



# BURMA

	2012	2013
<b>INTERNET FREEDOM STATUS</b>	<b>NOT FREE</b>	<b>NOT FREE</b>
<b>Obstacles to Access (0-25)</b>	22	20
<b>Limits on Content (0-35)</b>	23	16
<b>Violations of User Rights (0-40)</b>	30	26
<b>Total (0-100)</b>	<b>75</b>	<b>62</b>

**POPULATION:** 55 million  
**INTERNET PENETRATION 2012:** 1 percent  
**SOCIAL MEDIA/ICT APPS BLOCKED:** Yes  
**POLITICAL/SOCIAL CONTENT BLOCKED:** No  
**BLOGGERS/ICT USERS ARRESTED:** No  
**PRESS FREEDOM 2013 STATUS:** Not Free

\* 0=most free, 100=least free

**KEY DEVELOPMENTS: MAY 2012 – APRIL 2013**

- Burma lifted online censorship in 2012—in practice, if not in law (see **LIMITS ON CONTENT**).
- In January 2013, Information Minister Thein Tun was dismissed on corruption charges after he blocked attempts to reduce the high cost of mobile SIM cards (see **OBSTACLES TO ACCESS**).
- A 2013 government distribution of cheaper SIM cards spawned a black market without improving service (see **OBSTACLES TO ACCESS**).
- Vicious online postings, some by officials, promoted violence that internally displaced over 120,000 Rohingya Muslims (see **LIMITS ON CONTENT**).
- A draft telecommunications law, though badly needed to attract foreign investment, retained repressive measures that were still being debated in mid-2013 (see **VIOLATIONS OF USER RIGHTS**).

## INTRODUCTION

Burma's nominally civilian government took significant steps in the past year to reform what was, until very recently, among the world's most repressive and underdeveloped telecommunication sectors, notably lifting a policy of media censorship that had been in place for the past 48 years in August 2012. Few limits on content remain online, and several experts privately told Freedom House that the government has no plans to expand monitoring and filtering technology nationwide.<sup>1</sup> If true, this liberalized attitude has yet to be supported by legal reform. Repressive media laws enacted by the military regime are still in place, and could be used at any time to punish online expression, while drafts prepared to replace them retained content restrictions and harsh penalties for violating them electronically. In summer 2013, lawmakers still appeared open to consultation to improve these drafts. Doing so would keep them on the startling upward trajectory the country registered for its internet freedom record in 2012.

The changes stem from Burma's gradual transition from military rule to democracy following what were widely viewed as sham 2010 elections that secured the junta's supporters an 80 percent majority in the legislature.<sup>2</sup> When parliament appointed Thein Sein—a military leader who had served as prime minister since 2007—as its first civilian president in March 2011, a political transformation seemed unlikely.<sup>3</sup> But Thein Sein proved a comparative moderate. While he maintained discriminatory policies against ethnic minorities like the Muslim Rohingya,<sup>4</sup> he also engineered a détente with opposition leader Aung San Suu Kyi and her National League for Democracy (NLD) party, which won 43 of the 44 parliamentary seats they contested in April 2012 by-elections.<sup>5</sup> Though the win was too small a gain to affect the balance of power in government, the NLD's participation alone was significant. Since the junta discounted a landslide NLD electoral victory in 1990, the opposition has either boycotted or been excluded from politics. Suu Kyi, a Nobel Peace laureate kept under house arrest for much of the past two decades,<sup>6</sup> was sworn into public office as a representative of the township of Kawhmu in the lower house of parliament on May 2, 2012.<sup>7</sup>

Burma's young information and communications technology (ICT) sector developed in a climate of fear and self-censorship under the junta. The government's first attempt to restrict internet freedom was through the 1996 Myanmar Computer Science Development Law, which made the

<sup>1</sup> Unless otherwise noted, all interviews for this report were conducted in Burma on the basis of anonymity.

<sup>2</sup> The military-led government renamed the country Myanmar without a referendum in 1989, a decision the opposition rejected as politicized. Many international governments and organizations, including Freedom House, retain the use of Burma on those grounds, though Myanmar is becoming more common since the regime has adopted a more civilian form of government.

<sup>3</sup> The Associated Press, "Burma Names Thein Sein as President," via *Guardian*, February 4, 2011, <http://www.guardian.co.uk/world/2011/feb/04/burma-names-thein-sein-president>.

<sup>4</sup> Human Rights Watch, "Burma: Rohingya Muslims Face Humanitarian Crisis," March 26, 2013, <http://www.hrw.org/news/2013/03/26/burma-rohingya-muslims-face-humanitarian-crisis>.

<sup>5</sup> "Myanmar Confirms Sweeping Election Victory for Suu Kyi's Party," CNN, April 4, 2012, <http://www.cnn.com/2012/04/04/world/asia/myanmar-elections>.

<sup>6</sup> "NLD Sweeps Parliamentary By-Elections," Radio Free Asia, April 2, 2012, <http://www.rfa.org/english/news/burma/elections-04022012160808.html>.

<sup>7</sup> "Burma's Aung San Suu Kyi Sworn in to Parliament," BBC, May 2, 2012, <http://www.bbc.co.uk/news/world-asia-17918414>.

possession of an unregistered computer modem and connection to unauthorized networks punishable by up to 15 years in prison.

How the industry will adapt once the model of state control is transformed has yet to be seen. In 2012 the government announced plans to systematically privatize its telecommunications sector. Yet the persisting state monopoly keeps costs high and quality low, while competing services, like voice over internet protocol applications, are banned. Although mobile phone use expanded in 2012, phone and internet connectivity remains extremely poor, and only a tiny percentage of the population has regular access to ICTs. In January 2013, just after Transparency International ranked Burma fifth worst worldwide out of 176 countries in a global survey of corruption in the public sector,<sup>8</sup> Information Minister Thein Tun became the first member of the cabinet to be dismissed amid an anti-graft probe, leading many to hope that these systemic inequalities are on the point of change.

Besides corruption, lack of coordination between government agencies and rivalries among ruling elites are also responsible for confusing and contradictory initiatives. SIM cards with quality service cost citizens over \$200, while a 2013 government initiative to distribute them for \$2 each was mired in corruption allegations by mid-year. The government is also planning to offer overseas visitors affordable mobile service during the December 2013 Southeast Asian Games as part of a bid to raise Burma's profile on the international stage; Burma is also chairing the ASEAN regional meeting in 2014.<sup>9</sup> Though the government awarded two foreign telecom companies licenses to provide service, observers say a draft telecommunication bill could oblige them to cooperate with state interception and monitoring of their users. Meanwhile, Chinese companies play a central role in sustaining the industry, but two of them, Huawei and ZTE, were implicated in the corruption investigation into Thein Tun, according to Radio Free Asia. Even while reforms are underway, the average Burmese user may be the last to benefit.

Burma's engaged online communities, however, are resilient, and their influence has often been felt beyond their comparatively small subset of the population. Many pushed the boundaries of permissible speech during the era of censorship, ensuring the offline spread of reports by exile-run news websites, among other banned content. Ethnic minority groups—of which official statistics count more than 130, not including an estimated 800,000 population of Rohingya who are denied citizenship under Burmese law—have also used the internet to promote a multi-ethnic Burma in the past.

Troublingly, the newly liberalized online space shows signs of disconnecting from this pluralistic vision, in part because poor infrastructure and connections discourage consumers from seeking out diverse sources of information, but also because the lifted restrictions allowed for an outpouring of hate speech directed at the Muslim minority. In the past year, social media played an undisputed role in amplifying racial and religious tensions—further stoked by some state institutions and

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<sup>8</sup> Transparency International, "Corruption by Country/Territory: Myanmar," December 2012, <http://www.transparency.org/country#MMR>.

<sup>9</sup> "ASEAN Gambles on Myanmar's Regional Leadership," Reuters, November 17, 2011, <http://www.reuters.com/article/2011/11/17/us-myanmar-idUSTRE7AG0QQ20111117>.

mainstream news websites—between them and the majority Buddhist groups in western Arakan state.<sup>10</sup> Over 100 people were killed and 120,000 people, mostly Rohingya, internally displaced in the violence that resulted;<sup>11</sup> more than 40 were reported dead after similar riots broke out in the heartland township of Meiktila in March 2013.<sup>12</sup> Deadly riots were subsequently documented in the central town of Okkan and Lashio in northern Shan state in April and May.<sup>13</sup>

Other post-censorship phenomena included a parliamentary hunt for an anonymous blogger who criticized a new law that defies the constitution. Cyberattacks on Burmese news websites also appear to be on the rise. Several media practitioners reported hackers attempting to compromise their personal email accounts in late 2012 and early 2013, prompting open debate about the alleged involvement of the military, which a government spokesperson denied.<sup>14</sup> It is too soon to cast this as a negative trend. However, those in Burma who have undergone decades of information control and strict punishment for forbidden expression, and minority communities who fear further marginalization from the dominant national discourse, remain cautious. Some distance still needs to be covered before they enjoy full freedoms online.

## OBSTACLES TO ACCESS

Besides a state monopoly of telecommunications companies, the lack of a legal framework, poor infrastructure and widespread poverty limit Burmese citizens' internet access and usage. Over the past three years, the number of internet users has notably increased, though it remains only a fraction of the population. The International Telecommunication Union (ITU) estimated internet penetration at 1 percent in 2012.<sup>15</sup> This seems surprisingly low, although the precise scale of usage is notoriously difficult to ascertain in Burma, where independent surveys are not available and government statistics historically lack credibility. Nevertheless, government sources and a Burmese telecommunications expert interviewed for this report estimated one million internet users in the country in 2012,<sup>16</sup> putting penetration closer to 2 percent. One 2012 news report put the number of broadband Internet users at 150,000;<sup>17</sup> the ITU estimated just 5,400 in its 2012 survey.<sup>18</sup>

<sup>10</sup> Arakan was renamed Rakhine when Burma became Myanmar. "UN Says Over 26,000 Displaced by Myanmar Unrest," Agence France-Presse via *ReliefWeb*, October 28, 2012, <http://bit.ly/1hfKXrJ>.

<sup>11</sup> "Myanmar Riots Stoke Fears of Widening Sectarian Violence," Reuters, March 22, 2013, <http://www.reuters.com/article/2013/03/22/us-myanmar-unrest-meikhtila-idUSBRE92L04G20130322>.

<sup>12</sup> "Burma: State of Emergency Imposed in Meiktila," BBC, March 22, 2013, <http://www.bbc.co.uk/news/world-asia-21894339>; "Seven Muslims jailed over violence in Burma's Meiktila," BBC, May 21, 2013, <http://bbc.in/12IQ7rD>.

<sup>13</sup> Yadana Htun, "Myanmar Anti-Muslim Violence Injures At Least 10 In Okkan As Mosques, Homes Attacked," The Associated Press, via *Huffington Post*, April 30, 2013, [http://www.huffingtonpost.com/2013/04/30/myanmar-anti-muslim-violence\\_n\\_3185932.html](http://www.huffingtonpost.com/2013/04/30/myanmar-anti-muslim-violence_n_3185932.html); Zunetta, "Violence in Lashio," Partners Asia (blog), May 31, 2013, <http://bit.ly/16awgos>

<sup>14</sup> "State-Sponsored Attack Warning of the Google does not Need to Cause Excessive Concern, Says Government Spokesman" (in Burmese), *Popular News*, February 11, 2013.

<sup>15</sup> International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2012," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

<sup>16</sup> "Sky Net Internet Installation Cost Reduced" (in Burmese), *Popular News*, January 26, 2013.

<sup>17</sup> "Mobile Internet Users Experience Slow Connection," *Eleven Media News*, November 23, 2012, <http://elevenmyanmar.com/national/science-tech/1426-mobile-internet-users-experience-slow-connection>.

<sup>18</sup> International Telecommunication Union, "Fixed (Wired)-Broadband Subscriptions, 2000-2012."

The Ministry of Communications and Information Technology (MCIT) retains control over the country's international connection to the internet through two main internet service providers,<sup>19</sup> the state-owned Myanmar Post Telecommunication (MPT) and the military-linked Yatanarpon Teleport (YTP). Private internet connections are prohibitively expensive, though there is significant regional variation. The one-time installation cost of broadband access ranged from \$530 to \$588 in early 2012, down from \$625 the previous year, depending on speed and connection method.<sup>20</sup> Monthly fees vary from \$30 for 512Kbps to \$155 for 3Mbps.<sup>21</sup> MPT and YTP also offer ADSL service via landline, and dramatically lowered installation costs in late 2012.<sup>22</sup> YTP reduced them from \$588 to \$117, while MPT's went down from \$588 to \$58. For comparison, the private company Redlink charges about \$500 for installation and monthly fees from \$30 to US\$130 for its popular Wi-Fi service, according to its data plan. However, since Burma's gross domestic product was just \$848 per capita in 2012, these costs keep personal internet access far out of reach for the majority.<sup>23</sup>

More people can access the internet via mobile phone. Government sources reported 5.4 million mobile phone subscribers in Burma at the end of December 2012, a significant jump from the 2.8 million mobile subscribers Freedom House documented in February 2012;<sup>24</sup> the ITU agreed and estimated penetration at 11 percent. One November 2012 news report estimated the number of mobile internet users at over 200,000.<sup>25</sup> Meanwhile, once-essential cybercafés are receiving fewer visitors as personal connections proliferate.<sup>26</sup>

MPT controls the mobile phone market, but grants distribution rights to a select set of trusted companies, either military-linked—like YTP—or privately owned but closely linked to the government—like Elite, a subsidiary of Htoo Trading Company owned by tycoon Tay Za, who the U.S. government has long sanctioned from trading with American companies for his association with the junta.<sup>27</sup> Smaller firms seeking retail vending rights must purchase equipment from these

<sup>19</sup> Many still refer to the Ministry, formerly responsible for Communications, Posts and Telegraphs, by its old abbreviation MCPT.

<sup>20</sup> Interview with telecommunication company employees, January 2013.

<sup>21</sup> "WiMax Reduced Internet Installation Price from 630,00 Kyats to 450,000 Kyats Since December 6" (in Burmese), *Eleven Media News*, December 5, 2012, <http://news-eleven.com/local/16670-wimax>.

<sup>22</sup> MCIT, Republic of the Union of Myanmar, "Telecommunication Operator Tender Evaluation and Selection Committee Nay Pyi Taw," accessed May 2013, [http://www.mcit.gov.mm/sites/default/files/Expression\\_of\\_Interest.pdf](http://www.mcit.gov.mm/sites/default/files/Expression_of_Interest.pdf).

<sup>23</sup> International Monetary Fund, "World Economic Outlook Database," October 2012, <http://www.imf.org/external/pubs/ft/weo/2012/02/weodata/weorept.aspx?pr.x=84&pr.y=11&sy=2010&ey=2017&scsm=1&ssd=1&sort=country&ds=.&br=1&c=518&s=NGDPDPC%2CPPPC&grp=0&a=>.

<sup>24</sup> "Digicel Goes after Myanmar," *Guardian Media* (Port-of-Spain), February 3, 2013, <http://guardian.co.tt/business/2013-02-02/digicel-goes-after-myanmar>; "Myanmar Sets 2015 Goal for Teledensity," *Myanmar Times*, January 16, 2013, <http://www.mmtimes.com/index.php/business/technology/3790-myanmar-sets-2015-goal-for-teledensity.html>. An independent observer estimates that there are just over three million mobile phone users. See "Footsteps of 2012" (in Burmese), *Internet Journal*, January 1, 2013, <http://myanmarinternetjournal.com/ij/article/6275-2013-01-02-09-02-46>.

<sup>25</sup> "Mobile Internet Users Experience Slow Connection," *Eleven Media News*, November 23, 2012, <http://elevenmyanmar.com/national/science-tech/1426-mobile-internet-users-experience-slow-connection>.

<sup>26</sup> Interviews with three cybercafé proprietors in Rangoon and two in Naypyidaw, and nine mobile phone users in Rangoon and Mandalay, January 2013. See also, "Cyber Cafes do not Receive Internet Users as Before, and Asked for Price Reduction" (in Burmese), *Popular News*, August 11, 2012.

<sup>27</sup> Erika Kinetz and Matthew Pennington, "AP Impact: Myanmar Sanctions List Languishes," Associated Press, May 18, 2013, <http://bigstory.ap.org/article/ap-impact-myanmar-sanctions-list-languishes-0>.

larger distributors and are generally unable to offer consumers lower prices than the ones mandated by those at the top of the chain.

The retail mobile market has become more dynamic to meet rising demand,<sup>28</sup> but poor service has limited the expansion of mobile internet, even after some ambitious public initiatives. In 2011, the government announced a project to expand the number of mobile phone lines almost six-fold—to 30 million—over the next five years. In January 2012, private company Shwe Pyi Ta Khun announced it was seeking permission from the President’s Office to sell a SIM card for 5,000 kyat (\$6) as part of the president’s poverty reduction initiative, to widespread acclaim. Within a week, however, officials rejected the proposal. Authorities subsequently pressured companies to chop the price of a SIM card from 500,000 kyats (\$625) to 200,000-250,000 kyats (\$250-312). But the supply of new cards could not meet consumer demand, while the continuing poor quality of service disappointed users, according to news reports and Freedom House interviews. In many cases mobile internet barely functions, even in major cities.

In March 2013, facing mounting public pressure, President Thein Sein pledged that the government would price SIM cards at 1,500 kyat (\$2) starting in April. Though a welcome development, the distribution of the new cards was a gift to corrupt officials and black market racketeers. Rather than make them available through service providers, users were directed to local government offices, where they were asked to submit household registration, ID, and two photos. The application was not for a SIM card, but for the opportunity to enter a draw for the chance to buy one of the 350,000 circulated nationwide.

Events in the Rangoon Division are probably representative of what happened next around the country. Having received a quota of 119,000 cards, local officials promptly reserved a quarter for themselves and their staff before allocating the rest to different townships. In one neighborhood, over 2,500 applicants competed for 114 cards that were soon being resold for 60,000 kyats (\$666) to 90,000 kyats (\$1000), despite numerous reports of unreliable, substandard service. The government issued a second round of 1,500 kyat cards using the same system in May.

Another major drawback of the SIM cards is that they used an outdated CDMA 800 MHz network launched in 1999, rather than the GSM system that is more common worldwide, even though GSM has been available in Burma since 2002 and is considerably more popular.<sup>29</sup> Sources interviewed for this report told Freedom House that the CDMA network is owned by the military conglomerate Myanmar Economic Cooperation (MEC), which sold the SIM cards cheaply for public use because the CDMA network is no longer useful for the military. The deal benefits Chinese companies selling CDMA-capable handsets. The best-selling mobile handset in 2012 was one developed by

<sup>28</sup> “Mobile Phone Accessory Shops Increase” (in Burmese), *7Days News*, January 25, 2013, <http://www.7daynewsjournal.com/article/9515>.

<sup>29</sup> December 2012 figures showed 4 million subscribers on the GSM network, and 1 million on two CDMA networks, 800MHz and 450 MHz. An additional 0.7 million subscribed to 3G services on the WCDMA network launched in 2008. In December 2012, the Ministry launched a joint “One Million Phone Lines” project with Chinese telecommunication companies to introduce 3G network-capable GSM and WCDMA phones in five cities. See, MCIT, “Telecommunication Operator Tender Evaluation.”

Chinese technology giant Huawei, which at 100,000 kyats (\$117), was still beyond the reach of most Burmese, according to local market researchers.

In July 2012, the government announced plans to liberalize its telecom sector and invite foreign investment.<sup>30</sup> A senior official said that a total of four operating licenses would be granted—two for Burmese companies and two for foreign firms, incorporating 4G services as early as 2013. The plan proposed privatizing MPT to form the Myanmar Telecoms Company, which would be awarded one of the cellphone licenses. Another would go to YTP, though other companies were reportedly applying,<sup>31</sup> possibly for joint ventures. Critics raised concerns about possible conflicts of interest in the tender process for domestic licenses.

In June 2013, the government awarded the international licenses Norway's Telenor and Qatar Telecom, allowing them to offer services and infrastructure alongside local firms.<sup>32</sup> However, as the coverage period of this report ended, the legislature has not enacted a telecommunications law governing their operation.<sup>33</sup> Critics of a draft from early 2013 noted repressive prohibitions of anti-state content and social media use, and that it may require intermediary service and content providers to cooperate with state surveillance to detect violators.<sup>34</sup> Human Rights Watch warned international telecommunications companies that there is a risk of complicity in human rights abuses if they enter the Burmese market before adequate protections are in place.

In the meantime, foreign investment in telecommunications was less than \$6 million per year in early 2012.<sup>35</sup> According to official data, there are currently 14,000 kilometers of fiber in Burma and around 1,800 towers, leaving an estimated 15,000 towers and hundreds of thousands of kilometers of fiber to make up the difference required to meet the government's expansion objectives. Experts estimate the total cost involved would be closer to \$4 billion.

The government—though unable to meet demand for existing services—announced two additional projects during the coverage period for this report. The first was an installment plan to offset the cost of mobile telephones in rural areas begun in October 2012, which requires a 40,000 kyats (\$47) down payment followed by 10,000 kyats (\$11) per month.<sup>36</sup> Critics said the plan disguises the high cost of the phones—which comes to a total of 150,000 kyats (\$176)—rather than bringing

<sup>30</sup> Martin Petty, "Insight: Disconnected for Decades, Myanmar Poised for Telecoms Boom," Reuters, September 13, 2012, <http://in.reuters.com/article/2012/09/13/us-myanmar-telecoms-idINBRE88C03K20120913>.

<sup>31</sup> "Elite Tech Plans to Apply for Private Telecommunications Operator" (in Burmese), *7Days News*, September 29, 2012, <http://www.7daynewsjournal.com/article/7792>.

<sup>32</sup> Shibani Mahtani and Chun Han Wong, "Norway's Telenor, Qatar Telecom Get Myanmar Telecom Licenses," *Wall Street Journal*, June 27, 2013, <http://online.wsj.com/article/BT-CO-20130627-703302.html>.

<sup>33</sup> "Japan and Singapore Technology Firms Invest in Burma" (in Burmese), *7Days News*, December 27, 2012, <http://www.7daynewsjournal.com/article/9090>; "Those Firms which Want to Invest in Burma Waiting for Telecommunications Law" (in Burmese), *7Days News*, December 8, 2012, <http://www.7daynewsjournal.com/article/8763>.

<sup>34</sup> Human Rights Watch, "Reforming Telecommunications in Burma," May 19, 2013, <http://www.hrw.org/reports/2013/05/19/reforming-telecommunications-burma>.

<sup>35</sup> "Myanmar (Burma) - Telecoms, Mobile and Internet," BuddeComm, accessed January 2, 2012, <http://www.budde.com.au/Research/Myanmar-Burma-Telecoms-Mobile-and-Internet.html>.

<sup>36</sup> "Huawei Ranks Bestselling Hand-set in 2012" (in Burmese), *7Days News*, December 26, 2012, <http://www.7daynewsjournal.com/article/9089>.

it down.<sup>37</sup> The second project involved SIM cards for foreign visitors during the Southeast Asia Games, which Burma is scheduled to host in December 2013. According to a senior government official, the temporary SIM card will be sold to non-Burmese citizens for \$15, some 12 times cheaper than the price paid by most locals. The information ministry also announced that it will increase internet connection speeds in time for the Games. Chinese firms will reportedly provide technical support for this upgrade and broader ICT security efforts.<sup>38</sup> Huawei, for example, donated three million dollars' worth of video conferencing equipment to organizers of the Games in late 2012.<sup>39</sup>

Though limits on content have declined dramatically in the past two years, the state's links with telecommunications companies mean it is still inclined to restrict ICT access when profits are at risk. In October 2012, the government announced that it would sever internet connections detected making international calls via Voice over Internet Protocol (VoIP).<sup>40</sup> International VoIP calls made via applications such as Skype, Gtalk, Pfxing, VBuzzer, and VZO were banned under a government directive in March 2011, which prescribed penalties ranging from fines or confiscation of property to five years' imprisonment. The measure was apparently aimed at protecting revenue earned from international phone calls made over the network of the state-owned telecom,<sup>41</sup> or via a new government-sponsored VoIP program called Ytalk launched in late 2011.<sup>42</sup> The directive, however, is not effectively enforced.

The Posts and Telecommunications Department regulates Burma's telecommunications industry under the MCIT. While there are several other state institutions tasked with ICT development and management, they are either not very active or exist only on paper.<sup>43</sup> Under the junta, the MCIT and intelligence agencies implemented arbitrary and ad hoc censorship decisions. Under the more civilian government, however, the MCIT has demonstrated more authority on telecommunications issues.

In early January 2013, Minister of Information and Telecommunications Thein Tun was fired for alleged corruption, in the first anti-graft probe under the new government to target a cabinet minister.<sup>44</sup> The minister, who had blocked efforts to reduce the price of SIM cards in favor of his own initiative to sell four million cards at \$220 a pop, is now under house arrest; the investigation,

<sup>37</sup> Author's interview with three local journalists who cover IT news, January 2013.

<sup>38</sup> "China Supports Burmese Internet Security" (in Burmese), *Popular Journal*, accessed January 8, 2012, <http://popularmyanmar.com/mpaper/archives/33163>.

<sup>39</sup> "Huawei Helps US\$3 Million for Video Conference System in 2013 SEA Games" (in Burmese), *7Days News*, September 26, 2012, <http://www.7daynewsjournal.com/article/7790>.

<sup>40</sup> "Phone Lines that Make Illegal Calls to Foreign Countries Will be Cut" (in Burmese), *Internet Journal*, October 20, 2012, <http://myanmarinternetjournal.com/mobile/mobile-news/5337-2012-10-15-09-52-34>.

<sup>41</sup> Aung Myat Soe, "Government Bans Internet Overseas Calls," *Mizzima*, March 16, 2011, <http://mizzimaenglish.blogspot.com/2011/03/government-bans-internet-overseas-calls.html>.

<sup>42</sup> Author's interviews with two Burmese IT experts and four local journalists, June 2012.

<sup>43</sup> These include the Myanmar Computer Science Development Council, the e-National Task Force, the Myanmar Computer Federation, the Myanmar Computer Professionals' Association, the Myanmar Computer Industry Association, and the Myanmar Computer Enthusiasts' Association.

<sup>44</sup> "Myanmar Ex-Telecoms Minister Faces Graft Probe," *The Associated Press*, January 24, 2013, <http://bigstory.ap.org/article/myanmar-ex-telecoms-minister-faces-graft-probe>.

which is also looking into handsets produced by Huawei and ZTE, is ongoing.<sup>45</sup> The investigation overshadowed the reforms in the telecommunications sector, but also signaled a possible turning point. Many observers expressed hopes of fairer pricing and a lifting of the VoIP ban in the aftermath of the minister's removal.<sup>46</sup> In a reminder that the military still has an overwhelming influence in government, however, Thein Sein tapped Myat Hein, commander-in-chief of the air force, to replace him in February 2013.<sup>47</sup>

## LIMITS ON CONTENT

On August 20, 2012, the government lifted the systematic state censorship of traditional and electronic media prior to publication that had been in place for nearly five decades. Political content appeared to be almost universally available, and even social content, such as pornography, was not blocked in mid-2013. Troublingly, however, draft legislation maintains that may even intensify limits on content outlined in existing laws. What's more, the transformation had some unforeseen effects, as simmering distrust between Burma's ethnic groups found expression on social media, and particularly targeted the Rohingya, whom commentators of all stripes characterized as "dogs, thieves, terrorists and various expletives."<sup>48</sup> Though other online activism was more positive, the role of ICTs in fermenting violence that affected over a hundred thousand people—and sent ripples through sympathetic Muslim communities across Asia—cast a shadow over the newly open internet landscape.

For years, the Burmese government had systematically restricted access to political content online, but in September 2011 they lifted blocks on foreign news sources and major exile media sites; the latter had long been on the regime's blacklist for their critical reporting.<sup>49</sup> The websites of international human rights groups were also unblocked. In tests conducted by OpenNet Initiative on YTP in August 2012, only 5 out of 541 URLs categorized as political content were blocked. When Freedom House conducted its own tests in December, almost all previously banned websites, including those five, were accessible.<sup>50</sup> By mid-2013, even sites hosting previously-filtered social content about pornography or drugs, were no longer blocked.

<sup>45</sup> "Ex-Minister Under House Arrest," Radio Free Asia, January 23, 2013, <http://www.rfa.org/english/news/burma/phone-01232013152301.html>.

<sup>46</sup> Telephone interviews with a senior Ministry of Information and Telecommunications official and a key telecommunications investor, January 2013. See also, "Expectation on Better Telecoms Service Grows as Minister Resigns" (in Burmese), *7Days News*, January 17, 2013, <http://www.7daynewsjournal.com/article/9403>.

<sup>47</sup> Nyein Nyein, "Former Generals to Run Burma's Telecoms, Border Affairs Ministries," *Irrawaddy*, February 14, 2013, <http://www.irrawaddy.org/archives/26820>.

<sup>48</sup> "Internet Unshackled, Burmese Aim Venom at Ethnic Minority," *New York Times*, June 16, 2012, [http://www.nytimes.com/2012/06/16/world/asia/new-freedom-in-myanmar-lets-burmese-air-venom-toward-rohingya-muslim-group.html?\\_r=0](http://www.nytimes.com/2012/06/16/world/asia/new-freedom-in-myanmar-lets-burmese-air-venom-toward-rohingya-muslim-group.html?_r=0).

<sup>49</sup> The Associated Press, "Myanmar Authorities Unblock Some Banned Websites," *Yahoo News*, September 16, 2011, <http://news.yahoo.com/myanmar-authorities-unblock-banned-websites-050311492.html>; Qichen Zhang, "Burma's Government Unblocks Foreign Websites Including YouTube," OpenNet Initiative, September 20, 2011, <http://opennet.net/blog/2011/09/burmas-government-unblocks-foreign-websites-including-youtube>.

<sup>50</sup> One of the URLs listed as blocked by ONI, <http://www.niknayanman-niknayanman.co.cc>, was not found in or outside Burma.

Despite these notable positive developments, the impact of the new opening has been tempered by an atmosphere of uncertainty. In particular, harsh laws governing content remain in effect pending the passage of replacements to repeal them, which some observers say could be even stricter. The draft telecommunications bill that will regulate service providers also contains content restrictions, at least in early drafts, according to news reports. A report published in November 2012 noted that one of the law's new articles appeared to ban social media use entirely, though whether that was the intent or how it might be implemented is not known.<sup>51</sup> Human Rights Watch reported that a draft it reviewed includes ill-defined bans on “indecent” and “undesirable” content that are open to abuse.<sup>52</sup> Journalists also objected to another draft law governing the print media for introducing the kind of censorship familiar from its repressive predecessor, including bans on criticism of the constitution; the implications for online news outlets remain unclear.<sup>53</sup> Civil society groups objected to both drafts, and their passage was consequently delayed beyond the coverage period of this report. Observers noted that although government consultations with different stakeholders regarding the law were far from perfect, they were better than in the past.

Threats remain effective tools to force intermediaries to delete content; however, the extent of this practice and its impact on the information environment as a whole is hard to measure. Self-censorship remains common online, though topics considered off-limits have changed. In particular, internet users have been reluctant to raise human rights abuses committed in the past under the junta, for fear of jeopardizing the political opening. Objective coverage of the Rohingya, let alone defense of the persecuted minority, has become taboo, and news outlets that continue to provide it are accused of anti-Burmese bias.<sup>54</sup>

As limits on content are lifting, ministries and political groups have used ICTs to challenge the opposition, rather than blocking them. Several ministries, including the Ministry of Information, have their own websites and blogs. Other blogs, such as *Myanmar Express* and *OppositEye*, were more manipulative, launching smear campaigns against the opposition and Aung San Suu Kyi.

As in 2011, social media tools gained prominence in 2012 and 2013, including Facebook, Twitter, Friendfinder, Netlog, and Google+. Facebook is the most popular, since many users developed the habit of using the platform to share information, initiate collective action on social and political issues, or follow exile media outlets when website blocking was still pervasive. Although no precise statistics are available on the number of Facebook users in Burma, one expert estimated that 80 percent of the country's internet users had a Facebook account in 2011.<sup>55</sup> For some users frustrated at the challenge of navigating between sites on poor connections, Facebook is the sole source of online news.

<sup>51</sup> “Myanmar Bans Social Media Use Under Telecoms Bill,” *Eleven Media News*, November 12, 2012, <http://elevenmyanmar.com/politics/1280-myanmar-bans-social-media-use-under-telecoms-bill>.

<sup>52</sup> Human Rights Watch, “Reforming Telecommunications in Burma,”

<sup>53</sup> Committee to Protect Journalists, “Draft Media Law a Step Backward for Burma,” news alert, March 1, 2013, <http://www.cpj.org/2013/03/draft-media-law-a-step-backward-for-burma.php>.

<sup>54</sup> Asia Sentinel, “Burma's Irresponsible New Media,” *Irrawaddy*, July 11, 2013, <http://www.irrawaddy.org/archives/8862>.

<sup>55</sup> Based on an estimated 500,000 internet users in Burma. Tun Tun, “Facebook's Mini-Revolution in Burma,” *Mizzima*, August 17, 2011, <http://www.mizzima.com/edop/features/5786-facebooks-mini-revolution-in-burma.html>.

Unfortunately, hate groups and manipulative photos and messages are also common on Facebook, and Burmese internet users spread racially-charged comments across social media platforms throughout the coverage period.<sup>56</sup> Several promoted violence, including a self-designated “beheading gang” that targeted Muslims on Facebook, which the platform later removed from the site.<sup>57</sup> The hatred expressed online and in government statements in the media proved mutually reinforcing.<sup>58</sup> In 2012, religious riots broke out in western Arakan state sparked by state and private media reports that treated the rape and murder of a local woman as a racially-motivated crime,<sup>59</sup> and contrasted the Arakan Buddhist victim with her allegedly Muslim attackers.<sup>60</sup> Propaganda photos and posts from both sides of the conflict circulated on the internet.<sup>61</sup> A senior official from the president’s office framed the issue as a matter of national security on his personal Facebook page and urged people to rally behind the armed forces.<sup>62</sup> Since the riots took place in a remote area challenging for journalists to reach, these Facebook updates were disproportionately influential in media reports.<sup>63</sup> The anti-Rohingya rhetoric sparked counter-protests overseas, including one coordinated by hacktivist group Anonymous, which sent 24,000 messages per hour with the hashtag #RohingyaNOW one day in March 2013.<sup>64</sup>

Other online activism was more positive. In 2012, villagers, Buddhist monks, and citizen journalists united on Facebook to mobilize against a copper mine in the central Letpadaung hills, run by the military-owned conglomerate Union of Myanmar Economic Holdings Limited and China’s Wanbao Mining Limited, a subsidiary of the arms manufacturer NORINCO. Initially, politicians and traditional media largely ignored the protesters, who called for a halt to the project citing environmental, social and health concerns. However, on November 29, 2012, riot police raided six protest camps at the mine, detained several dozen protesters, and injured at least 100 Buddhist monks and villagers, many of whom incurred severe burns. Activists used Facebook extensively to post photos and information about the crackdown, triggering an outcry from the media and the political opposition. Recognition, however, was the only substantive outcome of the action. President Thein Sein appointed Aung San Suu Kyi to chair an Investigation Commission. However, the Commission recommended that the mining project go ahead in March 2013.<sup>65</sup>

<sup>56</sup> Sait Latt, “Intolerance, Islam and the Internet in Burma today,” *New Mandala*, June 10, 2012,

<http://asiapacific.anu.edu.au/newmandala/2012/06/10/intolerance-islam-and-the-internet-in-burma-today/>.

<sup>57</sup> Min Zin, “Why Sectarian Conflict in Burma is Bad for Democracy,” *Transitions* (blog), *Foreign Policy*, June 13, 2012,

[http://transitions.foreignpolicy.com/posts/2012/06/13/winners\\_and\\_losers\\_from\\_the\\_conflict\\_in\\_arakan](http://transitions.foreignpolicy.com/posts/2012/06/13/winners_and_losers_from_the_conflict_in_arakan).

<sup>58</sup> *New Light of Myanmar*, a state newspaper, printed a government statement that included the racial epithet *kalar*, a derogatory term for foreigners of Indian appearance, when referring to the Muslim victims of mob violence. It corrected the reference to “Islamic residents” the following day, but did not apologize. See, Hanna Hindstrom, “State Media Issues Correction After Publishing Racial Slur,” *Democratic Voice of Burma*, June 6, 2012, <http://www.dvb.no/news/state-media-issues-correction-after-publishing-racial-slur/22328>.

<sup>59</sup> “Burma’s Irresponsible Media,” *Irrawaddy*, July 11, 2012, <http://www.irrawaddy.org/archives/8862>.

<sup>60</sup> On June 3, 10 Muslims were killed in the same region in apparent retaliation for the murder of the Buddhist girl.

<sup>61</sup> “Media Freedom Still Murky in Myanmar Despite Progress,” *Global Voices*, February 21, 2013,

<http://globalvoicesonline.org/2013/02/21/myanmar-media-freedom-still-under-threat/>.

<sup>62</sup> Min Zin, “Why Sectarian Conflict in Burma is Bad for Democracy.”

<sup>63</sup> Hmuu Zaw’s Facebook page, accessed on August 2013, <https://www.facebook.com/hmuu.zaw>.

<sup>64</sup> “Anonymous Taught Twitter About the Rohingya Genocide,” *Vice*, March 26, 2013, <http://www.vice.com/read/anonymous-taught-twitter-about-the-rohingya-genocide>.

<sup>65</sup> Kyaw Phyo Tha, “Wanbao Welcomes Inquiry Commission’s Verdict,” *Irrawaddy*, March 13, 2013,

<http://www.irrawaddy.org/archives/29255>.

Besides employing online tools for social and political mobilization, users have organized gatherings, with government permission, to share general ICT-related knowledge. In January 2013, Burma's fourth BarCamp—a user-generated conference about technology and the internet—was held in Rangoon with over 6,000 participants.<sup>66</sup> BarCamp meetings were also held in cities like Mandalay and Bassein.

## VIOLATIONS OF USER RIGHTS

Given Burma's appalling history of violating user rights, late 2012 and early 2013 were comparatively neutral periods as citizens awaited the results of sluggish legislative reforms. Users remain at risk of prosecution and imprisonment under the repressive laws enacted by the junta, and in a troubling May 2013 analysis, Human Rights Watch noted that an early draft of the telecommunications law retained the Electronic Transactions Law's repressive section 33 without change. Bloggers are not immune from legal threats, and a parliamentary committee wasted valuable time and resources trying to identify an anonymous blogger who had criticized their conflict with a constitutional court. Yet no new arrests were reported, and the only ICT-related imprisonments on record involve former officials accused of leaking secrets.

The current constitution, drafted by the military-led government and approved in a flawed 2008 referendum, does not guarantee internet freedom. It simply states that every citizen may exercise the right to “express and publish their convictions and opinions,” but only if these 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.”<sup>67</sup> Three other laws govern ICTs: the 1996 Computer Science Development Law, the 2002 Wide Area Network Order, and the 2004 Electronic Transactions Law (ETL).<sup>68</sup> Of the three, the ETL is the most notorious and frequently used. Under section 33, internet users face prison terms of 7 to 15 years and possible fines for “any act detrimental to” state security, law and order, community peace and tranquility, national solidarity, the national economy, or national culture—including “receiving or sending” related information.<sup>69</sup> In 2011, state-run media warned that the ETL could apply to defamatory statements made on Facebook.<sup>70</sup>

Draft laws to reform this legislative framework were expected to pass in 2013,<sup>71</sup> but their status at the end of the coverage period remained unclear. Traditional media censorship was still authorized in theory by the Printers and Publishers Registration Act of 1962, even though the board that

<sup>66</sup> “BurmaCamp Rangoon: Over 6,000 Participants” (in Burmese), *Myanmar Times*, January 23, 2013, <http://myanmar.mmtimes.com/index.php/technology/3334-2013-01-23-10-37-23.html>.

<sup>67</sup> “Constitution of the Republic of the Union of Myanmar (2008) – English,” available *Online Burma/Myanmar Library*, <http://www.burmalibrary.org/show.php?cat=1140>.

<sup>68</sup> “List of Burma/Myanmar laws 1988-2004 (by date),” available *Online Burma/Myanmar Library*, <http://www.burmalibrary.org/show.php?cat=1729>.

<sup>69</sup> “Electronic Transactions Law, State Peace and Development Council Law No. 5/2004,” available *United Nations Public Administration Network*, <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan041197.pdf>.

<sup>70</sup> Francis Wade, “Prison Threat for Facebook ‘Defamers’,” *Democratic Voice of Burma*, August 3, 2011, <http://www.dvb.no/news/prison-threat-for-facebook-defamers/16865>.

<sup>71</sup> Interview with a senior government advisor, January 2013.

enforced it was dismantled. Though new legislation that would repeal this law was passed in the lower house of parliament in July 2013, it stalled in the upper house. Critics point out it retains vaguely worded content controls and potentially punitive licensing for news outlets,<sup>72</sup> even though many lawmakers believed these had been removed following consultations with journalists.<sup>73</sup> Similarly, the draft telecommunications law, which corresponds most closely to the ETL, reproduced that law's repressive section 33 verbatim, according to a review of one draft by Human Rights Watch.<sup>74</sup> Officials told Human Rights Watch that many repressive measures were missing from a subsequent draft, but this has not been made public.<sup>75</sup>

While potential penalties for ICT use still exist, no arrests were reported during the coverage period. At least three former military or government officials remain imprisoned after they were sentenced in early 2010 for leaking sensitive information about junta activities to overseas groups via the internet.<sup>76</sup> Dozens of political prisoners formerly jailed for electronic activities remain free since they were released en masse in 2011. In general, however, these releases came with a condition that reoffenders will receive a new sentence in addition to previously unfinished sentences.

Although limits on content have loosened, content producers continue to face legal investigations for publishing online. Two print newspapers with websites, the *Voice Weekly* and *Modern Journey*, were sued for libel in 2012 for reports they said were in the public interest.<sup>77</sup> In another notorious example, a member of the military-backed ruling party urged parliament to uncover the identity of pseudonymous blogger, "Dr. Seik Phwar," following a January 14, 2013 post titled, "Is Parliament Above The Law?"<sup>78</sup> The article questioned parliament's decision to amend a law governing a nine-member, presidentially-appointed constitutional tribunal with power to overrule the government. The amendment, which Thein Sein adopted on January 22 under pressure from parliamentarians, gives them the right to challenge the tribunal's rulings, even though its authority is outlined in article 324 of the 2008 constitution.<sup>79</sup> On February 8, a 17-member parliamentary committee was established to uncover the blogger's identity, though when it announced its findings in July it did

<sup>72</sup> Simon Roughneen, "Burma's Press Council Threatens Resignation Over Media Rules," July 18, 2013, <http://www.irrawaddy.org/archives/39522>.

<sup>73</sup> "Bad News: New Freedoms Under Threat," *Economist*, August 17, 2013, <http://www.economist.com/news/asia/21583700-new-freedoms-under-threat-bad-news>.

<sup>74</sup> Human Rights Watch, "Reforming Telecommunications in Burma,"

<sup>75</sup> In August 2013, outside the coverage period of this report, a state news report said a bill amending the ETL submitted to parliament proposed more lenient sentences.

<sup>76</sup> In January 2010, a former military officer and a foreign affairs official were sentenced to death, and another foreign affairs official was sentenced to 15 years in prison, for leaking information and photographs about military tunnels and a general's trip to North Korea. Interview with Bo Kyi, cofounder of the Association for Assisting Political Prisoners (Burma), July 2012. The executions have not been carried out.

<sup>77</sup> "Burmese Editor and Publisher Charged with Libel," BBC, September 20, 2012, <http://www.bbc.co.uk/news/world-asia-19659294>; Phanida, "Gov't Construction Engineer Sues Modern Journal," *Mizzima*, March 7, 2012, <http://www.mizzima.com/news/inside-burma/6721-govt-construction-engineer-sues-modern-journal.html>.

<sup>78</sup> Oliver Spencer, "Myanmar: Dr Seik's Famous Blog Post being Investigated by Parliament (in English)," Article 19, February 13, 2013, <http://www.article19.org/join-the-debate.php/91/view/>; Saw Zin Nyi, "Naypyitaw Investigates the Mysterious Case of 'Dr. Seik Phwar,'" *Mizzima*, March 5, 2013, <http://www.mizzima.com/news/inside-burma/9003-naypyitaw-investigates-the-mysterious-case-of-dr-seik-phwar.html>.

<sup>79</sup> "Burmese MPs Force Out Constitutional Court Judges," BBC, September 6, 2012, <http://www.bbc.co.uk/news/world-asia-19498968>.

not appear to have succeeded.<sup>80</sup> The case was further complicated by the blogger's unclear political affiliation, since Seik Phwar had criticized both Aung San Suu Kyi and Thein Sein alike since 2011, and many observers believe he is influenced by anti-reformist military hardliners. Some of his articles were reproduced in the journal *Smart News*, which is published by the information ministry.

How the new environment might transform state surveillance, which has historically been pervasive and politicized, is not known. Experts interviewed for this report said there are no funds or interest in developing nationwide technical surveillance at present, though activists are still monitored.

The junta is believed to have carried out cyberattacks against opposition websites in the past. These attacks increased in February 2013 when many journalists and academics, including the author of this report, received Google's notification of state-sponsored attempts to infiltrate personal accounts on its e-mail service, Gmail;<sup>81</sup> officials denied responsibility.<sup>82</sup> Some recipients speculated the attackers had military support.<sup>83</sup>

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<sup>80</sup> "Parliamentary Commission Fails to Expose Defamatory Blogger," *Eleven Media News*, July 2, 2013, <http://elevenmyanmar.com/national/2656-parliamentary-commission-fails-to-expose-defamatory-blogger>.

<sup>81</sup> Thomas Fuller, "E-Mails of Reporters in Myanmar Are Hacked," *New York Times*, January 10, 2013, [http://www.nytimes.com/2013/02/11/world/asia/journalists-e-mail-accounts-targeted-in-myanmar.html?\\_r=3&](http://www.nytimes.com/2013/02/11/world/asia/journalists-e-mail-accounts-targeted-in-myanmar.html?_r=3&); Shawn Crispin, "As Censorship Wanes, Cyberattacks Rise in Burma," *CPJ Internet Channel*, February 11, 2013, <http://www.cpj.org/internet/2013/02/as-censorship-wanes-cyberattacks-rise-in-burma.php>.

<sup>82</sup> The Associated Press, "Myanmar Denies Hacking Journalist Email Accounts," February 11, 2013, <http://bigstory.ap.org/article/myanmar-denies-hacking-journalist-email-accounts>.

<sup>83</sup> IT experts and journalists interviewed in 2012 and 2013 noted that those who previously received ICT trainings in Russia and other countries could still be playing a role in launching cyberattacks against opposition websites and journalists.