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INTERNATIONAL
MEDIA SUPPORT



Assessment of Media Development in

MYANMAR

*Based on UNESCO's
Media Development
Indicators*



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Assessment period: From May 2014 to April 2016

Executive summary

President Thein Sein's quasi-civilian government came to power in 2011, marking an end to decades of direct military rule. Since that time, Myanmar has experienced significant reforms across political, economic and social spheres. The once pariah state has made substantive steps in a transition towards a liberal, capitalist democracy. This has included the release of thousands of political prisoners, the removal of prior censorship in print media, and the signing of the 'National Ceasefire Agreement' NCA with approximately half of the major ethnic armed groups (EAG). Relatedly, the international community has eased or removed economic sanctions, paving the way for Myanmar's greater integration with the global economy. On 8 November 2015, Myanmar held its first openly contested national election in 25 years. The former opposition party, the National League for Democracy (NLD) won in a landslide victory and now holds an absolute majority in both upper and lower houses of the Hluttaw (Myanmar's Parliament). On 15 March 2016, the NLD dominated-Hluttaw elected Htin Kyaw as Myanmar's first civilian president in 53 years.¹

Myanmar stands at a crossroads of great historic importance. The installation of a democratically-elected government has shifted the political paradigm in a positive direction. However, the new government has inherited a country in transition where old wounds from bygone military regimes remain and new growing pains are emerging. The military still holds significant influence over the government and both government and military interests are closely tied to unsustainable and non-transparent forms of natural resource extraction. Despite peace negotiations, conflict continues in much of the country and deeply embedded grievances remain between numerous minority ethnic groups and the Bamar ethnic majority. Furthermore, mounting tensions between Muslims and Buddhists groups have led to riots in several major cities and the displacement of hundreds of thousands of people. Muslims continue to face systematic and growing discrimination.

In the midst of such change, it is crucial that the Myanmar government promote a vibrant and pluralistic media to effectively contribute to and benefit from good governance and democratic development. Access to timely, unbiased and accurate information is needed so that Myanmar citizens can play an active role in steering the government's reform agenda. To this end, the following document provides an assessment of the overall media environment in Myanmar

1 Holmes, O. (15 March 2016). Myanmar parliament elects Htin Kyaw as first civilian president in 53 years. The Guardian. Retrieved from: <http://www.theguardian.com/world/2016/mar/15/myanmar-parliament-elects-htin-kyaw-as-first-civilian-president-in-53-years>

using UNESCO's Media Development Indicators (MDIs). It is hoped that this assessment will help to inform the new government and other stakeholders of the present state of the country's media sector and what must be done to support and continue its healthy development. The MDIs are divided into five thematic categories, which constitute the five chapters of this Assessment. Below are the Executive Summaries for all five chapters followed by a set of key recommendations.

Category 1: A system of regulation conducive to freedom of expression, pluralism and diversity of the media

The Government of Myanmar discontinued the practice of prior censorship in August 2012, marking a watershed moment for print media in the country. This change was institutionalized with the dissolution of the Press Scrutiny Board in January of the following year and the passage of the Printing and Publishing Enterprise Law (PPEL) in 2014, which formally abolished prior censorship. These progressive steps are part of a larger media legal reform process that continues to unfold and bodes well for media plurality and freedom of expression.

Licensing is no longer required for print media under the PPEL. Although print media must still register with the Ministry of Information (MOI), the process has proven to be non-restrictive so far. In addition, the News Media Law of 2014 promotes higher quality standards in the media by establishing a system of self-regulation. The law stipulates the creation of an independent regulatory body and the adoption of a media code of conduct. To this end a code of conduct was adopted in May 2014², and a Myanmar News Media Council was established in October 2015. Similarly, the Broadcasting Law, adopted in August 2015, provides for the creation of a National Broadcasting Council, which will be tasked with licensing broadcasters and adopting a Broadcasting Code of Conduct.

Reforms in media law have occurred in tandem with Myanmar's continuing political transition towards a civilian-led, democratic state. In the midst of such change, the media, civil society and the population at large are becoming more vocal about sensitive political and social issues. Citizens are beginning to express their views and opinions publicly despite continued uncertainty regarding how far their rights extend.

Although media laws have undergone positive reforms, Myanmar's wider legal framework is outdated and has not kept pace with the rapid political and social changes occurring in the country. Freedom of expression is not adequately safeguarded in the constitution or domestic law. Furthermore, Myanmar has neither signed nor ratified many of the international treaties that pertain to freedom of expression such as the International Covenant on Civil and Political Rights

2 The code of conduct was formally adopted by the Interim Myanmar Press Council. This semi-independent council was the precursor to the Myanmar News Media Council (MNMC).

(ICCPR). In addition, a Right to Information (RTI) Law does not exist and access to government information remains limited.

The selective use of antiquated laws, which restrict freedom of expression has been a means of silencing both the media and civil society on sensitive issues. Many of these laws are contained in the colonial-era Penal Code and pertain to acts such as defamation, public mischief, sedition, and blasphemy. Others are the vestiges of previous military regimes and generally invoked under the pretext of national security. New legislation such as the Peaceful Assembly and Peaceful Processions Law has also commonly been used to restrict protests. Legal restrictions to freedom of expression do have a place in a democratic state. However, they must be narrowly defined and penalties must be proportionate to offences. In Myanmar, laws which place restrictions on freedom of expression tend to be vaguely worded and provide for harsh criminal penalties.

The removal of prior censorship did away with a measure of certainty about what could or could not be printed in the media. The duty of deciding what to print now falls squarely on the shoulders of editors in a media environment where the lines of socially acceptable discourse are in constant flux. The juxtaposition of progressive media reform alongside stringent restrictions on freedom of expression has created an environment of uncertainty. The media and the population in general continue to explore the extent of their newfound freedoms, while remaining vulnerable to the arbitrary use of outdated laws and harsh prison sentences.

Category 2: Plurality and diversity of media; a level economic playing field and transparency of ownership

The historically high degree of state involvement in the media industry in Myanmar and the promotion of state-owned media have led to a high level of ownership concentration, particularly in broadcasting. All domestic TV and radio broadcasters are either fully state-owned enterprises or joint-ventures between the state and private companies.³ Each joint-venture broadcaster was formed according to its specific contract with the Ministry of Information. The contracting of joint-venture broadcasters was not conducted in a transparent manner and businesses that were chosen for these joint-ventures tend to have close ties with the government or the military. Under this system there are no requirements for broadcasters to disclose their ownership structure or revenue sources to the public.

Reforms in media law hold promise for a more pluralistic and diverse media environment over the long-term. In August 2015 a Broadcasting Law was enacted, which will allow for

3 There are also a variety of foreign news agencies, which broadcast in Myanmar via short-wave radio. These include BBC Burmese Service, Voice of America, and Radio Free Asia. These broadcasters have not been included in this analysis because they are not officially recognized broadcasters in Myanmar. However, they do represent a source of news in the country.

the licensing of private, public and community broadcasters in addition to the existing state broadcasters, which are still recognized as legitimate under the law. Licensing is to be managed by a civilian council, which is required by the law to consider media plurality and diversity in the allocation of licences. The Law also contains provisions which will retroactively address ownership concentration once regulatory bodies have formed.

The passing of the Printing and Publishing Enterprise Law (PPEL) in March of 2014 holds promise for a more diverse print media environment. The law formally abolished the act of prior censorship and replaced the licensing of print media with a registration process. The removal of prior censorship made it possible for daily newspapers to be produced. This led to the immediate proliferation of daily newspapers and increased media plurality.

Although the PPEL removed many of the legal barriers preventing a pluralistic media, the existence of state-owned print media creates an uneven economic playing field and indirectly promotes media concentration. Many of the daily newspapers that were launched in 2014 have already gone out of business. *Myanma Alinn* and *The Mirror* are the country's two largest state-owned print media houses. They far surpass any of their competitors in terms of circulation and enjoy a number of competitive advantages such as a relatively wide distribution network and a government subsidized operating budget. No guidelines for the placement of government advertising currently exist. In practice, nearly all of the government's advertisements are placed in state-owned print media. Private companies also prefer to advertise in the state-owned print media because of its superior circulation. This represents a forgone source of income to private print media and further entrenches the dominant market position of state media.

Category 3: Media as a platform for democratic discourse

As a fourth pillar of the state, the media can play an important role in promoting democratic discourse and improving government transparency by imparting the knowledge necessary for individuals to be informed, engaged citizens. However, this scenario is dependent upon a number of underlying assumptions.

First, the media needs to provide for the information needs of all segments of society. This entails a diverse range of public, private and community media outlets which impart information through a variety of mediums and languages. Although the reach of print media remains limited, the state-owned broadcaster, MRTV, has launched both TV and radio stations that air news in all major ethnic languages. This means that the large majority of citizens have access to state-produced news in a language they can understand. MRTV is also transitioning to a public service broadcaster. The legal aspects of this transition have been put on hold with the withdrawal of the Public Service Media bill, but MRTV has still undertaken some reforms to this end such as providing more news content in a variety of ethnic languages, expanding network coverage and a greater focus on staff training and news quality. However, the diverse

information needs of a society cannot adequately be met by any singular monolithic provider, especially one still under state control.

Joint-venture broadcasters are capable of providing news to a large portion of the population, but they tend to focus on entertainment programming rather than news and information. The news they do provide has traditionally been sourced from MRTV. While this is often still the case, broadcasters are beginning to source more news from independent media outlets and produce some of their own content. Despite these positive developments, a greater plurality of broadcasters and content producers is needed for broadcast media. This would require the long-term promotion of a competitive media environment with a judicious mix of private, public and community broadcasters that are free from commercial and political interference.

Providing for the information needs of all segments of society also means that all such segments take part in covering the news, so that their viewpoints are heard. The absence of ethnic and gender mainstreaming initiatives within the media industry allows for biases to persist in employment practices. Apart from ethnic media outlets, ethnic minorities tend to be under-represented in mainstream media. Although women are well-represented in the media in terms of staffing, a disproportionately small number make it to senior positions. Those that do are often confined to covering 'soft subjects' such as beauty, health, development, entertainment, and popular news.

Second, an independent regulatory system must exist to establish industry standards, process grievances, and promote truthful and unbiased reporting. To this end, the Interim Myanmar Press Council (I) MPC was established in 2012. The council drafted and adopted a Code of Conduct (COC) in 2014 and served as an industry wide grievance mechanism for violations of the News Media Law and COC. In October 2015, the Myanmar News Media Council (MNMC) was elected and replaced the (I) MPC as the regulatory body and grievance mechanism for the media industry. Similarly, the Broadcasting Law calls for the formation of a broadcasting council and a broadcasting authority to regulate the broadcasting sector. The Council will consist of civilian members and will be responsible for granting broadcasting licences and drafting a broadcasting code of conduct. These positive developments can be seen as essential building blocks for effective self-regulation, but for the time being they cannot adequately ensure quality, unbiased reporting.

Third, the media must be a credible source of information that is perceived as trustworthy by the population. In Myanmar, the public generally perceives state media as factually accurate yet editorially biased. Content tends to showcase government activities and events in a positive light, while politically sensitive subjects such as land grabbing, the drug trade, and corruption are seldom covered. Strong contrasting biases exist within private media. Some private print media have been known to promote the political or economic interests of those close to or within government. Conversely, some others publish sensationalist content with a strong anti-government slant, favouring higher profits over factual accuracy.

Fourth, one cannot expect the media to be fair and impartial if journalists and media staff operate in an unsafe environment where they are subject to threats and harassment. Despite the current reform process and the progressive steps that the government has taken to promote a free media, the police force, the military, and the special police force known as Special Branch (SB) have continued to monitor, harass and on occasion physically attack media personnel. The safety of media staff varies geographically. Incidences of maltreatment and harassment were more widely cited by media staff interviewed in conflict areas such as Kachin State and Northern Shan State. Despite the hostile environment in which many journalists operate, many are afforded little or no protection by their employers due in part to financial constraints.

Category 4: Professional capacity building and supporting institutions that underpin freedom of expression, pluralism and diversity

The recent proliferation of new media publishers in Myanmar has exacerbated an existing skills deficit within the industry. Many young and eager journalists have swelled the ranks of both old and newly established media houses. The Myanmar Journalism Institute (MJI) estimates a total of 4,000 journalists in Myanmar, many of which are not veteran news professionals.⁴ More media training institutes have appeared in the last few years, but still fall short of meeting training needs. Many institutes are small and informal in nature, while a handful of larger institutes also exist.

Findings from a Training Needs Assessment⁵ survey indicate that basic journalism courses and courses for basic spoken English are the most pressing training need. In addition, media managers have cited a need for more training in broadcast and online journalism. They attribute this need to the fact that much of the population receives its information from TV and radio broadcasting and, increasingly, the Internet. Media managers also cited a need for media managers' training, particularly for small, remotely-based ethnic print media. There is also a need for more conflict-sensitive journalism training.

The need for training within the media industry does not necessarily translate into market demand for training courses. First, financing is an issue. Most journalists cannot afford to take unsubsidized courses, and most media houses do not have a budget for training. Second, the majority of training courses are located in the country's economic capital, Yangon. Given Myanmar's large geographic size and poor infrastructure, significant time and money are required to reach Yangon from remote areas of the country. Third, the majority of training

4 The estimate of 4,000 journalists does not include other media workers or journalists from state-owned media. The figure has been widely discussed and generally supported by media experts, but exact figures do not exist, nor does a generally accepted definition of 'journalist'.

5 DW Akademie and CFI (2015). *Training needs assessment for journalists in Myanmar*. Yangon, Myanmar.

courses are offered in either the English or Burmese language. This can be a barrier for journalists coming from ethnic minority groups. Fourth, small media houses based outside of Yangon are often unaware that training courses exist. Information about training courses is generally shared through the personal networks of journalists and media managers in Yangon, and it is difficult for media houses elsewhere in the country to tap into those networks.

Given the limited purchasing power of media staff and media houses, the majority of training institutes in Myanmar receive substantial financing from international media development organizations. Institutes tend to provide training either free of charge or at a subsidized cost to participants. Although necessary at this stage in the country's media development, dependence on donor funding leads to uncertainty in training regularity and can drive the topical agenda rather than actual training needs.

The National Management College (NMC) is the only academic institution in Myanmar which offers a degree in a media related field. Its department of journalism offers a four-year Bachelor of Arts in Journalism. The NMC is a government institution under the Ministry of Education (MOE). Under Thein Sein's government, the NMC has been able to operate more independently over the past few years. The department of journalism has formed partnerships with foreign universities and undertaken joint research initiatives with international organizations. This MDI assessment is one such example. The department's curriculum was developed with help from UNESCO and is in-line with international standards of excellence of journalism education. All of these developments continue to increase the department's capacity and the quality of its graduates; however, limited funding remains a challenge. The Myanmar Journalism Institute (MJII) is not an academic institution in the traditional sense but still offers students a one-year diploma in multimedia. Although, the MJII was initially established by a consortium of international donors, its management structure is designed to be independent and managed by the media industry. While these two institutions are providing a much needed service, they alone cannot adequately satisfy the need for academic journalism courses in a country as large as Myanmar.

In terms of professional associations, the Myanmar Journalists Association (MJA), the Myanmar Journalists Network (MJN) and the Myanmar Journalists Union (MJU) are the three largest journalist associations in the country. They should not be understood as journalists' unions in the traditional sense because they do not undertake all of the functions of a union, such as labour dispute resolution. At this stage in their development it is better to view them as membership-based professional associations which broadly support the interests of the media industry. They also serve as useful networks for information sharing among journalists and offer training courses to their members.

The capacity of these organizations to provide support to journalists is limited. Findings from fieldwork research indicate that these associations have yet to garner widespread trust and

support, particularly outside Yangon. This has led to the recent establishment of many regionally-based journalist associations. While these associations state that they are closely involved with their members and are well-aware of pressing regional issues, their characteristically small membership base and limited financial means may limit their operational capacity. A balance must be struck between the need for accurate representation and the danger of fragmentation.

Civil society in Myanmar is at an embryonic stage so media monitoring and media literacy are not yet that widespread. Social networking websites have become a hotbed for religious intolerance and hate speech in the country. Therefore, more online media literacy programming by CSOs and through the formal academic system is recommended to address this growing concern and support a mutually reinforcing relationship between the media sector and civil society. The most direct link between civil society and the media can be found between ethnic-based civil society and ethnic media outlets. Often, they are one and the same organization. Many civil society organizations also advocate for greater press freedoms and have helped to facilitate protests against the imprisonment of journalists.

Category 5: Infrastructural capacity is sufficient to support independent and pluralistic media

The passage of the Telecommunications Law in 2013 brought with it significant reforms to the telecommunications sector and heralded a rapid expansion in mobile phone penetration and Internet access in the country. Under the law, the telecommunications industry was privatized and Myanmar now has three national telecommunications providers. The privatization of the sector has brought with it a sharp drop in the price of SIM cards which has made owning a mobile phone affordable for a large percentage of the population. Consequently, there has been a significant increase in mobile phone ownership. As of July 2015, mobile phone subscriptions totalled approximately 29 million users – more than half of the population.

Exact figures on Internet access in Myanmar are difficult to verify or define, but it can safely be assumed that Internet access has grown in tandem with the spread of mobile phones. A recent ICT usage survey (2015)⁶ found that Internet-based phone applications such as Facebook, Instant Messenger and email phone applications have quickly become the primary channel through which people in Myanmar access the Internet.

Although there has also been a substantial increase in Internet bandwidth, the country's external links to the Internet do not currently provide a robust or adequate connection. Two additional connections are being established and should be operational within 2016. This

6 Galpaya, H., Zainudeen, A., & Suthaharan, P. (2015). A Baseline Survey of ICT and Knowledge Access in Myanmar. Retrieved from the LIRNEasia website: http://lirneasia.net/wp-content/uploads/2015/07/LIRNEasia_MyanmarBaselineSurvey_DescriptiveStats_V1.pdf

will greatly improve overall bandwidth. These developments paired with the cessation of widespread Internet censorship in 2012 have meant that the populations' access to information has increased substantially and continues to do so. Despite these developments, Myanmar still lags behind many countries in ICT related indices. Time and the continued reforms to the telecommunications sector are needed to close the gap.

The media's use of ICT remains limited, particularly for print media. Large, Yangon-based, print media houses can provide their staff with modern audio-visual equipment, but smaller print media houses typically do not have the budget to do so. Small print media houses generally lack access to archival material or to reference books and publications. The majority of media houses have an online presence via their own website or a Facebook page but most do not know how to effectively use online media to maximize their reach or become more profitable. The majority of news websites are fairly basic and simply a reiteration of a media house's print edition. Few avenues exist online for reader feedback and participation.

Print media circulation in Myanmar remains limited due to poor transport infrastructure. Private print media also rely on a limited number of printing presses located in Yangon. Hence, much of the rural population is dependent upon TV and radio for news. In a nationally representative survey conducted for this assessment, 21.5 per cent of the sample only had access to broadcast media, without access to any type of print media or the Internet. An additional 2.6 per cent of the sample claimed no access to any source of media. For ethnic minority groups, these figures were 26 per cent and eight per cent respectively. These findings denote a media environment that lacks plurality.

In terms of ICT policy, it is worth noting that the MCIT has developed a Myanmar Telecommunications Master Plan (2015). Although the plan had not been adopted at the time of finalisation of this report in April 2016, this is a positive step in telecommunications reform. Among other things, the plan sets ambitious goals for increased teledensity⁷ and Internet access. It also recognizes that it is the role of the state to support telecommunications infrastructure and services in areas where it is not economically viable for private business to do so alone. To this end the Master Plan proposes a Universal Service Fund (USF) to be established from a proportion of the revenues of telecommunications operators.

Myanmar is undertaking the switch from analog to digital television as agreed upon since 2008 by the ASEAN Digital Broadcasting Body;⁸ however, there is no formal document outlining Myanmar's digitalization plan. At present, 104 relay stations of the national broadcaster, MRTV, have been equipped with digital transmitters, which can cover 89 per cent of the population according to government officials. The digitalization process is scheduled to be completed by

7 Teledensity refers to the number of landline telephones in use for every 100 individuals living within an area.

8 Interview with the director of Myanmar Radio and Television, 19 August 2015.

2020. The government has provided DVBT-2 set-top boxes to some public facilities such as schools and libraries, but this will not be sufficient to help Myanmar's large rural population undertake the digital transition. A national digital transition plan should be developed that not only focuses on the building of necessary infrastructure but also lays out comprehensive strategies to help rural households cope with the transition and at least maintain their current access to broadcasting services.

Key recommendations

- Myanmar should sign and ratify international treaties which pertain to freedom of expression, including the International Covenant on Civil and Political Rights, the (first) Optional Protocol to the International Covenant on Civil and Political Rights and the International Convention on the Elimination of all Forms of Racial Discrimination.
- The 2008 Constitution should be amended to strengthen guarantees of freedom of expression (i.e. Article 354) and the right to information. These guarantees should not allow ordinary laws to restrict these rights but should, instead, impose clear conditions on any laws which restrict these rights.
- Only a judiciary that acts independently can properly interpret laws which restrict freedom of expression in the public interest. The government should promote the independence of the judiciary and address reported corruption issues within it.
- The government should promote wider public participation in legal reform processes and more proactively communicate on the legal reforms pertaining to freedom of expression by creating wider opportunities for interactions with the public.
- The government should continue consultations with relevant stakeholders with a view to adopting a Right to Information (RTI) Law.
- Significant reforms to the colonial-era Penal Code should be adopted. Any restrictions on freedom of expression should be provided by law, limited to the protection of legitimate interests as listed in the Article 19(3) of ICCPR and necessary to protect those interests.
- The wider legal system has not kept pace with media legal reform and political and social norms. Consequently, many antiquated laws that restrict freedom of expression remain. Some recent legislation also contains restrictions on freedom of expression. Numerous reforms to the Myanmar legal system are needed. Removal of or amendments to specific laws are described in detail in the Recommendations section of chapter one of this assessment.
- Legislation that protects the confidentiality of journalists' sources should be adopted.
- State-owned broadcasters should be turned into public service or private broadcasters, and all references to state-owned media should be removed from the Broadcasting Law.
- The National Broadcasting Authority should develop the Broadcast Spectrum Management Plan in consultation with broadcasters and civil society and develop a dissemination plan and public awareness raising initiatives for this proposal.

- The Ministry of Information and the Myanmar News Media Council (MNMC) should develop guidelines for the fair and unbiased placement of government advertisements in all types of media.
- The government should consider a tax policy which actively supports the media and community broadcasters in particular.
- Media houses should include diversity and gender mainstreaming initiatives in their employment practices. Media development organizations should provide media houses with technical support to this end.
- Media development organizations should support the emergence of community broadcasters.
- The public service remit for public service broadcasters should be defined in and protected by law.
- The government and media development organizations should provide adequate funding and technical assistance to the newly created MNMC in order to perform its functions as a media self-regulatory body.
- The MNMC should increase its engagement with media houses outside of Yangon to garner their support and enhance its legitimacy as a self-regulatory body for the media.
- International media organizations should conduct extensive media sensitivity programming with the military and police so that they know how to properly engage with the media.
- Basic journalism training should be the main focus for journalists' capacity-building projects. Efforts should be made to provide more training courses outside of Yangon as well as to conduct training in ethnic languages for ethnic media.
- Gender and diversity should be included in both academic journalism education programmes and training courses/events for media professionals.
- Media development organizations should continue to support media professional associations so that they are able to effectively advocate for media workers' rights and provide them with support both in Yangon and across the country.
- The Ministry of Education (MOE), Ministry of Information (MOI) and relevant media development organizations should work together to promote the development of journalism programmes in universities across Myanmar. Emphasis should be placed on selecting a university in Mandalay to offer a degree in journalism in order to improve access to academic journalism training in the north of the country.

- The government and media development organizations should continue to support CSOs in their media monitoring efforts, media literacy programmes and research in order to address the existence of hate speech on social media and develop mechanisms to counter it. Media literacy should also be taught in the formal academic education system.
- The government should develop a national digital migration plan. This plan should cover not only infrastructure development but also include strategies to help rural households cope with the transition and stay connected. Media development organizations should play an important role in providing technical support in this regard.
- The MCIT should adopt the Telecommunications Master Plan after taking into consideration suggested revisions by both civil society and telecommunications operators.