

Translation of Myanmar's newly enacted Media Law

The following is the unofficial translation of Myanmar's newly enacted Media Law.—Ed

Chapter 1

Title and Definition

1. This law shall be called Media Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:

(a) Media means getting, collecting and acquiring information, keeping them in documentation, analyzing and publishing etc. which shall be performed by Print Media, Broadcasting Media, Internet Media whose responsibilities are taken by the media or public information and communication services conducted by any other alternative ways by means of various transmission forms such as texts, voice, picture, audio and visual transmission, statistical data, and graphic designs.

(b) Media worker means a person who takes up any job related to media industry.

(c) Council means the Media Council of Myanmar which is established in accordance with this law.

(d) News broadcasting means broadcasting to the public by means of voice, text, or picture.

(e) Newspaper means publications that come out regularly encompassing local and international news which cover everyday events, and their related descriptions.

(f) Correspondent means a person who collects every bit of news and information and sends to any media.

(g) Mass Media means publications such as book, periodical, newspaper, journal, magazine in which news, stories, features, poems, cartoons, pictures, photographs, illustrations etc. are described by broadcasting or internet technologies, or by any other means while getting involved in the News Media industry either regularly or at any period which is not specified.

(h) News Agency means an industry, organization, a corporation or company which publishes local and international news and information to the media acquired either by making payment or free of charge.

(i) Censorship means the procedures of editing, removing, forbidding or prohibiting of contents to be performed before they are being printed out.

(j) Ministry means Ministry of Information of the Union Government.

Chapter 2

Objectives

3. Objectives of this law are as follows:

(a) To materialize News Media Industries which are offered freedom from censorship to express, publish, or distribute freely as part of rights and privileges granted to every citizen in compliance with regulations stated in the national constitution

(b) To ensure that News Media can stand up firmly as the fourth Estate of our nation

(c) To guarantee that News Media workers are fully provided with their entitlements and freedom

(d) To establish and develop responsibilities, ethics, rules and regulations and practices to be adopted within relevant industries and organization

(e) To make news accessible to every citizen

(f) To ensure any complaints, arguments regarding publications or broadcasting of a certain media are to be settled and negotiated in a conciliatory manner.

Chapter 3

Entitlements of Media Workers

4. The News Media workers shall have the right -

(a) to freely criticize, point out or recommend operating procedures of the legislative, the executive and judiciary in conformity with the constitution

(b) to investigate, publish, broadcast information and related opinions to which every citizen is entitled in accordance with rules and regulations

(c) to reveal issues relating to rights and privileges lost by the citizen

(d) to collect information, to be provided with accommodation and to enter into certain offices, departments and organizations in accordance with regulations of relevant departments or organizations.

5. Publications of the News Media industry shall be free from censorship.

6. A news media worker is entitled to -

(a) request to see news and information which are accessible to the public except statements, photographs, and records whose security is rated as per law or directives of a certain authority or respective organizations

(b) ask for information from non-governmental organizations, associations or enterprises which are running their operations by public funds as per the above-mentioned sub-section (a).

7. While a news media worker is trying to get news in compliance with regulations specified by relevant and responsible organizations, in the areas where wars break out, and where conflicts or riots and demonstration take place

(a) he/she shall be exempt from being detained by a certain security related authority, or his/her equipment being confiscated or destroyed.

(b) he/she shall be entitled to ask for their safety and protective measures from the security related organizations.

8. A news media worker -

(a) has to acquire news by describing his name in accordance with their ethics. However, when issues like public healthcare, concerns which generate negative impact to the public security and environmental conservation, corruptions and misconducts are found to occur in the activities of legislative, the executive and the judiciary, social and economic sector are very important to be investigated and revealed, he can perform investigation with his name hidden according to regulations after getting permission from the relevant editor and submit how you conduct these procedures.

(b) In a case for which proper actions are taken pursuant to any regulation of this law, equipment and accessories of News Media shall be exempt from being confiscated, sealed or destroyed unless the order of the court of law instructs to do so.

Chapter 4

Responsibilities and Codes of Conduct to be complied by News Media workers

9. A News Media worker is responsible to comply with the following codes of conduct -

(a) Evaluation shall be performed to ensure accuracy and reliability of every bit of information and their completeness.

(b) When incorrect news have been published and amendment/revision is necessary, and this takes place in the Print Media, this revision shall have to be printed in the eye-catching position of the page or, if in other media, this should be published immediately.

(c) While news regarding some cases for which litigation is being run is published, the person prosecuted shall be considered innocent until the court has passed its judgment and any news related criticism which means disregard to the court shall be avoided.

(d) While news photos, voices and pictures are published, improper ways of modifying them with the help of certain technologies shall have to be avoided.

(e) Apart from criticisms, opinions and features, no other views and opinions of journalist or reporter shall be comprised of.

(f) Intellectual properties which belong to others shall not be plagiarized or published without asking for their permission.

(g) Writing news which relate to the interest of the public, writing style which deliberately affects the reputation of a specific person or an organization or generates negative impact to the human right shall be avoided.

(h) Ways of writing which may inflame conflicts regarding nationality, religion and race shall be avoided.

(i) Ethics and regulations which are published by the Myanmar News Media Council shall be obeyed.

Chapter 5

Establishment of News Media Industry

10. A person who wants to participate in the News Media industry is allowed to set up an industry as per one of the following options.

(a) Establishment of public limited company or non-public limited company or partnerships in conformity with existing Companies' Act of Myanmar

(b) Establishment of industries in conformity with Myanmar Citizens' Investment Law or Foreign

Investment Law

11. A person who wants to get involved in the News Media industry shall have to apply for acknowledgment certificate or business licence according to their business types in line with relevant laws.

Chapter 6

Establishment of the council and responsibilities

12. The council is the only organization which can perform its tasks independently regarding people from mass media in keeping with regulations stated in this law.

13. The President shall have to publish declaration and establish "Myanmar's News Media Council" in order that objectives and responsibilities embraced in this law shall be realized.

(a) The members shall be one representative, which is proposed by the President, and one representative each proposed by the Speakers of Pyi Thu Hlut Taw (People's Parliament) and A Myo Thar Hlut Taw (national Parliament).

(b) Representatives proposed by News Media staff, news agencies, publishers, writers, poets, cartoonists according to the specific proportion.

(c) Representatives appointed by communities which include scholars and professionals from social, economic, literature, legal, science and technology backgrounds

(d) Number of the council members shall have to be specified from the minimum of 15 up to the maximum of 30.

14. (a) The council president, vice-presidents, secretary, joint secretaries shall be elected by the majority of votes given by the council members.

(b) The name list of the council members elected by the abovementioned sub-section (a) shall be submitted to the President so that specific responsibilities shall be assigned.

15. (a) The service life of a council member is specified as three years from the date of elected.

(b) A council member shall not be allowed to serve their relevant duties more than two service lives continuously.

16. A council member shall be terminated from his employment for one of the following factors

(a) Withdrawal from the council voluntarily

(b) Being dismissed by the President because of these factors: they deliberately infringe respective duties or ethics to which a News Media worker has to abide by; a council member fails to fulfill his duties to meet requirements; he is found to be irrelevant for the existing position as he purposely breach regulations stated by the committee; two-thirds of the council members insisted to remove from their existing designation.

(c) Being sentenced for certain offences and penalties due to their misconducts

(d) Insanity and Decease

17. Functions of the council are as follows:

(a) Monitoring and enhancing the quality of the News Media

(b) Negotiating with respective governmental bodies to smoothly handle importation of necessary materials used in the News Media industry

(c) Arranging to hold News Media related workshops and seminars

(d) Coordinating with the Mass Media organizations to offer awards to the outstanding news media workers

(e) Developing and implementing plans for the improvement of News Media

(f) Publishing news whenever necessary

(g) Appointing an officer - in charge for news publishing in government departments and entities and people-centered organizations to be executed by the council in order that accurate and reliable information will be accessible to the public

(h) Reporting their operational progress and further procedures to be implemented in the future to the President without fail on an annual basis.

18. Responsibilities to be carried out by each committee shall be stipulated according to principles and procedures.

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Chapter 7 Funds and Grants

19. The council shall raise a fund with the following income types in order to conduct their services

- (a) Grants from the Union Government
- (b) Money donated by local and international well-wishers
- (c) Supports from international and non-governmental organizations
- (d) Contributions from News Media industries.

20. The council is responsible to maintain and record funds, to get them audited by the Union Auditor General Office and to develop procedures relating to financial accounts and spending funds.

Chapter 8 Taking Actions

21. If any of responsibilities or ethics required in Article 9 are considered to be breached by a News Media worker, the aggrieved department, organization or individual shall have the right to complain to the council first.

22. When the council receives a complaint as mentioned in Article 21, it can be solved by meeting the two parties and compromising between them in accordance with principles, procedures and regulations.

23. If the two parties cannot work out a compromise agreement, or arguments cannot be settled, the complainant or aggrieved party can prosecute the other party at the relevant court under applicable laws.

24. Pursuant to sub-section (a) of Article 6, while

news and information available to the public are requested to be seen, relevant responsible person has to deal with this issue so that no refusing, procrastinating or causing hindrance to the news collector will be occurred.

Chapter 9 Offences and Penalties

25. (a) Any News Media worker who is determined to be guilty by responsibilities and ethics stated in sub-section (b) of Article 9 and offensive sentence is passed, he/she will be fined from the minimum of 100,000 kyats to the maximum of 300,000 kyats.

(b) Any News Media worker who is determined to be guilty by responsibilities and ethics stated in sub-section (d), (f) and (g) of Article 9 and offensive sentence is passed, he/she will be fined from the minimum of 300,000 kyats to the maximum of 1,000,000 kyats.

26. If any News Media worker is considered to violate restrictions specified in sub-section (h) of Article 9, he/she will be taken proper actions by applicable existing laws.

Chapter 10 Miscellaneous

27. While they are performing their duties as indicated by laws, the council members have to assume themselves as public service personnel according to Article 21 of the Penal Law.

28. While the council is performing their relevant duties, administrative team shall be established to conduct daily operations of office work and required number of staff and personnel can be appointed.

29. Search and seizure of Media related materials such as newspapers, journals, periodicals which are restricted and prohibited under certain laws shall be conducted in compliance with criminal law and rulings.

30. If prosecution is going to be brought under Article 25.

(a) Respective departments or any individual assigned by a certain governmental organization are required to prosecute directly to the court of law.

(b) If the prosecuting party is an individual, he/she can directly sue at the court of law.

31. (a) A certain Media industry which has been established under existing laws before this law comes into force shall have the right to continue their operations until the expiry of the specified period.

(b) If the industry intends to continue their business operations after its expiry, their operation period can be extended in accordance with specified principles.

32. Any of the orders, directives, notice and declarations restricting freedom of expression proclaimed under Press and Publishers Registration Law of 1962 which oppose regulations stated in this law shall be considered to be nullified.

33. While implementing regulations stated in this law,

(a) The ministry may declare necessary principles, rules and regulations with the approval of the Union government in cooperation with the council.

(b) The ministry and council may promulgate notifications, orders, directives and procedures.