



ARTICLE 19



Myanmar: UN Human Rights Council must urge newly-elected government to prioritise legal reform to guarantee the right to freedom of expression

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INTRODUCTION

One year after the Human Rights Council ('the Council') adopted Resolution 43/26¹ on the situation of human rights in Myanmar, the government's efforts to suppress dissent continue unabated. In the past year, despite the Council's recommendation that Myanmar repeal or amend laws that criminalise expression, Myanmar authorities have continued to prosecute journalists, human rights defenders and others who speak critically of the government or military. Myanmar authorities have used the pandemic as a pretext to arrest and prosecute journalists whose reporting contradicts official narratives and to shut down ethnic media outlets reporting on human rights violations in conflict-affected areas.

Despite overtures by Myanmar authorities about the importance of a free and fair election,² the Union Election Commission ('UEC') issued measures ahead of the November 2020 general election that censored expression critical of the incumbent government and the military.

More than a year after the Myanmar government initiated an Internet shutdown in Rakhine and Chin States, the government continues to restrict 3G and 4G mobile Internet service. The restrictions disproportionately harm vulnerable minorities, impede the reporting of human rights violations, and block the dissemination of crucial public health information during the COVID-19 pandemic.

ARTICLE 19 urges the Human Rights Council to adopt a strong resolution calling on the recently re-elected National League for Democracy government to prioritise legal reform and to guarantee the right to freedom of expression, access to information, and peaceful assembly in the country.

PROSECUTION OF JOURNALISTS, HUMAN RIGHTS DEFENDERS, AND OTHERS EXERCISING THE RIGHTS TO FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

The Human Rights Council has repeatedly called upon the Myanmar government to halt criminal proceedings against those exercising their rights to freedom of expression and peaceful assembly.³ Nevertheless, over the past year, Myanmar authorities have continued to target those who criticise military actions, government policies, and the conduct of government officials.

The Myanmar government has continued to use Section 505(b) of the Penal Code to bring charges against human rights defenders. In one such instance, on 7 March, Myanmar authorities attempted to arrest environmental activist Saw Tha Phoe after the General Administration Department filed charges under section 505(b) of the Penal Code for Saw Tha Phoe's role in protesting pollution from a cement factory operated by the Myanmar Economic Corporation, a military-owned conglomerate.⁴

¹ Human Rights Council, Situation of human rights in Myanmar, UN Doc. A/HRC/RES/43/26, 22 June 2020.

² Myanmar held general elections on 8 November 2020.

³ *Id.* at para. 21.

⁴ ARTICLE 19, Myanmar: Drop Charges against Karen environmental activist Saw Tha Phoe, 12 March 2020, available at: <https://www.article19.org/resources/myanmar-drop-charges-against-karen-environmental-activist-saw-tha-phoe/>; Lawi Weng, 'Environmental Activist Faces Arrest in Myanmar's Karen State, Rights Groups Object', *The Irrawaddy*, 10 March 2020,

In the past year, authorities have at times targeted journalists reporting on the COVID-19 pandemic. In May 2020, a Hpa-An court convicted Zaw Min Oo, chief editor of the Hpa-An-based *Dae Pyaw* news agency, of violating Section 505(b) of the Penal Code and sentenced him to two years' imprisonment. Zaw Min Oo had reported via a Facebook post that a COVID-19 death had occurred on the Thai-Myanmar border, but the information on which the report was based was later retracted.⁵

On 1 July 2020, the Criminal Investigation Department filed a complaint against *Eleven Myanmar* journalist Aung Ko Ko under section 68(a) of the Telecommunications Law for criticising government underreporting and a lack of transparency regarding COVID-19 in a Facebook post.⁶ Section 68(a) carries a maximum penalty of one year's imprisonment and a fine.

Myanmar authorities have also brought charges against non-journalists who have criticised the government's response to the pandemic. In March 2020, the owner of the Facebook account 'Nyan Lin Htat Referee' was charged with sedition under Section 124(a) of the Penal Code for his claim that government officials, including State Counsellor Aung Sun Suu Kyi, did not follow their own COVID-19 protocols.⁷ Sedition carries a maximum penalty of twenty years imprisonment. In May 2020, Myanmar authorities charged three people from Bago Region under Section 66(d) of the Telecommunications Law and Section 505(b) of the Penal Code for 'verbally abusing' the Bago Chief Minister for his closure of factories in the region.⁸ In July 2020, Myanmar authorities charged Zaw Naing Oo, a Sagaing politician, under Section 505(b) of the Penal Code after he criticised the regional government's response to the pandemic.⁹

Myanmar authorities have also brought charges under a variety of laws to punish protesters. On 7 July, Yangon police charged free speech activist and poet Maung Saungkha under the Peaceful Assembly and Peaceful Procession Law in relation to a protest against the Internet shutdowns in Rakhine and Chin States; he was later convicted.¹⁰ Earlier in the year, nine students were each sentenced to one month in prison with hard labour for their role in a 23 February protest condemning the Internet shutdown and calling for those responsible for the Myanmar military's alleged shelling of a primary school in in Rakhine State's Buthidaung township to be held accountable for their actions.¹¹

In September 2020, several students organised a series of campaigns across the country to bring awareness to human rights violations in Rakhine and Chin States. In response, Myanmar authorities

available at: <https://www.irrawaddy.com/news/burma/environmental-activist-faces-arrest-myanmars-karen-state-rights-groups-object.html>.

⁵ Toe Wai Aung, 'Editor in Kayin State sentenced to jail over COVID-19 story', *Myanmar Times*, 21 May 2020, available at: <https://www.mmmtimes.com/news/editor-kayin-state-sentenced-jail-over-covid-19-story.html>.

⁶ Nay Yaing, 'EMG reporter from Nay Pyi Taw sued for Facebook comment about Covid-19', *Eleven Myanmar*, 2 July 2020, available at: <https://elevenmyanmar.com/news/emg-reporter-from-nay-pyi-taw-sued-for-facebook-comment-about-covid-19>.

⁷ 'Facebook user faces sedition charge for criticising Aung San Suu Kyi', 15 May 2020, *Myanmar Mix*, available at: <https://myanmarmix.com/en/articles/facebook-user-faces-sedition-charge-for-criticising-aung-san-suu-kyi>.

⁸ Assistance Association for Political Prisoners, 'Cases Related to COVID-19 Pandemic for May 2020', available at: <https://aappb.org/2020/06/11306/>.

⁹ The Voice, 16 July 2020, available at: <http://thevoicemyanmar.com/news/42553-ndf>.

¹⁰ ARTICLE 19, 'Myanmar: Drop Charge against Activist Poet', 2 September 2020, available at: <https://www.article19.org/resources/myanmar-drop-charge-against-activist-poet/>; Amnesty International, 'Myanmar: Poet convicted for protesting against internet restrictions', 4 September 2020, available at: <https://www.amnesty.org/en/latest/news/2020/09/myanmar-poet-convicted-for-protesting-against-internet-restrictions/>.

¹¹ ARTICLE 19, 'Myanmar: Drop Charge against Activist Poet', 2 September 2020, available at: <https://www.article19.org/resources/myanmar-drop-charge-against-activist-poet/>.

charged dozens of student activists under Section 19 of the Peaceful Assembly and Peaceful Possession Law and Sections 505(a) and (b) of the Penal Code. Kyaw Thiha Ye Kyaw and Soe Hla Naing — students who were jointly responsible for organising the campaigns in Mandalay — have been sentenced to more than seven years' imprisonment each.¹²

The targeting of activists has continued unabated following the 2020 election. In December 2020, three members of the Rakhine Youth New Generation Network were arrested after demonstrating for human rights in Sittwe.¹³ They were later charged under Section 19 of the Peaceful Assembly and Peaceful Possession Law.¹⁴

The Council must continue to expressly call for the repeal or reform of criminal laws that impermissibly restrict the rights to freedom of expression, information, peaceful assembly and association including the Media Law, the Official Secrets Act, the Unlawful Associations Act, the Peaceful Assembly and Peaceful Procession Law, Sections 66(d) and 68(a) of the Telecommunications Law, and Sections 499-500 and 505 of the Penal Code. The Council should also call upon the government of Myanmar to repeal or reform in line with international standards Sections 124(a), 153, and 295A of the Penal Code and Sections 33 and 34(d) of the Electronic Transactions Law. The Council should call for the release of Zaw Min Oo and all student activists detained for the exercise of their right to freedom of expression or peaceful assembly.

DIGITAL RIGHTS

On 20 June 2019, Myanmar's Ministry of Transport and Communications ('MOTC') ordered mobile telecommunications operators to stop mobile Internet traffic in nine townships in Rakhine and Chin States.¹⁵ In September 2019, the Council called on the government of Myanmar to restore Internet access to Rakhine State and to repeal section 77 of the Telecommunications Law.¹⁶ In June 2020, the Council reiterated its call for the Myanmar government to end the Internet shutdown in Rakhine and Chin States.¹⁷

In August 2020, the government of Myanmar restored 2G network access to all townships affected by the shutdown. Nevertheless, because 3G and 4G network access is still unavailable, reports indicate that Internet speeds are so slow that mobile users are unable to load webpages or open applications.¹⁸

¹² ARTICLE 19 et al., 'Myanmar: Release Arbitrarily Detained Student Protesters and Cease Further Prosecutions', 23 November 2020, available at: <https://www.article19.org/resources/myanmar-release-arbitrarily-detained-student-protesters-and-cease-further-prosecutions/>.

¹³ Aung Htein, 'Arakan activists detained over Human Rights Day even, released on bail', *Development Media Group*, 10 December 2020, available at: https://www.dmediag.com/news/2392-abc-n-other2?fbclid=IwAR0QHJclXHWxCarIPAYmLHmPrdEu479v7ri4f3bVnJVn-47eJMm3iE_DorA.

¹⁴ Khine Rola, 'Myanmar Police Prosecute Activists Celebrating Human Rights Day', *The Irrawaddy*, 22 December 2020, available at: <https://www.irrawaddy.com/news/burma/myanmar-police-prosecute-activists-celebrating-human-rights-day.html>.

¹⁵ Thompson Chau, 'Govt doubles down on internet shutdown in western Myanmar', *The Myanmar Times*, 3 February 2020, available at: <https://www.mmtimes.com/news/govt-doubles-down-internet-shutdown-western-myanmar.html>.

¹⁶ Human Rights Council, Situation of human rights in Myanmar, UN Doc. A/HRC/RES/42/3, 3 October 2019, para 9.

¹⁷ Human Rights Council, Situation of human rights in Myanmar, para. 19, UN Doc. A/HRC/RES/43/26, 22 June 2020.

¹⁸ Lei Lei, 'Myanmar Govt Restores Internet in Rakhine, Locals Complain of Weak Signal', *Irrawaddy*, 5 August 2020, available at: <https://www.irrawaddy.com/news/burma/myanmar-govt-restores-internet-rakhine-locals-complain-weaksignal.html>; Four special mandates on freedom of expression have stated that 'cutting off access to the Internet, or

The Internet shutdown has exacerbated challenges relating to the COVID-19 pandemic. Myanmar authorities have used the Internet to disseminate information about COVID-19 and their efforts to mitigate its effects. State Counsellor Aung San Suu Kyi has created a Facebook page where she posts frequent updates on public health issues.¹⁹ Government restrictions on mobile Internet access, therefore, prevent individuals from receiving health guidance, assessing risks, and learning what actions the government is taking to protect them. Due in part to the Internet shutdown, humanitarian groups and local politicians in the region have reported that, in the areas affected by the restrictions on access to the Internet, many people are not aware of the COVID-19 pandemic, let alone what actions they should take to best mitigate the risks it poses.²⁰

In February 2020, the MOTC launched an effort to register or reregister all SIM cards issued in the country. On 30 June, the MOTC deactivated all SIM cards that remained unregistered. According to an MOTC official, more than 34 million SIM cards were deactivated.²¹ To register SIMs, mobile phone users had to present their identification card; however, eleven million people in Myanmar lack an identification card, making the registration process impossible.²² The registration requirements have proved another obstacle to Internet access in the country, and affect Myanmar's most vulnerable groups.

The government of Myanmar has announced that it is preparing to develop a biometric database linked to all SIM cards. However, Myanmar lacks comprehensive data protection legislation to safeguard the data that would be collected under the system. Myanmar's history of surveillance and censorship provide further reason to be concerned about surveillance systems that could allow authorities to monitor the Internet activity of journalists and human rights defenders.²³

In March 2020, the MOTC invoked Section 77 of the Telecommunications Law and directed telecommunications operators to block access to 2,147 websites; Director General of the Directorate of Communications U Myo Swe stated that the directive was issued in part in response to 'fake news' about COVID-19. Several of the websites that were banned were ethnic media outlets such as *Development Media Group*, *Narinjara*, and *Karen News* as well as several Rohingya news sites. At the time of blocking, these media outlets had not reported much on the COVID-19 pandemic. They had,

parts of the Internet, for whole populations or segments of the public (shutting down the Internet) can never be justified, including on public order or national security grounds. The same applies to slow-downs imposed on the Internet or parts of the Internet'; Joint Declaration on Freedom of Expression and the Internet, UN Special Rapporteur on Freedom of Opinion and Expression (Special Rapporteur on FOE), the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, 1 June 2011, para 6(b).

¹⁹ ARTICLE 19, 'Myanmar: One year on, Internet shutdown imperils human rights in Myanmar,' 19 June 2020, available at: <https://www.article19.org/resources/myanmar-one-year-on-internet-shutdown-imperils-human-rights-in-myanmar/>.

²⁰ Isobel Asher Hamilton, 'Myanmar has had an internet blackout for a year. Some of its citizens still don't know there's a pandemic', *Business Insider*, 25 June 2020, available at: <https://www.businessinsider.com/myanmar-internet-shutdown-people-unaware-coronavirus-pandemic-2020-6>.

²¹ Naing Lin Aung, 'Telecoms ministry says it has deactivated more than 34 million SIM cards', *Myanmar Now*, 27 October 2020, available at: <https://myanmar-now.org/en/news/telecoms-ministry-says-it-has-deactivated-more-than-34-million-sim-cards>.

²² Thale Solnordal Jenssen, 'Half a million identities', *Norwegian Refugee Council*, 8 June 2017, available at: <https://www.nrc.no/news/2017/june/half-a-million-identities/>.

²³ Chris Burt, 'Myanmar closes delayed biometrics tender amid funding confusion, data protection laws still absent', *Biometric Update*, 11 June 2020, available at: <https://www.biometricupdate.com/202006/myanmar-closes-delayed-biometrics-tender-amid-funding-confusion-data-protection-laws-still-absent>.

however, reported extensively on the conduct of the Myanmar military, armed conflict, and human rights concerns.²⁴

On 27 August 2020, telecommunications operators again received a directive to block a website on the basis that the website spread ‘fake news’ and rumours.²⁵ The order required telecommunications operators to block the website of *Justice for Myanmar*, a human rights campaign that has published stories exposing corruption within, and the economic interests of, the Myanmar military.²⁶

The Special Rapporteur on the promotion and protection of the right to freedom of expression has stated that the blocking of websites must be authorised by a judicial authority ‘independent of any political, commercial, or other unwarranted influences to ensure that blocking is not used as a means of censorship’.²⁷ The government of Myanmar’s actions fail to meet this standard and amount to blatant censorship of independent media.

More recently, on 3 December, Telenor Myanmar released a statement that claimed that Myanmar authorities are attempting to gain direct access to the personal data of Telenor subscribers. Currently, the government must obtain a court order and the cooperation of service providers to access users’ personal data.²⁸

The Council should call on the government of Myanmar to immediately restore 3G and 4G mobile internet services in Rakhine and Chin States and repeal Section 77 of the Telecommunications Law. The Council should urge the government to lift restrictions on the ethnic media outlets and on the website of ‘Justice for Myanmar’. The Council should also urge the government of Myanmar to adopt comprehensive data protection legislation.

SUPPRESSION OF EXPRESSION DURING THE 2020 ELECTIONS

In June 2020, the Council encouraged the government of Myanmar to guarantee free and fair elections and to ensure that all people in Myanmar had an equal opportunity to participate in the electoral process.²⁹ However, in the lead-up to the elections, the UEC enacted measures that facilitated the censorship of political parties and opposition candidates and criminalised legitimate political expression.

On 24 July 2020, the UEC issued Notification 138/2020,³⁰ which required political parties to submit manuscripts of all political broadcasts and campaign messages that would appear on state-owned radio

²⁴ Article 19, ‘Myanmar: Immediately lift ban on ethnic news websites’, 1 April 2020, available at: <https://www.article19.org/resources/myanmar-immediately-lift-ban-on-ethnic-news-websites/>.

²⁵ Telenor, Directive to block website and 3 IP addresses, 29 August 2020, available at: <https://www.telenor.com.mm/en/article/directive-block-website-and-3-ip-addresses>.

²⁶ The website for Justice for Myanmar can be found at: <https://www.justiceformyanmar.org/>.

²⁷ Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, UN Doc A/66/290, 10 August 2011, para. 82.

²⁸ Naing Lin Aung, ‘Telenor says government is seeking direct access to customers’ personal data’, *Myanmar Now*, 12 December 2020, available at: <https://www.myanmar-now.org/en/news/telenor-says-government-is-seeking-direct-access-to-customers-personal-data>.

²⁹ Human Rights Council, Situation of human rights in Myanmar, paras. 24-25, UN Doc. A/HRC/RES/43/26, 22 June 2020.

³⁰ Republic of the Union of Myanmar Union Election Commission, Notification 138/2020, 23 July 2020, available at: <https://www.gnlm.com.mm/permission-for-broadcast-campaigns-of-political-parties/>.

and television stations to the UEC. The UEC had the authority to approve or deny a message that ‘defames the nation or tarnish the image of the nation’ or advocates for ‘bring[ing] about the disintegration of the Tatmadaw or defames the Tatmadaw’.³¹ Messages that served to ‘undermine national unity and sovereignty’, ‘undermine rule of law’, or ‘incite’ civil service employees ‘not to perform their duty or to oppose the government’ were also banned by the Notification.³² As a result, at least ten political parties reported that they experienced censorship, and six political parties decided not to broadcast campaign speeches on state-run media.³³

Many of the messages that the UEC censored in the general election had little connection to any of the stated restrictions under the Notification. The UEC prevented parties from making reference to certain sections of the Constitution, calling for a broader tax base, citing UN reports on child poverty in Myanmar, and calling for proportional representation. Moreover, the UEC prevented the terms ‘civil war’ and ‘federalism’ from being aired on state-run media.³⁴

In addition to the efforts by Myanmar authorities to censor speech by political parties, the government also threatened or brought criminal charges against politicians and ordinary people in relation to the 2020 general election.

In August 2020, the UEC declared that any call for a boycott of the election violated election law.³⁵ Activists organised a ‘No Vote’ campaign, which encouraged voters to refrain from voting in the 2020 election because. According to the UEC, the ‘No Vote’ campaign violated Sections 57, 58(b), 58(d), 60, and 61(b) and (c) of the Election Law. Collectively, these provisions criminalise voter suppression and intimidation and criminalise any actions which prevent voters from casting a ballot in an election. Each article carries a possible sentence of one year in prison and a fine.³⁶

On 23 September, Thinzar Thanmin, the daughter of a military officer, wrote a Facebook post claiming that military families were under orders to vote for the Union Solidarity and Development Party (USDP) and that her father’s career was under threat because she planned to vote for the National League for Democracy (NLD). On 4 December 2020, she was convicted under Section 505(a) of the Penal Code and sentenced to nine months’ imprisonment with hard labour.³⁷

Earlier in the election cycle, on 21 August, Htay Aung, an independent candidate in the race for the Pyithu Hluttaw seat in Kawhmu Township, was arrested under Section 124(a) of the Penal Code. Htay Aung was charged with sedition for comments he made accusing State Counsellor Aung San Suu Kyi

³¹ ARTICLE 19, Myanmar: As campaign period begins, freedom of expression violations ramp up, 10 September 2020, available at: <https://www.article19.org/resources/myanmar-as-campaign-period-begins-freedom-of-expression-violations-ramp-up/>.

³² Frontier Myanmar, ‘Time to take away the election commission’s red pen’, 7 October 2020, available at: <https://www.frontiermyanmar.net/en/time-to-take-away-the-election-commissions-red-pen/>.

³³ Mong Palatino, ‘Myanmar’s election commission censors speeches of political parties in run-up to election’, *Global Voices*, 19 October 2020, available at: <https://globalvoices.org/2020/10/19/myanmars-election-commission-censors-speeches-of-political-parties-in-run-up-to-election/>.

³⁴ *Ibid.*

³⁵ Htun Htun, ‘Myanmar Authorities Say Election Boycott Campaign May Face Legal Action’, *The Irrawaddy*, 12 August 2020, available at: <https://www.irrawaddy.com/news/burma/myanmar-authorities-say-election-boycott-campaign-may-face-legal-action.html>.

³⁶ Voting is not compulsory in Myanmar. *Ibid.*

³⁷ Zaw Ye Thwe, ‘Woman gets nine months in prison for accusing military of election pressure’, *Myanmar Now*, 4 December 2020, available at: <https://myanmar-now.org/en/news/woman-gets-nine-months-in-prison-for-accusing-military-of-election-pressure>.

of funding her campaign with state money and foreign aid. Htay Aung faces a maximum sentence of three years imprisonment for these comments.³⁸

The Council should condemn the censorship of politicians and political parties during the 2020 election and call upon the Myanmar government to implement election law reforms in line with international human rights law and standards, including those that relate to the right to freedom of expression.

HATE SPEECH

In June 2020, the Council called upon the government of Myanmar to take action to stop ‘the spread of disinformation, hate speech and inflammatory rhetoric . . . through social media, and to combat the incitement to hatred and violence against ethnic, religious and other minorities in accordance with the Rabat Plan of Action.’³⁹

During the COVID-19 pandemic and subsequent government lockdown, hate speech against religious minorities, including Christians and Muslims, spread widely on social media. Many posts accused religious minorities of spreading COVID-19 intentionally, and other posts claimed that these groups received preferential treatment by the government during the pandemic. ARTICLE 19 reviewed hundreds of Facebook posts including incendiary rhetoric and ‘hate speech’ related to COVID-19. While the sample size was not large enough to ascertain the overall volume of ‘hate speech’ relating to COVID-19, ARTICLE 19 concluded that the pandemic has, at a minimum, become a vector for the spread of intolerant and incendiary rhetoric.

On 20 April 2020, the Office of the President issued Directive No. 3/2020, requiring all levels of government to take all possible measures to ‘denounce and prevent all forms of hate speech’ and to support anti-‘hate speech’ activities. Under the directive, ministries and state and regional governments are required to report to the Office of the President on the measures taken to do so.⁴⁰ The directive defines ‘hate speech’ as ‘communications of any kind that denigrate or express animosity towards a person or a group on the basis of religion, ethnicity, nationality, race, gender or other identity factor’. While the directive includes positive measures to combat ‘hate speech’, the ever-present threat of criminal prosecution under Myanmar’s many overly broad and vague laws that restrict expression undermines the value of the directive.

Myanmar has yet to publicly abandon problematic proposed legislation ostensibly aimed at combatting ‘hate speech’. While the status of the draft law is unclear, in January 2020, the Ministry of Foreign Affairs announced that it would expedite passage of the proposed legislation.⁴¹ The proposed legislation primarily relies on criminal measures to prevent ‘hate speech’, but defines the speech prohibited by the

³⁸<https://www.mmtimes.com/news/state-counsellor-critic-jailed-sedition.html>.

³⁹ Human Rights Council, Situation of human rights in Myanmar, para. 26, UN Doc. A/HRC/RES/43/26, 22 June 2020.

⁴⁰ Republic of the Union of Myanmar, Office of the President, Directive No. 3/2020, available at: <https://www.presidentoffice.gov.mm/en/?q=briefing-room/news/2020/04/21/id-10007>.

⁴¹ The Republic of the Union of Myanmar, Ministry of Foreign Affairs, ‘Rakhine State: A Snapshot of Myanmar’s current efforts for peace and reconciliation,’ available at: <https://www.mofa.gov.mm/rakhine-state-a-snapshot-ofmyanmars-current-efforts-for-peace-and-reconciliation/>.

bill in overly-broad and vague terms.⁴² Thus, the definition proposed in the legislation could easily be applied in an arbitrary manner that would have a chilling effect on ethnic and religious minorities.

The Council should call on the government of Myanmar to adopt a National Plan of Action to combat ‘hate speech’ in line with Human Rights Council Resolution 16/18 and the Rabat Plan of Action and to abandon any ‘hate speech’ legislation that fails to comply with international human rights law.

⁴² ARTICLE 19, ‘Myanmar Briefing Paper: Countering “Hate Speech”’, 4 February 2020, available at: <https://www.article19.org/resources/myanmar-briefing-paper-countering-hate-speech/>.