

Journalist pardons are welcome, but press freedom in Myanmar will require real reform

Written by Kyle Springer, Senior Analyst at the Perth USAsia Centre, University of Western Australia

Myanmar's president released more than 6,000 prisoners on Tuesday, including two [Pulitzer Prize-winning journalists](#) imprisoned for reporting on a military crackdown on the Rohingya Muslim minority in Rakhine state.

Wa Lone and Kyaw Soe Oo, who work for the news organisation Reuters, were arrested in 2017 and, after a corrupt trial engineered by the military, [sentenced to seven years in prison](#).

While the presidential pardon is welcome, there are still a number of serious, ongoing issues for freedom of expression and democracy in Myanmar. The influential military and its supporters in the government continue to [work against press freedom](#) in particular, waging what a [UN human rights report](#) referred to last year as a “political campaign against independent journalism.”

Why did the government release the prisoners now?

The pardon coincides with traditional New Year in Myanmar, which started on April 17. It is [customary for government officials to release prisoners](#) around this time.

It was also a way to at least partly ease the increasing international pressure on the Myanmar government. Foreign governments, NGOs, and international organisations have heavily criticised the government for its failure to protect freedom of the press, its record on human rights, the [Rohingya crisis](#), and its scant progress on meaningful democratic reform.

Read more: [***World must act to end the violence against Rohingya in Myanmar***](#)

But another way to look at the president's decision to pardon Wa Lone and Kyaw Soe Oo is as

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a [balancing act](#). The ruling National League for Democracy must toe a careful line in terms of dealing with pressure from the West and appeasing the powerful military and the Burmese ethnic majority, who overwhelmingly support the military's actions against the Rohingya.

As part of this balancing act, the party let the reporters spend 511 days in jail as a powerful deterrent against dissent, which was desired by the military. Then, the government commuted the sentence at the first opportunity it could in an attempt to please the West.

Does amnesty signal a real shift towards freedom of the press?

Probably not. Despite Tuesday's pardon, [many journalists are still imprisoned](#), including [a prominent filmmaker and human rights activist](#) who was imprisoned last month for allegedly defaming the army in a Facebook post.

Myanmar needs to undertake difficult reforms across many areas of its government if it is to truly improve freedom of the press.

First, legal reform is needed. Outdated laws like the [Official Secrets Act and Unlawful Associations Act](#), which were originally legislated during the colonial era, remain on the books. [A number of more recent laws are also used against journalists](#), particularly a section of the Telecommunications Law, which [criminalises online defamation and impedes investigative reporting](#). These laws are broad and can be easily applied across poorly defined cases of defamation and sedition.

Efforts to repeal and reform these laws might be easier for the government if it were not for the influence of Myanmar's military in political and legal processes.

Read more: [***Aung San Suu Kyi's extraordinary fall from grace***](#)

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Myanmar's [2008 constitution](#) guarantees the military a quarter of the seats in the upper and lower houses of Myanmar's parliament. Amendments to the constitution require the approval of three-quarters of parliament, effectively giving the military veto power over constitutional reform.

In a recent effort, [parliament voted to approve a committee to draft amendments to the constitution](#), but faced significant opposition from the military and the military-backed Union Solidarity and Development Party. Thousands of demonstrators rallied on the streets of Yangon in support of the committee shortly after it was approved. The draft amendments the committee delivers will still have to get past the 75% vote threshold in parliament.

The judicial branch of Myanmar's government also contains holdovers from the previous administration of President Thein Sein, a former general. For instance, the chief justice of the Supreme Court, which [denied the final legal appeals of Wa Lone and Kyaw Soe Oo just last month](#), is a former Army officer. Three other judges are also appointees of Thein Sein.

Through these influential levers, the military is in a position to block any meaningful reforms and continue to use the legal system to silence those who challenge its continued political control of Myanmar.

For so long, Myanmar was closed off to the rest of the world. Now it is emerging as an influential country in the Indo-Pacific region. The Rohingya crisis and its threat to regional stability has elevated the need for free press coverage of important developments in Myanmar.

The rest of the world should continue to pressure Myanmar to improve its press freedom. It is needed now more than ever.

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