

# MYANMAR FREEDOM OF EXPRESSION SCORECARD

6 August 2020





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## ASSESSING THE PROGRESS OF THE STATE IN THE KEY AREAS NEEDED TO STRENGTHEN FREE EXPRESSION

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### Executive summary

**"There are many challenges at the grassroots level. The law is not comprehensive and does not protect everyone equally. When we need our freedom of expression to be protected, the law is slow and unpredictable, but when the State is angry, the results are quick and harsh."**

*- Scorecard participant*

Freedom of expression remains under threat in Myanmar as the country looks to its next general election. The 2020 Freedom of Expression Scorecard is based on a survey of 13 expert civil society organisations and is a symbol of collective civil society opinion of the past year. The results show that every aspect of freedom of expression has regressed over the past year from an already low set of scores since the Scorecard was launched in 2016.

The table (below) presents the 2020 scores which show slight regression across all aspects of freedom of expression in Myanmar. The total average score for 2020 is 0.63 out of 2. This score is based on 0 being "regression", 1 being "no change", and 2 being "progression".

Aspect	Average score	Description
Laws and Regulation	0.72 / 2	Slight regression
Media Independence and Freedom	0.63 / 2	Slight regression
Digital Freedom	0.56 / 2	Slight regression
Freedom of Assembly, Speech, and Opinion	0.58 / 2	Slight regression
Right to Information	0.69 / 2	Slight regression
Safety and Security	0.59 / 2	Slight regression
<b>Total average</b>	<b>0.63/2</b>	<b>Slight regression</b>

Laws adopted over the past year have continued to undermine freedom of expression and access to information in particular. At the same time, laws that are critical to the democratic transition, notably that would enable private and community broadcasting, remain in limbo, severely restricting the diversity of information available to the public.

After years of civil society advocacy raising concerns about anti-democratic provisions in the Telecommunications Law, the government has started using those provisions to suppress expression and information. Prime examples of that over the past year include the government shutting down mobile data access to more than a million people and blocking websites that include well-known ethnic media outlets. In each case, the provisions were used opaquely and justified on vague national security grounds.

The overall number of criminal cases brought against journalists, human rights defenders, and activists may have slightly decreased in number and been accompanied by limited pardons-for example those given to the Reuters journalists in May 2019-but the range of laws being used and abused has widened, increasing pressure on those wishing to speak out.

Despite some disclosure of information relating to COVID-19, Myanmar still has no right to information law and no clear commitment or plan as to when it will have one. At the same time, the government has continued to use State (owned by the government/military) media to misinform or under-inform the public, particularly on topics that the State views as "sensitive".

Journalists, activists, and human rights defenders remain at significant risk of physical, psychological, and digital attacks. Violence against non-violent protesters is rife. Impunity for attacks is widespread and safeguards are at best weak.

The 2020 Scorecard uses an updated methodology and the scores are calculated differently from previous years. Therefore, the 2020 Scorecard scores should not be compared to those in the 2019 Scorecard.

## **Recommendations**

### **Government**

- Implement the Broadcasting Law.
- End the internet shutdown. Ensure that all website blocking orders are carried out transparently, according to international standards, and enable an effective right of appeal.
- Remove all barriers to media, international media, and civil society access to conflict areas.
- Adopt policies that are conducive to: media freedom, independence, and viability; artistic expression; proactive disclosure; digital and media literacy; and tolerance for minorities.
- Close down, sell, or turn State media into public service media. Ensure that the government has no role in choosing members of the Press Council or a future Broadcast Council.
- Ratify the ICCPR and other international human rights treaties.

### **Government and military**

- Dissuade officials, including elected ones, from using criminal laws in response to criticism, and to require them to send a formal complaint first to the Press Council whenever a journalist is involved.

### **Legislature**

- Adopt bills that conform to international standards and best practices, following substantive, planned, transparent, and open consultations with civil society.
- Adopt laws on right to information, whistleblowers, data protection, lawful interception, and privacy, ensuring that they override other conflicting laws.
- Amend the Citizens' Privacy and Security Protection Law, Counter-Terrorism Law,

National Human Rights Commission Law, News Media Law, Peaceful Assembly and Peaceful Procession Law, Penal Code, Printing and Publishing Law, Telecommunications Law, and Unlawful Associations Law, to bring them into line with international standards.

### **Judiciary**

- Utilize the constitutional protections for freedom of expression and apply them in all cases, setting precedents to limit the application of anti-democratic laws.
- Provide bail in all freedom of expression-related cases.
- Train judges in human rights and freedom of expression.

### **Police**

- Adopt policies that protect the right to protest, and investigate and either discipline or prosecute police who have misused their authority.
- Conduct impartial, prompt, thorough, independent, and effective investigations with the aim of prosecuting perpetrators of crimes against free expression, including those who command, conspire to commit, aid and abet, or cover up such crimes.

### **Political parties**

- Make concrete and significant manifesto commitments to protect media freedom.

### **Media and Press Council**

- Ensure journalists and other media workers are properly trained and equipped to deal with security and safety concerns.
- Support media viability, particularly during the COVID-19 crisis.

## **Introduction**

The Freedom of Expression Scorecard (hereafter "Scorecard") is an assessment of the progress of the State in key areas needed to strengthen freedom of expression over the past year. The State has a responsibility to respect, protect, and fulfil the right to freedom of expression, which is a cornerstone right fundamental to enabling democracy. The Scorecard is intended to provide a Myanmar-led expert opinion tracking progression or regression by the State during Myanmar's democratic transition. It is intended to measure positive or negative change year to year, rather than scoring overall conditions or the environment.

## **Background**

This is the fifth consecutive year that the Scorecard has been produced and published. The pilot Scorecard was published in November 2016 and was supported by six organisations. In 2017, 14 organisations participated, 19 organisations in 2018, and 17 organisations took part in 2019. The development and production of the Scorecard is supported by PEN America with funding from the US Department of State, Bureau of Democracy, Human Rights, and Labor (US DRL). PEN America and US DRL are not involved in assessing State progress or generating the scores.

## **Methodology**

The Scorecard comprises six aspects of freedom of expression, each of which includes five indicators, for a total of 30 indicators altogether. The six aspects and 30 indicators were chosen by PEN Myanmar according to its holistic understanding of the elements of freedom of expression, and are consistent with past Scorecards.

The Scorecard scores and narrative included in this report were generated during an in-depth virtual

discussion among representatives of partner organisations, facilitated by PEN Myanmar, on 1 June 2020. The discussion was structured around the aspects and indicators.

PEN Myanmar selected participating partner organisations on the basis of their experience and work in the field of freedom of expression, and these include human rights, media, and lawyers' organisations. In 2020, 13 organisations participated in the discussion (see Annex for a full list of participants). In previous years, the Scorecard was published to mark World Press Freedom Day on 3 May, but this year the discussion was delayed due to COVID-19.

During the virtual discussion, expert partners gave short presentations updating the participants on developments over the past year relating to each aspect of freedom of expression, after which followed a short discussion. The scoring, content, and quotations included within this report represent diverse views expressed during the Scorecard meeting and are not necessarily held by each partner.

Each participating partner organisation provided a single score for each of the 30 indicators. Scores were then averaged and the overall Scorecard score generated. Scores were given on the following basis:

- **0 = Regression (over the past year)**
- **0.5 = Slight regression**
- **1 = No change**
- **1.5 = Nascent progression and/or a stated commitment to change**
- **2 = Notable progression**

In 2020, the methodology was adjusted to enable participants to give more nuanced scores.

The average scores have been colour-coded as follows: Red for 0-0.50 (Regression), Yellow for 0.51-1.00 (Slight regression), Green for 1.01-1.50 (Nascent progression), and Blue for 1.51-2.00 (Notable progression).

### **Limitations**

The Scorecard is based on the analysis of chosen partner organisations. It is a statement of experience and opinion from those who work to defend and promote freedom of expression. It is comparative and qualitative, rather than a factual or quantitative study.

Each partner organisation has different experiences and areas of expertise; some may be more or less informed on a particular aspect. However, all partners' scores are amalgamated in order to generate a shared average which will in collective effect exclude (or balance-out) both comparatively positive and comparatively negative opinions, to reach a more generalisable total.

The Scorecard does not yet include aspects of freedom of expression relating to self-censorship, or diversity and pluralism of expression.

### **Aspect 1 of 6: Laws and regulations**

Laws and regulations are a critical component for protecting freedom of expression. Good laws ensure that people can express themselves without fear. Bad laws enable bad actors to repress, suppress, and punish people simply for trying to participate in the democratic transition.

#### **Indicators addressed in the review**

Title	Description	2020 score
<b>International standards</b>	Over the past year has the State made any legal reform efforts to ensure Myanmar's laws meet international standards?	<b>0.60</b>

<b>New and/or amended laws/bylaws</b>	Over the past year have any new laws or bylaws been passed and, if so, do they foster or repress free expression? Have any existing laws or bylaws been reviewed, amended or repealed and, if so, do the actions support or suppress free expression?	<b>0.85</b>
<b>Public consultation</b>	Over the past year has there been public consultation on laws relating to free expression? If so, has there been adequate time for feedback from stakeholders and the public, and have consultations been publicly advertised?	<b>0.75</b>
<b>Implementation of laws</b>	Over the past year has the implementation of laws and regulations (including informal regulations that are not written down) hampered free expression on the national and/or state/region levels?	<b>0.70</b>
<b>Public awareness/ education</b>	Over the past year has the State ensured that stakeholders and the public are aware of new laws and understand them?	<b>0.70</b>
<b>Total average = 0.72 = "Slight regression"</b>		

**Discussion highlights**

**"Despite promises, there have still been no positive legal reforms."**

*- Scorecard participant*

Over the past year, two new laws have been adopted: the Records and Archives Law and the Copyright Law. The Records and Archives Law limits access to government-held information and includes a more repressive secrecy regime which both hides information arbitrarily and provides for criminal sanctions for those who may publish information.

The government has also published the Hate Speech Directive. The Directive conceals a vague and easily-abused definition of "hate speech", and places vague obligations on officials to act, which could be used to attack freedom of expression.

**"The government and parliament always deny us the opportunity to consult."**

*- Scorecard participant*

Several bills-some supported by civil society and others opposed-have not yet proceeded and remain in cabinet or parliamentary limbo. These include the protest law amendment bill (limbo), right to information bill (limbo), hate speech bill (limbo) and the news media law amendment bill (limbo). The Broadcasting Law, which was adopted under the previous quasi-civilian Union Solidarity and Development Party government,

remains unimplemented with its bylaws in limbo. The government provides no information on the status or timeline of these bills, and there have been limited or no consultations.

**"Every reform is superficial."**

- *Scorecard participant*

Older repressive laws have also started being used by the government. The internet shutdown in Rakhine and Chin States started in June 2019 and falls under the Telecommunications Law. In February 2020, the government also started ordering the blocking of websites, including news media websites and websites run by activists such as those raising awareness of violations of ethnic minority rights.

Concerns were also raised by participants that even those few laws which may partially protect elements of freedom of expression are still not applied consistently for everyone across the country. Furthermore, laws criminalising expression are more likely to be used against minorities.

## **Aspect 2 of 6: Media independence and freedom**

A free and independent media is critical in holding the State and other actors accountable. "Free" includes the ability to speak truth to power without facing any negative consequences and in doing watchdog and investigative journalism. "Independent" includes the distance separating the media from the influence of the State or other powerful actors.

### **Indicators addressed in the review**

<b>Title</b>	<b>Description</b>	<b>2020 score</b>
<b>Legal actions</b>	Over the past year have there been new legal actions brought against media, or on-going actions, are they unjust, and do they suppress media freedom?	<b>0.60</b>
<b>Press Council</b>	Over the past year has the Press Council effectively represented/supported the sector, and was the 2018 election of members fair and transparent?	<b>1.20</b>
<b>State media</b>	Over the past year has the State made efforts to curtail the power and privileges of State (government & military) media, including efforts to close State media?	<b>0.35</b>
<b>Private media</b>	Over the past year has the State made concrete efforts to create an improved enabling environment for private, independent media? Did private media have reasonable and/or improved access to financing, public advertising, distribution networks, printing houses, subsidies, tax benefits, etc?	<b>0.20</b>
<b>Special media licensing</b>	Over the past year have media still been subject to special licensing/registration? Have diverse media been able to operate despite the licensing regime.	<b>0.80</b>
<b>Total average = 0.63 = "Slight regression"</b>		



## Discussion highlights

**"Media survival has become harder and COVID-19 has made everything worse."**

*- Scorecard participant*

Journalists are still being criminalised for legitimate journalism, and journalists believe that the threat to media freedom has increased over the past year. Many journalists have faced legal actions under the Penal Code and other laws, actions brought by both the government and the military. The use of legal actions has evolved as perpetrators have shifted from using one criminal law to another, depending on which is more likely to secure a larger sentence for the journalist.

Presenters gave the April 2020 example of a chief editor who was charged under the Counter-Terrorism Law for publishing an interview with the spokesperson of an ethnic armed group, which the government had designated "terrorist" the week before. Although the charges were later dropped following public pressure, the threat of 10-years imprisonment serves as a clear threat to media freedom.

There was disagreement among participants regarding the performance of the Myanmar Press Council. The Council continues to receive a similar number of cases and negotiate some complaints received, but has reported decreasing engagement from the military. In 2019, the Council also started publishing lists of unethical Facebook pages purporting to be the media but only re-publishing content taken from other media outlets without copyright clearance.

**"Though the government is responsible for creating a conducive environment for the media, in practice we see nothing."**

*- Scorecard participant*

It has become more difficult for the private media to survive. Several media outlets have closed down over the past year. The effect of COVID-19 has increased media outlets' difficulty remaining afloat. Presenters stated that the government should not directly intervene as that would affect media independence, but at the same time the government has done nothing to ensure that the media can flourish. This includes the government failing to diversify government advertising which could be distributed equally to support media viability.

The media has recently seen increasing interest from politicians and political parties who realise the importance of the media in securing positive coverage in the countdown to the elections. Parties in particular are attempting to manipulate the media under the guise of "partnerships", which media need to avoid in order to remain independent. Media independence has also been challenged by the growth of media outlets sponsored by businesses and influencers.

**"There has been absolutely no attempt to shut down or sell off the State media."**

*- Scorecard participant*

The State media—a type of media antithetical to democratisation—has been retained by the government without any commitment to reform. The Broadcasting Law, which would enable new private and community channels, remains un-implemented. As a result, the broadcasting sector remains tightly controlled by the State without diversity or plurality, including those few channels gifted with vulnerable temporary licenses.

Special licences are still required for media, a practice frowned upon as undemocratic under interna-

tional law. Presenters explained that some applicants have now been waiting more than a year to get a licence to publish their media.

### Aspect 3 of 6: Digital freedom

Digital freedom has many components, one of which is freedom of expression. The digital environment offers new opportunities for people to freely express themselves and to access diverse sources of information. Unfortunately, the digital environment also includes both old and new threats to freedom of expression.

#### Indicators addressed in the review

Title	Description	2020 score
<b>Policies</b>	Over the past year have State policies supported and improved digital freedom, including data privacy, data protection, and access (internet penetration, price, SIM card registration, etc)?	<b>0.60</b>
<b>Online expression</b>	Over the past year have writers, bloggers, and individuals been able to actively engage and post online?	<b>0.70</b>
<b>Legal actions</b>	Over the past year have there been legal actions brought against individuals for their online expression, for example under Section 66(d) or other statutes?	<b>0.55</b>
<b>Privacy/surveillance</b>	Over the past year has the State worked to protect online privacy and/or conducted online surveillance monitoring? Has there been any action taken with regards to the cyber-crime draft law, specifically with regards to ensuring it does not hamper free expression online?	<b>0.45</b>
<b>Hate/ dangerous speech</b>	Over the past year has the State worked to effectively counter and fight hate/dangerous speech, misinformation, and disinformation?	<b>0.50</b>
<b>Total average = 0.56 = "Slight regression"</b>		

#### Discussion highlights

**"We had the internet shutdown and now the website blocking so we give a score of zero."**  
*- Scorecard participant*

In June 2019, the government applied the previously unused Telecommunications Law provision to stop all mobile data access across parts of Rakhine and Chin States. The government directive was never published and remains opaque. One official has since told a journalist that it was ordered to protect national security, in particular to prevent ethnic armed groups from mobilising.

The internet shutdown area remains in place after a year, although it has partially changed location over time. It has affected more than a million people and is now the longest internet shutdown in the world. Despite the deep and widespread negative impact on the populations of the affected areas, the shutdown has had no apparent effect on the conflict which continues unabated and perhaps worsened. Public campaigns to restore access have fallen on deaf ears.

In February 2020, the government started ordering the blocking of websites using an unused provision in the Telecommunications Law. Since the initial order, several others have been adopted. Again, the government did not publish their orders and the public were forced to rely on the telecoms operators to share information about the blocking.

The list of blocked websites is not public. However, computer testing has shown that the blocking includes a large number of child abuse websites and websites hosting violent information. Unfortunately, however, it also includes legitimate websites including news media websites and websites run by activists who are raising awareness of violations of ethnic minority rights. Several of the websites blocked are news websites run by ethnic media based in ethnic areas that have recent histories of conflict with the central State.

**"They can use these laws to abuse freedom of expression online at any time."**

*- Scorecard participant*

The government has also increased its attempts to track SIM card ownership. The requirement to register citizenship details with telecoms operators has come into force. Some telecoms operators are requiring information from subscribers which are not required by the legal framework. Those who do not register, or who register too many SIM cards, will be de-registered and the SIM cards de-activated. At the same time, there is still no data protection law to protect the privacy of the information being collected.

**"There are a lot of mis-informed rumours spreading online about COVID-19."**

*- Scorecard participant*

"Hate speech", misinformation, disinformation, and propaganda remain a problem online in Myanmar, including more recently in relation to COVID-19. Participants stated that when they see problematic content spreading online they feel there is nothing that they can do, and are not satisfied by social media platforms' responses.

#### **Aspect 4 of 6: Freedom of assembly, speech, and opinion**

People require both freedom of assembly and freedom of expression in order to protest. Therefore, freedom of assembly is closely related to expression. Freedom to hold opinions-regardless of whether other people find those opinions distasteful-is critical to freedom of expression and is an absolute right which no State may limit in any way whatsoever.

#### **Indicators addressed in the review**

Title	Description	2020 score
<b>International standards</b>	Over the past year has the government worked to ensure Myanmar laws and regulations regulating freedom of assembly, speech, and opinion meet international standards?	<b>0.75</b>

<b>Freedom of assembly, speech, and opinion</b>	Over the past year have civil society actors, writers, journalists and individuals been able to express their opinions freely, rally, protest, and engage in creative expression?	<b>0.50</b>
<b>Legal actions</b>	Over the past year have there been new and/or ongoing legal actions that foster or suppress freedom of assembly, speech, and opinion?	<b>0.50</b>
<b>Permission</b>	Over the past year has it been possible to obtain permission to assemble and/or protest in a reasonable manner and time, without discrimination?	<b>0.65</b>
<b>Law enforcement</b>	Over the past year have law enforcement officers, local authorities, and others in charge been aware of, and respected, individuals' rights to freedom of assembly, speech, and opinion, and have they conducted themselves professionally and fairly when doing their jobs (including with regards to riot regulations)?	<b>0.50</b>
<b>Total average = 0.58 = "Slight regression"</b>		

## Discussion highlights

**"The disappearance of a bad law, such as the protest law amendment bill, is a good sign."**

- *Scorecard participant*

Although the overall number of criminal cases brought against protesters has decreased over the past year, there are still a high number of cases that violate the right to freedom of assembly.

The government has multiple protest laws to choose from and chooses the law that will best suit its needs. In one case, a protester faced 15 years in prison for their non-violent protest. A significant issue is that the legal framework is not clear and the vagueness opens it up to abuse. The government has brought in new directives under COVID-19 which limit public gatherings to five people or fewer, but the vagueness and lack of transparency means that it is unclear when the directive will end, if at all.

The protest law amendment bill brought to parliament by NLD Committee members has remained in limbo and has not yet been brought forward for further discussion or adoption. This is positive because the bill was regressive. However, it is unclear whether the bill can return to parliament or whether it has been completely dropped. The legal framework does need urgent reform. For example, spontaneous protests, which should be protected in a democracy, remain effectively illegal.

**"We want to give notification to protest as per the law, but the police still expect us to ask for permission."**

- *Scorecard participant*

In regard to the right to freedom of opinion, the State media and other sources have continued to manipulate public opinion via propaganda which at times contains both false and misleading information. For example, State media reporting on the International Court of Justice process has clearly misled the public by shaping a false narrative which says that the case is brought against the Myanmar public, rather than against government and military leadership.

### Aspect 5 of 6: Right to information

The right to information is an important element of any democracy because it enables people to understand what the State is doing. It is particularly important in addressing corruption and ensuring people can participate in their own development. Fulfilling the right to information requires more than adopting a law, such as creating new attitudes between the State and the people.

#### Indicators addressed in the review

Title	Description	2020 score
<b>RTI Law</b>	Over the past year has there been progress with regards to ensuring Myanmar's draft RTI law is in line with international standards, including a provision that the law overrides all other laws, including the Official Secrets Act? Has the law been implemented?	<b>0.75</b>
<b>Other laws</b>	Over the past year have other laws and regulations hampered right to information and access?	<b>0.55</b>
<b>Access</b>	Over the past year have civil society actors, journalists, writers, and the public been able to access the information they need for their own lives, and to hold authorities accountable? Has there been improvement or regression to this regard?	<b>0.75</b>
<b>Information handling</b>	Over the past year has the government worked to ensure a reasonable standard on information handling? Over the past year has there been proactive disclosure?	<b>0.85</b>
<b>Whistleblowers</b>	Over the past year has the government worked to develop protections for whistleblowers?	<b>0.55</b>
<b>Total average = 0.69 = "Slight regression"</b>		

#### Discussion highlights

**"The right to information law is nowhere."**

*- Scorecard participant*

There have been a number of meetings and workshops with different State stakeholders relating to the right to information bill, but there has been no notable progress to date. The government has shared very little information about the status of the bill or whether the government plans to adopt a law. The only positive change witnessed in these meetings is that the military appears to be less hostile vis-a-vis adopting a right to information regime. MPs have raised concerns in parliament about the government's progress to date.

Other laws remain problematic and limit any public access to information. The newly adopted Records and Archives Law limits access to government-held information, and includes a more repressive secrecy regime which both hides information arbitrarily and provides for criminal sanctions for those who may publish information. The Official Secrets Act remains.

The internet shutdown and the more recent website blocking are all intended to drastically undermine the public's right to information. People within the shutdown areas are unable to access any information online. The Myanmar public are similarly unable to access information about what is happening in Rakhine.

The Ministry of Health and Sports, and the Ministry of Foreign Affairs appear to have increased some form of disclosure relating to COVID-19, although the disclosure has been relatively shallow and relates mostly to cases rather than to the breadth of the government's response. The government has been disclosing COVID-19 information in press briefings and providing it in several languages, which are both relatively unusual practices in Myanmar until now. The military has also conducted a comparatively larger number of press conferences. Some of the information disclosed by the government has been biased, for example in relation to the conflict with the Arakan Army in Rakhine State. Much of the information published by the government about the International Court of Justice has been biased in favour of the government and military.

**"It is very hard to get specific information on demand from the State. Requests must go to very senior officials and any information, if released, is vague."**

*- Scorecard participant*

Whistleblowers remain at threat for disclosing information that the government regards as "sensitive". This was clearly seen during the very public "Victoria" case in which a child was subject to sexual abuse and the State reacted by suppressing information and whistleblowers. The government's COVID-19 law also includes provisions to punish health workers who disclose information.

### **Aspect 6 of 6: Safety and security**

Safety and security are important elements to freedom of expression because without safeguards people are fearful and likely to self-censor. Self-censorship leads to closed and fearful societies in which perpetrators of crimes act without consequence, creating a vicious cycle of impunity.

#### **Indicators addressed in the review**

Title	Description	2020 score
Safety	Over the past year have civil society actors, journalists, writers, documentary-makers, and other individuals been able to engage in free and creative expression, including journalism and investigations on sensitive topics, safely and securely?	0.60

<b>Attacks/ harassment</b>	Over the past year have there been physical attacks and/or verbal/written/ physical harassment, including with regards to fixers and individuals who help ensure the safety and security of free expression advocates and journalists at their own risk?	<b>0.60</b>
<b>Judiciary</b>	Over the past year have free expression advocates, journalists, CSOs, and individuals had access to fair and independent trials and/or an independent judiciary?	<b>0.75</b>
<b>Impunity</b>	Over the past year has there been continued impunity for past cases linked to free expression and journalism, or has there been a robust investigation and prosecution of crimes?	<b>0.60</b>
<b>Conflict zones</b>	Over the past year have journalists, CSOs, and others had reasonable and timely access to conflict zones, and have authorities endeavoured to ensure their safety while in conflict zones?	<b>0.40</b>
<b>Total average = 0.59 = "Slight regression"</b>		

### Discussion highlights

**"There remains huge questions about the independence of the judiciary and their fair trial standards."**

*- Scorecard participant*

Journalists, activists, and human rights defenders face a range of criminal sanctions for doing journalism. They also face a general lack of security and a high number of physical attacks for their work. CSOs and investigative journalists in particular report insecurity and safety concerns. Extra judicial killings have occurred in Rakhine State and northern Shan State. In conflict areas, threats and attacks can come from both the State military and ethnic armed groups.

There are few investigations into attacks on journalists, activists, and human rights defenders. Investigations have failed to result in adequate prosecutions. This can be due to corruption among the police and administration, a lack of political will, and a lack of judicial independence. As a result, impunity remains rife.

### **Annex 1 - List of participating organisations**

- Athan
- Assistance Association for Political Prisoners (AAPP)
- Burma News International (BNI)



- Equality Myanmar
- Human Rights Defenders Forum (HRDF)
- Independent Lawyers Association Myanmar (ILAM)
- Myanmar Cartoon Association
- Myanmar ICT for Development (MIDO)
- Myanmar Journalists' Institute (MJI)
- Myanmar Journalists' Network (MJN)
- Myanmar Performance Rights Organization (MPRO)
- PEN Myanmar
- Pyi Gyi Khin (PGK)



