military.¹⁸⁰

An article published after the coverage period in June 2021, however, found that Facebook’s page-recommendation algorithm had been amplifying military content that violated many of its own violence and misinformation policies.¹⁸¹

Hard-liners who spread derogatory and violent statements about the Rohingya on Facebook, Viber,

and WhatsApp, among other social media platforms, have widened their efforts to target other marginalized groups over the past several years. Before being banned by Facebook in 2018, the ultranationalist monk Wirathu, who is affiliated with Ma Ba Tha, regularly spread disinformation and false narratives through posts and videos that were shared by thousands of followers, and that allegedly stoked real-world violence.¹⁸²

<p>B6: အသုံးပြုသူများအား အွန်လိုင်းပေါ်တွင် အကြောင်းအရာများ ထုတ်ဝေနိုင်မှုအပေါ်ဆိုးကျိုးသက်ရောက်စေသည့် စီးပွားရေး သို့မဟုတ် ကြီးကြပ်ရေး ကန့်သတ်ချက်များ ရှိပါသလား။ (၀-၃ မှတ်)</p>	<p>၀ မှတ်</p>
<p>B6: Are there economic or regulatory constraints that negatively affect users’ ability to publish content online? (0–3 points)</p>	<p>0</p>

Score Change: The score declined from 1 to 0 because the space for journalists and users to publish online has been dramatically diminished since the coup, especially as the military stripped major media outlets of their licenses in retaliation for their coverage.

Between the February 2021 coup and the end of the coverage period, the military revoked the licenses of seven major media outlets and ordered telecommunications companies to block their websites.¹⁸³ A state television outlet announced in March 2021 that five independent media companies—Myanmar Now, Khit Thit Media, Democratic Voice of Burma, Mizzima, and 7Day News, all of which had been covering the anticoup protests—were “no longer allowed to broadcast or write or give information by

using any kind of media platform or using any media technology.”¹⁸⁴

The 2014 Printing and Publishing Law created the licensing regime for publishing houses, news agencies, and websites, and these outlets must register prior to producing content, including for publishing online.¹⁸⁵ The law also contains a variety of vague and overly broad administrative and criminal sanctions for violations, such as running a website without a license.

The Telecommunications Law has no specific regulations relating to net neutrality, zero-rating data transmissions by apps or telecommunications providers, or open internet policies.

<p>B7: အွန်လိုင်း သတင်းအချက်အလက် နယ်ပယ်တွင် ထွေပြားစုံလင်မှု ကင်းမဲ့နေပါသလား။ (၀-၄ မှတ်)</p>	<p>၁ မှတ်</p>
<p>B7: Does the online information landscape lack diversity? (0–4 points)</p>	<p>1</p>

The diversity and reliability of information online are significantly restricted.

Since February 2021, the vast majority of new information disseminated online has focused on the coup. Much of this information has come from citizen

journalists documenting the military’s increasingly violent crackdown and the people’s creative responses.¹⁸⁶ Public demand for information about the coup has simultaneously increased, and media outlets that provide it have garnered greater attention and respect.¹⁸⁷ Fact-checking and verification have become

easier on the one hand, due to the number of sources, and more difficult on the other, because journalists cannot easily travel and have no access to official responses from the state.¹⁸⁸

As independent media have become harder to access online, and only the propaganda of state-controlled media is available on television and radio, false and misleading information about the state’s activities has become more common (see B5). Particularly prevalent rumors on Facebook have addressed the status of detained state counsellor and NLD leader Aung San Suu Kyi,¹⁸⁹ impending internet shutdowns,¹⁹⁰ bank fraud,¹⁹¹ the likelihood of violent crackdowns by the military,¹⁹² deepfake technology,¹⁹³ and the role of China’s government in supporting the coup.¹⁹⁴ Some false rumors, such as those about Aung San Suu Kyi, have resulted in large public reactions before being dispelled.¹⁹⁵ Unintentional misinformation that reflects poor digital literacy or a lack of available and trustworthy information has spread alongside propaganda and disinformation.

The state’s censorship efforts had affected the diversity of online content produced by independent sources in the years prior to the coup. For example, in 2019 the military requested that the media refrain from saying “civil war” when referring to the country’s internal

conflicts.¹⁹⁶ In 2017, the government ordered that all media use the term “terrorist” instead of “insurgent” or “militant” when referring to Rohingya rebels.¹⁹⁷ Also in 2017, the British Broadcasting Corporation (BBC) announced that it would end its partnership with MNTV after the network repeatedly pulled BBC programs, apparently for using government-restricted words like “Rohingya,” according to some analysts.¹⁹⁸ In June 2018, US-backed Radio Free Asia (RFA) canceled its partnership with the Democratic Voice of Burma after the government repeatedly attempted to censor the word “Rohingya” on its programs, which aired on state television.¹⁹⁹ RFA, however, reported that it would still cover Myanmar in other formats.²⁰⁰

The dominance of Facebook as the main channel for internet use in Myanmar has severely undermined diversity of information online, particularly since it has been blocked. The most-visited websites in Myanmar in 2020 were Google, YouTube, and Facebook.²⁰¹ However, a staggering 78 percent of users had never used an internet browser or app stores as of 2020, with most users accessing the internet via Facebook apps on their mobile phones.²⁰² The most popular Facebook pages were mostly run by media outlets, some of which were foreign.²⁰³

<p>B8: အထူးသဖြင့် နိုင်ငံရေးနှင့် လူမှုရေးကိစ္စရပ်များနှင့် ပတ်သက်၍ အသုံးပြုသူများ၏ လှုပ်ရှားဆောင်ရွက်ခြင်း၊ အစုအဖွဲ့ တည်ထောင်ခြင်း စည်းရုံးလှုံ့ဆော်ခြင်း စသည့်တို့ လုပ်နိုင်စွမ်းကို အခြေအနေအရပ်ရပ်က တားဆီးနေပါသလား။ (၀-၆ မှတ်)</p>	<p>၂ မှတ်</p>
<p>B8: Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on political and social issues? (0–6 points)</p>	<p>2</p>

Score Change: The score declined from 4 to 2 because the military erected extreme and varied obstacles to online mobilization in a bid to quash anticoup protests, though users continued their attempts to mobilize using digital tools during parts of the coverage period.

The military has tried to significantly impede the people’s ability to associate or assemble in opposition to its seizure of power. On the first day of the coup, the military shut down internet service to prevent the free flow of information.²⁰⁴ The next day, the nationwide

civil disobedience movement was launched by medical workers on Facebook.²⁰⁵ As the protests and civil disobedience movement grew, the military ordered telecommunications companies to block Facebook and other communications platforms, and when users circumvented those blocks, the military instructed telecommunications companies to shut down the internet entirely for most people (see A3).²⁰⁶

Despite the restrictions, people continued to use online tools to organize and share information whenever

possible. On February 22, a day of extensive protests, three local outlets broadcast 65 live video streams on Facebook.²⁰⁷ Users have tried a range of tactics to circumvent the military's blocking efforts; VPNs and secure communications tools have become widespread. The maker of one secure communications app, Bridgify, reported that it was downloaded over a million times in Myanmar within the first two days after the coup.²⁰⁸ The circumvention app Psiphon was downloaded by nearly two million users during the same period.²⁰⁹ Users benefited from foreign counterparts' recommendations regarding applications that allowed them to chat anonymously or bypass censorship, as prodemocracy activists within the multinational grassroots protest movement known as the Milk Tea Alliance shared their knowledge.²¹⁰

The three-fingered salute previously used in Thailand—a pillar of the Milk Tea Alliance—to signal opposition to authoritarian rule has become massively prevalent in Myanmar among supporters of the democratic movement, both online and offline.²¹¹ In a related development, support for the rights of Rohingya people has increasingly become a feature of the anticoup protest movement, as evidenced by hundreds of thousands of users posting images of themselves wearing black and holding up the three-finger salute with the hashtag “#Black4Rohingya” in June 2021.²¹²

The military has tried to disrupt users' ability to circumvent its digital controls. On March 30, one

regional military government ordered telecommunications companies to disclose lists of subscribers in order to identify who still had internet access.²¹³ A long list of surveillance tools from vendors in countries including Canada, the United States, Sweden, and Israel has been published by activists reviewing government accounts (see C5).²¹⁴ The military has also reportedly submitted daily directives to telecommunications companies, each of which names hundreds of IP addresses to be blocked, in an attempt to end the viability of VPN services (see C4).²¹⁵

The government also impeded people's ability to protest for digital rights prior to the coup. Online campaigning under the hashtag #StopInternetShutdownMM was combined with offline protests to call for an end to the service shutdowns in Rakhine and Chin States.²¹⁶ Eleven students and six activists were arrested in February and June 2020, respectively, for participating in peaceful offline protests against the restrictions.²¹⁷ One activist arrested in June was fined 30,000 kyats (\$22.50) that September for hanging an antishutdown banner without permission.²¹⁸ Other forms of online protest—including a 2018 campaign in which many users changed their Facebook profile pictures to black spots to protest the imprisonment of two journalists, and a 2017 #SayNOto66d campaign aiming to decriminalize defamation—had also been prominent before the coup.

အသုံးပြုသူ အခွင့်အရေး ချိုးဖောက်မှုများ

Violations of User Rights

<p>C1: ဖွဲ့စည်းပုံအခြေခံဥပဒေနှင့် အခြားဥပဒေများသည် လွတ်လပ်စွာ ထုတ်ဖော်ပြောဆိုခြင်း၊ သတင်းအချက်အလက်ရယူခွင့်နှင့် သတင်းလွတ်လပ်ခွင့် စသည့် အခွင့်အရေးများကို အင်တာနက်ပေါ်တွင် အပါအဝင် ကာကွယ်ရန် ပျက်ကွက်ပါသလား။ ၎င်း ဥပဒေများအား လွတ်လပ်မှုကင်းသော တရားစီရင်ရေးအဖွဲ့က အားကောင်းလာစေပါသလား။ (၀-၆ မှတ်)</p>	<p>၀ မှတ်</p>
<p>C1: Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the Internet, and are they enforced by a judiciary that lacks independence? (0–6 points)</p>	<p>0</p>

Score Change: The score declined from 1 to 0 because the military’s actions have effectively nullified the constitution and its limited protections for free expression.

By undertaking the February 2021 coup, the military effectively nullified the constitution, along with the limited protections for free expression that it offered. The junta claimed that the coup—carried out under the cover of a year-long state of emergency that the military said was necessary to address unverified claims of fraud in the November 2020 elections—was in line with its powers under the constitution. However, both the stated justification and the process itself were criticized by numerous civil society groups and legal organizations as being clearly unlawful.²¹⁹ Furthermore, legal experts have observed that many of the military’s actions since the coup were unconstitutional, and that the rule of law has essentially collapsed.²²⁰ Members of the Constitutional Tribunal, the one state body that might have held the authorities accountable to the constitution, were all replaced by the military on February 9, 2021.²²¹

The constitution and other laws in Myanmar had largely failed to protect human rights online. The constitution, drafted by a previous military government and approved in a flawed 2008 referendum, states that “enhancing the eternal principles of justice, liberty, and equality” is one of the country’s six objectives.²²² It also provides specific—but highly limited—guarantees for citizens to “express and publish their convictions and opinions,”²²³ and to “freely develop literature, culture, arts, customs, and traditions,”²²⁴ provided that they are “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.”²²⁵ The constitution includes no provisions directly relating to the internet or access to information, although Article 96 and Schedule 1 (8.m) grant the parliament authority to establish laws regulating the internet. In February 2019, the government established a joint parliamentary committee to recommend constitutional amendments to address access to the internet and information.²²⁶ Later that year, a coalition of civil society organizations put forward their demands relating to freedom of expression.²²⁷ The committee’s final recommendations did not include any substantive changes to human rights or internet freedom in particular.

Fair trial rights are often violated in Myanmar’s courts: the accused often have no effective representation, they receive limited access to court documents, and judges are inattentive during proceedings.²²⁸ Trials concerning online activity commonly include significant procedural errors, technically unreliable evidence, and deep-seated judicial unwillingness to consult expert testimony.²²⁹ In many cases, courts have been presented with easily forgeable printouts of digital content, or have ruled without testing the authenticity, reliability, or admissibility of evidence.²³⁰

Judicial independence is impeded by political interference. Under the constitution, judges were nominated by the president, and lawmakers could reject the choice only if it was clearly proven that the nominee did not meet the legal qualifications for the post. The courts generally adjudicate cases in accordance with the government’s interests, particularly in major cases with political implications.

A number of laws undermine online media freedom. A 2018 amendment to the Broadcasting Law failed to

clarify the country’s transition from analog to digital broadcasting, which created an arbitrary process that could be misused by the government to control broadcasters and online media.²³¹ Also in 2018, the Myanmar Press Council, a once quasi-independent body that settled disputes involving the media, submitted to the government a proposed amendment of the 2014 News Media Law, which regulates digital media. Whether this proposal would have positively or

negatively affected media freedom is unclear.²³² The draft of a right to information law first proposed in 2017 was preempted by new information-related laws and drafts. In December 2019, the National Records and Archives Law was adopted, limiting access to information and retaining secretive standards for government documents, including electronic documents, while further criminalizing the sharing of such material.²³³

<p>C2: အွန်လိုင်းလှုပ်ဆောင်မှုများကို ရာဇဝတ်မှု သို့မဟုတ် ဒဏ်ငွေချမှတ်မှု သတ်မှတ်ထားသော ဥပဒေများရှိ ပါသလား။ (၀-၄ မှတ်)</p>	<p>၀ မှတ်</p>
<p>C2: Are there laws that assign criminal penalties or civil liability for online activities? (0–4 points)</p>	<p>0</p>

Since the coup, the military has increased the number and harshness of laws criminalizing online activity.

The Telecommunications Law was drafted by a military-backed civilian government in 2013 with the support of the World Bank,²³⁴ and it remains the primary framework for licensing telecommunications providers, including mobile service providers and ISPs. Although the law was welcomed by many stakeholders at the time as a sign of much-needed change,²³⁵ the then government, led by the USDP, added a number of troubling provisions, including Article 66(d)—a vaguely worded measure that criminalizes a range of acts online, such as defamation—and Article 68, which criminalizes “communication, reception, sending, distribution, or sharing of incorrect information with dishonest intention.”²³⁶

The law was amended in 2017 but with no discernible impact, according to civil society activists.²³⁷ Civil society organizations launched a campaign for revision of this and other laws in the run-up to the 2020 general elections.²³⁸ In December 2020, a civil society coalition launched a new push to amend Article 66(d) and the country’s five other criminal defamation provisions, putting forward four reform options.²³⁹

The penal code can also be used to imprison internet users. Section 505(a) criminalizes speech “with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty as such.”²⁴⁰ Section 505(b) outlaws speech “likely to cause fear or alarm in the public.”²⁴¹ On February 14, 2021,

the military unilaterally amended the penal code to broaden the scope of the crimes of high treason and sedition.²⁴² The amendments included vaguely worded provisions against knowingly spreading “false news,” causing “fear,” and the “disruption” of military or government officials. The section covering “false news” has been used to charge hundreds of journalists, human rights defenders, and digital activists (see C3).²⁴³

The Law Protecting the Privacy and Security of Citizens, which was enacted in 2017 and widely condemned by civil society for being debated and passed without proper consultation, provides for prison terms of up to three years for defamation.²⁴⁴ The defamation provisions were amended in 2020 but are still used to prosecute individuals for online activity (see C3).²⁴⁵ On February 10, 2021, the military suspended parts of the law, including its limited protections against surveillance and the interception of private messages.²⁴⁶

The military circulated a draft cybercrimes law to telecommunications providers on February 11, 2021 (see A3, C5, and C6). The draft was widely condemned, and more than 250 civil society organizations warned that it would give the military absolute control over the internet in Myanmar and extend military jurisdiction to foreign companies such as Facebook.²⁴⁷ Much of the draft law circulated by the military was reportedly carried over from a draft created by the previous government but not shared widely.²⁴⁸ In 2019, the government had commissioned consultants to assist in

developing a such a law,²⁴⁹ stating that the new framework would include provisions penalizing those who “insult the country and people and commit crimes over any communications network.”²⁵⁰ Human rights defenders have expressed concern that the proposed legislation, like other restrictive laws governing online activity in recent years, would be vague, overly broad, and used to punish a range of online behaviors.²⁵¹

The draft cybercrimes law has not been publicly withdrawn, but following the widespread outcry, the military quickly amended the Electronic Transactions Law in February 2021, copying over many of the problematic provisions from the contentious draft.²⁵² These included new rules that could be used to criminalize the publication of “false information” or information that could damage foreign relations.²⁵³ The USDP-led government had amended but failed to repeal the 2004 Electronic Transactions Law in 2013; it criminalized “any act detrimental to” state security, law and order, community peace and tranquility, national solidarity, the national economy, or the national culture—including “receiving or sending” information with those effects. The law was routinely used to criminalize internet activism during the previous period of military rule.

In response to the COVID-19 outbreak, the NLD-led government put forward a draft Prevention and Control of Communicable Diseases Bill in February 2020. The bill included a provision that imposed fines and a potential six-month prison term on health officials who disseminate certain health information during specified times if it could cause fear or panic.²⁵⁴

Authorities claimed that the draft law sought to prevent public disorder and the spread of intentionally false information. The bill remained in draft form at the time of the coup.

The Trademark Law, adopted in January 2019, penalizes trademark infringement and counterfeiting with up to three years’ imprisonment and a fine of approximately 5 million kyats (\$3,800).²⁵⁵ It was adopted alongside the Patent Law and the Industrial Design Law, which also include criminal sanctions for violations.²⁵⁶ In May 2019, a copyright law that includes prison terms of up to three years for commercial copying without consent was adopted.²⁵⁷ Each law applies to online content and could be used against users.

After a series of leaked draft laws criminalizing “hate speech” received significant criticism from civil society in 2017, the process of developing such a law was largely kept secret, and a bill had not yet been put before the parliament at the time of the coup.²⁵⁸ The government claimed in 2017 that consultations with civil society regarding the bill had occurred,²⁵⁹ but several well-known civil society organizations working on the issue refuted these assertions and had received no responses to their requests for meetings with the parliament.²⁶⁰ The government in April 2020 issued a Directive on the Prevention of Incitement to Hatred and Violence, ordering officials to address the issue of hate speech.²⁶¹ The directive came in advance of a reporting deadline set by the International Court of Justice.

<p>C3: အွန်လိုင်းလုပ်ဆောင်မှုများအတွက် ပြည်သူများ အပြစ်ပေးခြင်း ခံရပါသလား။ (၀-၆ မှတ်)</p>	<p>၁ မှတ်</p>
<p>C3: Are individuals penalized for online activities? (0–6 points)</p>	<p>1</p>

Internet users are frequently prosecuted in Myanmar’s restrictive legal environment. Between the start of the coup and June 2021, 86 journalists and media workers had been charged under at least 10 laws, in many cases for their journalism published online.²⁶² The vast majority were awaiting sentencing at the end of the coverage period and had been held in pretrial

detention.²⁶³ The military has also targeted prominent social media users—including influencers, actors, singers, and food and beauty bloggers—by adding them to wanted lists that are broadcast nightly for those charged under Section 505A of the penal code (see C2). At least 60 people were on these lists as of early April.²⁶⁴

The Committee to Protect Journalists (CPJ) identified Myanmar as one of the world's worst jailers of journalists in a report published after the coverage period.²⁶⁵ The organization listed at least 32 journalists in jail as of July 1, noting that the actual number was likely higher given that its sources feared repercussions for identifying detained colleagues. Though all but one of those listed had been placed behind bars during the coverage period, Democratic Voice of Burma reporter Min Nyo was the only journalist to receive a conviction by the end of that period. Min Nyo was sentenced to three years in prison in May 2021 under Section 505A of the penal code; he had been in pretrial detention since he was arrested while covering protests in March.

Other journalists detained under Section 505A include Nathan Maung and Han Thar Nyein, cofounders of the online news website Kamayut Media. They were detained during a March 2021 raid on the outlet's office, after which Maung reported being interrogated about the publication. The two also reported being tortured in detention (see C7); though Maung, a US journalist, was freed on June 15, Han Thar Nyein remained in prison as of the end of the month.²⁶⁶ Four others on the CPJ list were handed two- or three-year prison sentences after the coverage period, in June 2021.

Some cases are clearly intended to silence the media's investigative journalism. In January 2021, the military filed a lawsuit against an editor and a journalist from the Rakhine-based Development Media Group under Article 66(d) of the Telecommunications Law after their outlet published a story about military corruption on its website and Facebook page.²⁶⁷ The group's editor in chief was already in hiding after being prosecuted under the Unlawful Associations Act for previous coverage.

Other cases in recent years have been aimed at punishing criticism that has gone viral online. In February 2020, Kay Khine Tun, Paing Phyo Min, and Su Yadanar Myint of the poetry troupe Peacock Generation were sentenced to six months in prison under Article 66(d) of the Telecommunications Law for

sharing images of and live-streaming their performances satirizing the military on social media.²⁶⁸ In December 2019, four other members of the group had also been sentenced to six months in prison under Article 66(d).²⁶⁹ In June 2020, 25 members of Peacock Generation were called to a different court to face similar charges under Article 66(d).²⁷⁰

In addition to journalists and prominent social media figures, everyday users have had charges brought against them under various laws. High school student Maung Tin Chan was sentenced to five years' imprisonment in December 2020 for incitement under Article 33(b) of the Electronic Transactions Law, having published critical Facebook posts related to the conflict in Rakhine State.²⁷¹ In September of that year, the military brought a case against Thinzar Than Min for alleged defamation under Article 66(d) and alleged disinformation under Article 68(a) for a Facebook post in which she reported being pressured to support the military-backed USDP in the November general elections. She was convicted and sentenced to nine months in prison under Article 505(a) of the penal code in December 2020.²⁷²

From 2019 to 2020, there were more than 45 criminal cases under the Telecommunications Law and 21 cases under the Law Protecting the Privacy and Security of Citizens. Many plaintiffs in the cases were affiliated with the state, including public officials, NLD party officials, and military officers, while many of the accused were unaffiliated users, activists, and journalists.²⁷³

In May 2019, Reuters journalists Wa Lone and Kyaw Soe Oo were pardoned after being imprisoned for more than 500 days and convicted in September 2018 for reporting on the massacre of 10 Rohingya men and boys.²⁷⁴ The journalists had been sentenced to seven years in prison for violating the Official Secrets Act.²⁷⁵ They were originally detained in December 2017. In June and July 2018, the journalists' defense lawyers informed the court that they had been tortured while in custody (see C7).

C4: အစိုးရသည် အမည်မသိ ဆက်သွယ်ရေး သို့မဟုတ် လျှို့ဝှက်ကုန်အသုံးပြုသော လုံခြုံသည့်စာပို့စနစ် (encryption)အပေါ် ကန့်သတ်ချက်များ ချမှတ်ထားသလား။ (၀-၄ မှတ်)

၂ မှတ်

C4: Does the government place restrictions on anonymous communication or encryption? (0–4 points)

2

Score Change: The score declined from 3 to 2 because the military banned VPNs, limiting anonymous communication online.

Users’ ability to communicate anonymously has been further restricted by the military since the coup. In March 2021, daily directives banned the use of VPNs,²⁷⁶ though some orders barring VPN use emerged as early as February 4.²⁷⁷ The Open Observatory of Network Interference (OONI) confirmed that multiple circumvention-tool websites were blocked at least once alongside their IP addresses in February 2021.²⁷⁸ Although the blocking limited some people’s ability to use circumvention tools, they continued to be used by the public. Civil society observers suggested that the impracticality of the VPN blocking was one of the reasons for the military’s shift toward listing approved sites and services rather than attempting to update blocking lists.²⁷⁹

Anonymity has also been limited by the government’s enforcement of SIM-card registration requirements,²⁸⁰ whereby subscribers must provide their name, citizenship identification document, birth date, address, nationality, and gender,²⁸¹ and noncitizens must provide their passports. Some subscribers have reported being required by telecommunications companies to include further information beyond the bounds of the regulations, including their ethnicity.²⁸² Mytel reported in February 2020 that only 30 percent of subscribers had registered.²⁸³ The MoTC announced that month that it had blocked over 6.5 million

unregistered SIM cards.²⁸⁴ The MoTC then ordered telecommunications providers to bar outgoing calls for millions of additional unregistered SIM cards, starting in April 2020.²⁸⁵ At the end of June 2020, the cards were reportedly deactivated, with the corresponding phone numbers deleted and subscriber money forfeited.

In March 2019, the government asked mobile service providers to limit each user to two SIM cards in order to protect “personal and national security.”²⁸⁶ It is unclear how this is being implemented by providers.

The government was working to establish biometric SIM-card registration prior to the coup. In November 2019, authorities released a tender to create a database that can store up to 70 million records of biometric data received from mobile-service registrations,²⁸⁷ and the tender was closed in June 2020.²⁸⁸ The government announced that month that it had requisitioned resources from the USF (see A2), which was intended to support mobile access for marginalized areas, to pay for the biometric database.²⁸⁹ The database would include fingerprints and facial-recognition information.²⁹⁰ It is unclear which company won the tender. The draft legal framework required to implement the plan, including data protection laws, had not been made public prior to the coup.

There are no clear restrictions on encryption in law, although vague provisions in the Telecommunications Law and the Electronic Transactions Law could be interpreted to restrict the practice.

C5: အင်တာနက် လုပ်ဆောင်မှုများအား အစိုးရမှ စောင့်ကြည့်ခြင်းသည် သုံးစွဲသူများ၏ ပုဂ္ဂိုလ်ဆိုင်ရာလွတ်လပ်မှုနှင့် အချက်အလက်လုံခြုံမှု အခွင့်အရေး (privacy)ကို ချိုးဖောက်ပါသလား။ (၀-၆ မှတ်)

၁ မှတ်

C5: Does state surveillance of Internet activities infringe on users' right to privacy? (0–6 points)

1

Score Change: The score declined from 2 to 1 due to new evidence that authorities have obtained surveillance technology such as data extraction tools, as well as problematic legal changes including the suspension of limited privacy safeguards under the Law Protecting the Privacy and Security of Citizens and an amendment to the Electronic Transactions Law that increased government access to personal data.

State surveillance grew more pervasive during the coverage period. Despite the fact that Article 357 of the constitution included protection for private communications, government surveillance was a serious concern prior to the coup. After it seized power, the military circulated a draft cybercrimes law that would place all private data under its unchecked control.²⁹¹ The draft law requires service providers to store private data on servers designated by the military, and to make them accessible to military interception without any form of oversight (see C6).²⁹² Although the draft has not yet been enacted, the military unilaterally amended the Electronic Transactions Law in February 2021 by adding some of the same problematic provisions included in the draft.²⁹³ For instance, the revised law grants the authorities broad powers to inspect any device on vague bases such as “misuse.”²⁹⁴ The military has also effectively suspended some of the limited privacy protections afforded in the Law Protecting the Privacy and Security of Citizens, including its modest safeguards against warrantless surveillance and interception of private messages.²⁹⁵

Recent reports have confirmed the growing scope of the state’s surveillance efforts. A Reuters article from May 2021 described how former military officials had pressured providers in late 2020 to install interception technology that would enable the military to view texts and emails, listen to phone calls, and locate users without assistance or approval.²⁹⁶

New evidence of government purchases of hacking and extraction technology came to light in March 2021, when budget files obtained by Justice for Myanmar exposed acquisitions amounting to tens of millions of

dollars since 2018, including tools from vendors based in Canada, the United States, Sweden, and Israel.²⁹⁷ These included MacQuisition forensic software, which can extract data from Apple computers; MSAB Field units, which can extract even deleted content from mobile devices; and additional technology that has enabled security forces to determine the home addresses of online critics using their posts and the locations of their internet connections.

Earlier reports from 2018 indicated that the government had spent \$4.8 million on surveillance technology,²⁹⁸ which it allocated to the Social Media Monitoring Team (SMMT),²⁹⁹ a body established under the MoTC following requests from the parliament in February of that year.³⁰⁰ The government refused to reveal from which country the equipment was purchased, citing security concerns.³⁰¹ One telecommunications company had warned that the government was creating a framework for direct interception of user data without proper safeguards.³⁰²

The NLD-led government argued that the SMMT was necessary to counter individuals causing “instability” online, including through hate speech and defamation.³⁰³ Public statements by senior government officials in May 2018 specified that the SMMT’s mandate focused narrowly on foreigners and foreign organizations suspected of causing unrest and threatening the country’s sovereignty through interference.³⁰⁴ Analysts have suggested that, given Myanmar’s broader political context, the SMMT was established to surveil foreign activists (including activists from Myanmar who operate outside the country or lack citizenship), foreign media outlets, and international organizations that focus on the Rohingya crisis and conflicts involving other ethnic minority groups in Myanmar, as well as the International Criminal Court and other international institutions pushing for accountability for the atrocities against the Rohingya. The SMMT was widely criticized by civil society organizations.³⁰⁵ Little is known about the body’s operations or whether there is any oversight.³⁰⁶ Civil society activists suspect that the SMMT is now

being used by the military to surveil those opposed to the coup.³⁰⁷

Since the coup, the police and military have reportedly seized the mobile phones of people they detain, and are thought to use the aforementioned extraction technology on such devices. The authorities are also believed to use drones and security cameras equipped with facial-recognition technology to surveil the public.³⁰⁸

The confiscation of phones—particularly from human rights defenders, activists, and journalists—also occurred prior to the coup.³⁰⁹ The police reportedly demanded passwords for social media accounts and other applications from people accused of criminal activity, including in cases where the allegations were unrelated to social media use.³¹⁰ For example, shortly after Reuters journalists Wa Lone and Kyaw Soe Oo were arrested in 2017 (see C3), the police were accused of using Wa Lone’s confiscated phone to send a WhatsApp message on his account.³¹¹ The police used

the Israeli phone-breaching product known as Cellebrite to collect data from the journalists’ smartphones.³¹² Cellebrite technology has been used by the police since 2016, and although the company ceased selling its products in Myanmar in late 2018, authorities continue to employ them. In 2019, FinSpy malware developed by Germany’s Gamma Group was reported to be in operation in Myanmar.³¹³ It is unclear who purchased the spyware.

In 2018 the MoTC announced its intention to build a data center that would serve as a secure base for its planned e-government services in Naypyidaw, and in December of that year the ministry requested that the parliament approve a \$95 million loan from South Korea to support the project.³¹⁴ The Mandalay regional government launched a data center in January 2019 to provide e-government services.³¹⁵ Concerns have been raised that these data centers will lack adequate privacy and security safeguards.³¹⁶

<p>C6: ဝန်ဆောင်မှုပေးသော ကုမ္ပဏီများနှင့် အခြားနည်းပညာကုမ္ပဏီများသည် အစိုးရအား ၎င်းတို့၏ အသုံးပြုသူများ၏ ဆက်သွယ်မှုကို စောင့်ကြည့်ရာတွင် ကူညီရန် လိုအပ်ပါသလား။ (၀-၇ မှတ်)</p>	<p>၁ မှတ်</p>
<p>C6: Are service providers and other technology companies required to aid the government in monitoring the communications of their users? (0–6 points)</p>	<p>1</p>

Service providers are increasingly obliged to hand data over to the state without sufficient oversight or safeguards.

The Law Protecting the Privacy and Security of Citizens, passed in 2017 and partially suspended since the coup,³¹⁷ prohibits the interception of personal communications without a warrant, but it contains a vague exception allowing surveillance if permission is granted by the president or a government body.³¹⁸ The law does not outline clear procedures to prevent data from being collected and stored, nor does it provide for judicial review. Critics argue that the law’s definition of privacy is inadequate and inconsistent with international human rights standards.³¹⁹ Other privacy-related laws demanded by a range of private-sector and civil society stakeholders, including a robust data protection law, have not yet been introduced.³²⁰

The Telecommunications Law grants the government the power to direct unspecified persons “to secure any information or communication which may harm security, rule of law, or peace of the state.”³²¹ A provision stating that any interception should not “hurt the fundamental rights of citizens” is an inadequate safeguard against abuse.³²² The Telecommunications Law also grants the government the power to inspect the premises of telecommunications license holders and to require them to hand over documents—for the ill-defined purposes of defending the “security of the state” or “the benefit of the people”—without safeguards for individuals’ privacy and other human rights.³²³ A 2018 amendment to the Narcotic Drugs and Psychotropic Substances Law included a new provision requiring telecommunications providers to disclose user information without due process.³²⁴ There are no requirements for judicial review.

Civil society activists have raised concerns that the opaque mass directives being issued to service providers by the military since the coup include orders for widespread interception (see A4, B1, and B3).³²⁵ The draft cybercrimes law would also require service providers to store data on servers designated by and fully accessible to the military (see C5). There is little room for providers to push back against the military's directives, though in at least one instance they did so effectively. On March 30, one regional military official ordered telecommunications companies to disclose lists of subscribers in order to identify who still had internet access;³²⁶ the companies reportedly appealed successfully to the military on the grounds that the move would violate their license requirements.

The largest state-owned telecommunications provider, MPT, has not publicized the number of requests for data it receives from authorities. Telenor announced that in 2019 it received 188 requests for communications data, about triple the number received in 2018, and complied with 88.³²⁷ Mytel stated that it had received over 100 requests from the police for user data during 2019.³²⁸ Both claimed that the majority of requests were related to human trafficking, missing people, and drugs.³²⁹ The content of these requests is unclear. One major provider stated in 2018 that it initially required three documents before disclosing information, including a letter from a senior police officer and a letter from the PTD, but it has in practice dropped the requirement for a judicial warrant.³³⁰

<p>C7: လူပုဂ္ဂိုလ်များ၏ အွန်လိုင်းလှုပ်ဆောင်မှုများကို လက်စားချေရန်အတွက် အစိုးရအာဏာပိုင်များမှ သို့မဟုတ် အခြား သက်ဆိုင်သူများမှ ဥပဒေပြင်ပ ခြိမ်းခြောက်ခြင်း သို့မဟုတ် ကိုယ်ထိလက်ရောက် အကြမ်းဖက်ခြင်းများ ပြုလုပ်ပါသလား။ (၀-၅ မှတ်)</p> <p>C7: Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in retribution for their online activities? (0–5 points)</p>	<p>၀ မှတ်</p> <p>0</p>
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Score Change: The score declined from 2 to 0 due to reports of widespread physical violence in reprisal for online activity, including torture in detention.

Since the coup, the military has forcibly disappeared and publicly beaten influential social media figures, and physical and mental torture of those in detention has become widespread.³³¹ The junta has threatened deadly repercussions for those who support or participate in the anticoup protests, the civil disobedience movement, or a committee representing political forces opposed to the coup.³³² The military has also actively searched for people who use the internet to support these endeavors.³³³

At least 23 journalists, many of whom produced online content, have been shot or severely beaten by the military.³³⁴ For example, CPJ reported that Nathan Maung and Han Thar Nyein, the cofounders of the online news website Kamayut Media, were beaten in detention after being arrested in March 2021. In an interview with CPJ, Maung alleged that Han Thar Nyein was burned with lit cigarettes, made to kneel on ice, and subjected to an attempted sexual assault by soldiers.³³⁵ The soldiers also demanded that he hand

over his iPhone password. Han Thar Nyein remained in detention as of June 2021 (see C3).³³⁶

The military leadership has also leveled threats against soldiers over online activity, for instance if they use Facebook via a VPN.³³⁷ Officials at military checkpoints set up between major cities reportedly confiscate mobile phones, which are then examined to assess the owner's Facebook activity.³³⁸ Civil society groups have established a mechanism for closing down the social media accounts of detained individuals to prevent them from self-incriminating or incriminating others.³³⁹ Renowned digital rights activists have also been in hiding since the coup; their organizations have effectively been shut down, and they believe they are at risk of death if found or detained by authorities.³⁴⁰

Online journalists, human rights defenders, and political activists reported intimidation and threats of violence prior to the coup, although to a significantly lesser degree. In one opinion survey published in May 2020, most journalists reported that they believed violence against members of the media had increased compared with the previous year.³⁴¹

Journalists reporting on the Rohingya crisis or covering the Rakhine State and Shan State conflicts have faced special risks of violence in recent years.³⁴² During the trial of Reuters journalists Wa Lone and Kyaw Soe Oo, defense lawyers informed the court that the journalists were tortured in detention.³⁴³ In July 2018, Kyaw Soe Oo told the court that he was subjected to sleep deprivation and forced to kneel for hours while he was interrogated.³⁴⁴ He also said that authorities covered his head with a black hood.

Human rights defenders also face intimidation and violence. The scale and volume of threats against human rights defenders, all of whom use the internet as their principal tool for advocacy, varies depending on the issue they focus on in their work. Pro-Rohingya and peace activists report high levels of intimidation via direct and indirect messages and comments

online.³⁴⁵ Allegations of torture have also been made against police, prison guards, and border guards by student activists,³⁴⁶ monks,³⁴⁷ and others.³⁴⁸ Women who are high-profile users or human rights defenders report regular gender-based intimidation and threats of violence.³⁴⁹ Common harassment tactics include cyberstalking, phishing, hacking, and attempts to cast doubt on women’s credibility, integrity, and character. Many are intimidated through doctored sexual or intimate images, which are sometimes used in extortion attempts.

A significant number of internet users have reported experiencing cyberbullying, particularly those who belong to marginalized groups, including young women, members of religious minorities, and the LGBT+ community.³⁵⁰

<p>C8: ဝက်ဘ်ဆိုဒ်များ၊ အစိုးရနှင့် ပုဂ္ဂလိက အဖွဲ့အစည်းများ၊ ဝန်ဆောင်မှုပေးသူများ သို့မဟုတ် အသုံးပြုသူ တစ်ဦးချင်းစီသည် ဟက်ကင်း(hacking)များ ကျယ်ကျယ်ပြန့်ပြန့် ပြုလုပ်ခံရခြင်းနှင့် အခြား ဆိုက်ဘာတိုက်ခိုက်မှု(cyberattack) ပုံစံများ ကြုံတွေ့ရပါသလား။ (၀-၃ မှတ်)</p>	<p>၁ မှတ်</p>
<p>C8: Are websites, governmental and private entities, service providers, or Individual users subject to widespread hacking and other forms of cyberattack? (0–3 points)</p>	<p>1</p>

Websites, Facebook accounts, and email services are subjected to technical attacks in Myanmar.

Human rights defenders, journalists, and political activists continue to report regular, often weekly, remote attempts to hack their email and Facebook accounts, including during the postcoup period.³⁵¹ Digital activists in Myanmar note that Google regularly warns them of “government-backed attackers” attempting to hack their Google accounts.³⁵² Pro-Rohingya and Muslim activists are among those who report frequent hacking attempts.³⁵³ Police use sophisticated technology to break into the devices of journalists, including Reuters reporters Wa Lone and Kyaw Soe Oo in 2017.³⁵⁴ Advanced spyware has been identified in Myanmar,³⁵⁵ and human rights defenders, journalists, and political activists have reported the presence of spyware on their mobile phones (see C5).³⁵⁶

Since the coup, several government websites, including those of the central bank and state television stations, have been hacked and defaced with antimilitary messages.³⁵⁷ In 2017, the websites of the Ministry of

Culture, the central bank, and Maubin University, in addition to some private webpages, were hacked and populated with messages reading “Stop Killing Muslims.”³⁵⁸ The hacks were allegedly carried out by Turkish activists to highlight atrocities against the Rohingya.³⁵⁹

Microsoft has raised concerns about the large number of computers and devices in Myanmar that are infected by viruses and malware.³⁶⁰ Kaspersky reported in 2020 that Myanmar comes in second globally for the highest rates of virus infections, with 60 percent of computers and removable media compromised.³⁶¹ Browser modifiers are twice more common in Myanmar than the global average, and software bundlers are almost three times more common. Microsoft has also raised concerns about the number of infections by the malware worm Win/Macoute; the worm spreads through USB drives, which are very common in Myanmar, and communicates the drive’s contents to a remote host.³⁶²

¹ * 0 = least free, 100 = most free. A total score of 70-100 = Free, 40-69 = Partly Free, 0-39 = Not Free. * ၀ = မလွတ်လပ်ဆုံး၊ ၁၀၀ = အလွတ်လပ်ဆုံး၊ စုစုပေါင်းရမှတ် ၇၀ - ၁၀၀ ကြား = လွတ်လပ်၊ ၄၀ - ၆၉ ကြား = တစ်စိတ်တစ်ပိုင်း လွတ်လပ်၊ ၀ - ၃၉ = မလွတ်လပ်

² The number of internet users was reported in June 2019 at 18m by Internet World Stats, see "Internet Usage in Asia," Internet World Stats, [n.d.], <https://www.internetworldstats.com/stats3.htm>; A report on Myanmar in February 2020 by Hootsuite identified that this number had grown to 22m users by the beginning of 2020, see Simon Kemp, "Digital 2020: Myanmar," Datareportal, March 23, 2021, <https://datareportal.com/reports/digital-2021-myanmar>; 43.3 percent of the population and a growth of 2.5m persons over the course of the year.

³ James Barton, "Ooredoo Myanmar and MPT step up 4G offerings," Developing Telecoms, June 6, 2017, <https://www.developingtelecoms.com/tech/wireless-networks/7110-ooredoo-myanmar-and-mpt-step-up-4g-offerings.html>.

⁴ Ministry of Transport and Communications, "Establishing Internet Exchange in Myanmar," September 7, 2020, <https://www.unescap.org/sites/default/files/6%20Myanmar%20CLMV-%20Internet%20Exchange1.pdf>

⁵ One index rates the percentage of the population using the internet as 33.1 percent in 2019 as compared to 51.8 percent for the Asia region, see "Internet Usage in Asia," Internet World Stats, [n.d.], <https://www.internetworldstats.com/stats3.htm>; Others rate Myanmar as 39 percent, South-East Asia as 63 percent, and Asia as 52 percent, see "The Global State of Digital in 2019 Report," Hootsuite, [n.d.], accessed on October 2, 2019, <https://hootsuite.com/pages/digital-in-2019>.

⁶ Myanmar is 106 in the world for mobile speeds and 127 for fixed line speeds, see "Speedtest Global Index," Ookla Speed Test, accessed June, 2021, <https://www.speedtest.net/global-index/republic-of-the-union-of-myanmar>.

⁷ Government of Myanmar, Executive Summary: Universal Service Strategy for Myanmar, 2018–2022, Nay Pyi Daw. [https://ptd.gov.mm/ckfinder/userfiles/files/Executive%20Summary%20of%20Uiversal%20Service%20Strategy%20\(English\)_0.pdf](https://ptd.gov.mm/ckfinder/userfiles/files/Executive%20Summary%20of%20Uiversal%20Service%20Strategy%20(English)_0.pdf)

⁸ "Republic of the Union of Myanmar," Ookla Speedtest Global Index, [n.d.], <https://www.speedtest.net/global-index/republic-of-the-union-of-myanmar>; Ministry of Transport and Communications, "Establishing Internet Exchange in Myanmar," September 7, 2020, <https://www.unescap.org/sites/default/files/6%20Myanmar%20CLMV-%20Internet%20Exchange1.pdf>

⁹ Ministry of Transport and Communications, "Establishing Internet Exchange in Myanmar," September 7, 2020, <https://www.unescap.org/sites/default/files/6%20Myanmar%20CLMV-%20Internet%20Exchange1.pdf>

¹⁰ "How is Covid-19 transforming Myanmar's digital economy?," Oxford Business Group, June 30, 2020, <https://oxfordbusinessgroup.com/news/how-covid-19-transforming-myanmar%E2%80%99s-digital-economy>

¹¹ Simon Kemp, "Digital 2020: Myanmar," Datareportal, February 18, 2020, <https://datareportal.com/reports/digital-2021-myanmar>; Ministry of Transport and Communications, "Establishing Internet Exchange in Myanmar," September 7, 2020, <https://www.unescap.org/sites/default/files/6%20Myanmar%20CLMV-%20Internet%20Exchange1.pdf>

¹² The regional average is 135%. See "Realising Digital Myanmar," Telenor, February 2018, <https://www.telenor.com/wp-content/uploads/2018/02/Telenor-Realising-Digital-Myanmar-Report-06-February.pdf> and Simon Kemp, "Digital 2020: Myanmar," Datareportal, February 18, 2020, <https://datareportal.com/reports/digital-2020-myanmar>.

¹³ Subscribers number 127.2% of the population size, as people often have multiple SIM cards, see "Digital 2021: Myanmar," Datareportal, February 21, 2021, <https://datareportal.com/reports/digital-2021-myanmar>

¹⁴ Michael Peel, "Myanmar blackouts recall darker days," *Financial Times*, June 6, 2017, <https://www.ft.com/content/6b8009d6-4691-11e7-8519-9f94ee97d996>.

¹⁵ "Switzerland Joins EU in Sanctioning Myanmar's Military Generals," *The Irrawaddy*, October 18, 2018, <https://www.irrawaddy.com/news/burma/switzerland-joins-eu-in-sanctioning-myanmars-military-generals.html>.

¹⁶ Thomas Kean, "Myanmar's broadband price war," *Frontier Myanmar*, April 23, 2018, <https://frontiermyanmar.net/en/myanmars-broadband-price-war>.

¹⁷ The average cost of data in Myanmar is comparatively low however when compared to other countries on the cheapest data packages available Myanmar is comparatively expensive. For example, the average cost of 1 GB is \$1.49 in Cambodia and \$0.87 in Myanmar, but in Cambodia data packages can reduce that to \$0.17 per 1 GB whereas in Myanmar the cheapest package is \$0.65, see "Worldwide mobile data pricing: The cost of 1GB of mobile data in 230 countries," *Cable*, [n.d.], <https://www.cable.co.uk/mobiles/worldwide-data-pricing/>.

¹⁸ <https://restofworld.org/2021/tiktok-is-repeating-facebooks-mistakes-in-myanmar/>

¹⁹ The average broadband cost has dropped in Yangon from \$72.31 per month in 2017 to \$27 in 2021, see "Compare our best broadband deals," *Cable*, [n.d.], <https://www.cable.co.uk/broadband/pricing/worldwide-comparison/#regions>.

²⁰ "The price of fixed-line broadband in 211 countries," *Cable*, <https://www.cable.co.uk/broadband/pricing/worldwide-comparison/#regions>

²¹ "Realising Digital Myanmar," Telenor, February 2018, <https://www.telenor.com/wp-content/uploads/2018/02/Telenor-Realising-Digital-Myanmar-Report-06-February.pdf>.

²² Thiha Ko Ko, "Govt draft roadmap to develop and support digital economy in Myanmar," *Myanmar Times*, March 14, 2019, <https://www.mmtimes.com/news/govt-draft-roadmap-develop-and-support-digital-economy-myanmar.html>; "Myanmar Digital Economy Roadmap," Digital Economy Development Committee, February 2019, <https://myanmar.gov.mm/documents/20143/9096339/2019-02-07+DED+RoadMap+for+Websites.pdf/>.

²³ Thiha Ko Ko, "Myanmar Takes Steps to Bring Education Online," *Myanmar Times*, December 1, 2020, <https://www.mmtimes.com/news/myanmar-takes-steps-bring-education-online.html>

²⁴ 5.6GB as compared to 1.2GB, see "Realising Digital Myanmar," Telenor, February 2018, <https://www.telenor.com/wp-content/uploads/2018/02/Telenor-Realising-Digital-Myanmar-Report-06-February.pdf>.

²⁵ The percentage of households with a computer was 13.64 percent in 2017, 11 percent in 2016, compared to 37.8 percent on average for the Asia Pacific region. The percentage of households with internet access was 24.38 percent in 2017, 20 percent in 2016, compared to an average of 45.5 percent for the Asia Pacific region, see "ICT Development Index 2017 – Myanmar," International Telecommunications Union (ITU), [n.d.], <http://www.itu.int/net4/ITU-D/di/2017/index.html#di2017economycard-tab&MMR>.

²⁶ <https://kr-asia.com/myanmars-internet-blackouts-are-costing-the-economy-and-threaten-lives>

²⁷ Aung Kyaw Nyunt, "Government to collect tax to fund telecoms in rural areas," *Myanmar Times*, April 24, 2018, <https://www.mmtimes.com/news/government-collect-tax-fund-telecoms-rural-areas.html>.

²⁸ Aung Kyaw Nyunt, "Government to collect tax to fund telecoms in rural areas," *Myanmar Times*, April 24, 2018, <https://www.mmtimes.com/news/government-collect-tax-fund-telecoms-rural-areas.html>.

²⁹ Thompson Chau, "Myanmar diverts special telecoms fund to biometrics database," *Myanmar Times*, June 11, 2020, <https://www.mmtimes.com/news/myanmar-diverts-special-telecoms-fund-biometrics-database.html>.

³⁰ "A tender acceptance and opening ceremony was held for 9 Phase I townships / cities to be operated by USF program," Ministry of Transport and Communications, December 6, 2020, <https://perma.cc/H34X-XM54>

³¹ "Temporary suspension of Phase II and Phase III tenders submitted by Universal Service Fund," Ministry of Transport and Communications, March 23, 2021, <https://perma.cc/P34S-5WQW>

³² In 2020, women were 14 percent less likely than men to own a mobile phone, see "The Mobile Gender Gap Report 2020," Mobile for Development, GSM Association, February 20, 2020, <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2020/05/GSMA-The-Mobile-Gender-Gap-Report-2020.pdf>; Htet Shine, "Key findings: Myanmar Living Conditions Survey 2017," *Myanmar Times*, July 5, 2018, <https://www.mmtimes.com/news/key-findings-myanmar-living-conditions-survey-2017.html>; Katie Bartholomew and Rebecca Calder, "Myanmar Landscaping Report," Kantar Public Myanmar and SPRING Accelerator, October 2018, <https://www.springaccelerator.org/wp-content/uploads/2018/10/Myanmar-girl-landscaping-report-FINAL-2-October-2018.pdf>.

³³ "The Mobile Gender Gap Report 2020," Mobile for Development, GSM Association, February 20, 2020, <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2020/05/GSMA-The-Mobile-Gender-Gap-Report-2020.pdf>.

³⁴ <https://netblocks.org/reports/internet-disrupted-in-myanmar-amid-apparent-military-uprising-JBZrmlB6>

³⁵ "Data network restored in Myanmar," Telenor Group, February 6, 2021, <https://www.telenor.com/media/press-release/myanmar-authorities-orders-nationwide-shutdown-of-the-data-network> <https://netblocks.org/reports/internet-disrupted-in-myanmar-amid-apparent-military-uprising-JBZrmlB6>

³⁶ From the 9th March the shutdown times were changed from 1am-9am to 1am-6:30am <https://netblocks.org/reports/internet-disrupted-in-myanmar-amid-apparent-military-uprising-JBZrmlB6>; <https://www.accessnow.org/update-internet-access-censorship-myanmar/>; https://twitter.com/cape_diamond/status/138705152230146061

³⁷ <https://netblocks.org/reports/internet-disrupted-in-myanmar-amid-apparent-military-uprising-JBZrmlB6>

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အင်တာနက်ပေါ်တွင် လွတ်လပ်မှု - မြန်မာနိုင်ငံ

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အကဲဖြတ်ခြင်း

Freedom of the net: Myanmar

**Assessment of online freedom in
2021**

Internet freedom in Myanmar collapsed following the February 2021 military coup, marking the most severe decline ever documented in Freedom on the Net. As part of its attempt to crush dissent and maintain power, the military junta shut down internet service, blocked social media platforms and websites, seized control of the telecommunications infrastructure, and ramped up intrusive surveillance. Despite these and other obstacles, including detentions and egregious physical violence, people in Myanmar continued to use digital tools to organize and voice opposition to the coup whenever possible.



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