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THE CANARY IN THE COAL MINE: RESPONDING TO VIOLATIONS OF PRESS FREEDOMS IN VENEZUELA AND MYANMAR

**Report of the Standing Committee on Foreign Affairs
and International Development**

Michael Levitt, Chair

Subcommittee on International Human Rights

Anita Vandenberg, Chair

JUNE 2019

42nd PARLIAMENT, 1st SESSION

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NOTICE TO READER

Reports from committee presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

To assist the reader:

A list of acronyms used in this report is available on page xi

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THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

has the honour to present its

TWENTY-SEVENTH REPORT

Pursuant to the motion adopted by the Standing Committee on Foreign Affairs and International Development on Thursday, February 4, 2016, and the motion adopted by the Subcommittee on Thursday, October 4, 2017, the Subcommittee has studied the Global State of the Free Press.

Your Committee has adopted the report, which reads as follows:

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LIST OF ACRONYMS

CEO	Chief Executive Officer
CNN	Cable News Network
CONATEL	National Commission of Telecommunications
NGO	Non-governmental organization
NLD	National League for Democracy
RCTV	Radio Caracas Televisión
SEBIN	Servicio Bolivariano de Inteligencia Nacional
UN	United Nations

SUMMARY

Independent media has long been understood to be an essential component of healthy democracies. This view, however, is being increasingly challenged by leaders that frame free press as an opponent. A rapidly changing global media landscape has complicated the matter further. Media outlets that have traditionally performed investigative journalism are losing their voice, along with advertising and subscription revenue, to social media platforms. As such, weakened independent media outlets struggle with an increasingly challenging business environment at a time when hostility towards their profession has increased.

Venezuela and Myanmar provide clear examples of how media environments are subject to manipulation by governments and of the critical role free press plays as a counterweight to repression. Independent press in both countries has been subjugated by government in a systematic manner and for a significant period. The result in both cases is, despite their most creative and bravest efforts, an independent media corps that cannot play the challenge function that it is meant to.

The closure of media outlets by government in Venezuela has been paired with intimidation and arrest of journalists that have been critical of the ruling party. Nearly the entire media infrastructure has been commandeered by the state, allowing government to block internet, television and radio at strategic times and to use these mediums to promote its own messages. This monopolization of media has compromised the ability of Venezuelans to access timely and relevant information about important events occurring in their country, leading them to seek alternative sources.

Despite recent promises of democratization, Myanmar's government along with its army have continued their crackdown on independent press. Journalists have been charged under vague defamation laws and for reporting on conflict areas within the country, among other reasons. They also face hostility from radicalized groups that fiercely support the ruling party and who benefit from the indifference or tacit backing of government. The social media network Facebook is the primary method of exchanging information online in Myanmar. Some argued that, through its algorithms and aggregation feed, Facebook obscures the line between journalism and inflammatory reporting. Furthermore, some argued that Facebook was an essential tool in spreading hate speech that has fuelled genocide of the Rohingya community.

The Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (the Subcommittee)

undertook a study on the Global State of the Free Press between 27 November 2018 and 28 February 2019, hearing from witnesses knowledgeable on the media environments in Venezuela and Myanmar. The witnesses consisted of journalists, members of non-governmental organizations, and the Special Rapporteur for Freedom of Expression from the Inter-American Commission on Human Rights.

As a result of the witness testimony, the following report sets out six recommendations. First, the Subcommittee urges Global Affairs Canada to continue to speak out against violations of human rights defenders' right to free expression in Venezuela, Myanmar and elsewhere. Second, the Subcommittee recommends that the Government of Canada offer practical assistance to states that are considering adopting, amending or repealing laws related to free expression, internet usage, privacy or the practice of journalism, with a view to ensuring that laws are not overly broad or easily abused. The Subcommittee also recommends that Global Affairs Canada instruct its embassies to play a greater role in promoting press freedom, including by protecting journalists whose personal security is threatened, for example by highlighting specific cases or offering sanctuary. The Subcommittee's fourth recommendation calls for the Government of Canada to support journalists working in hostile media environments through programs offering training, practical support, or networking opportunities. The Subcommittee also recommends that the Government of Canada identify and use opportunities to support media literacy programming in its international development funding. Finally, the Subcommittee recommends supporting the creation of a position of Special Advisor on the Protection of Journalists at the United Nations.

LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1 – Condemning Government Measures Taken to Silence Dissent

That Global Affairs Canada, in concert with like-minded partners, continue to explicitly condemn violations of the freedom of expression of human rights defenders such as those in Venezuela, Myanmar and elsewhere..... 30

Recommendation 2 – Offering Practical Assistance in Legislative Drafting

That the Government of Canada offer practical assistance to states considering adopting, amending or repealing laws related to freedom of expression, internet usage, privacy or the practice of journalism, with a view to ensuring that laws are not overly broad or easily abused. 30

Recommendation 3 – Using Embassies to Protect Journalists

That Global Affairs Canada instruct its embassies to play a greater role in promoting press freedom, including by taking measures to protect journalists whose personal security is threatened, for example by highlighting specific cases or by offering sanctuary. 30

Recommendation 4 – Funding Training Programs for Journalists Working in Hostile Media Environments Abroad

That Global Affairs Canada support, either directly or through partner organizations or journalist-led initiatives, programs that train or otherwise assist journalists working in hostile media environments. This could include training in personal security and information security, basic legal training for journalists, training with respect to the fact-finding process, facilitating networking, or providing necessary resources and equipment for the practice of journalism..... 30

Recommendation 5 – Promoting Media Literacy

That Global Affairs Canada identify and seize upon opportunities to support programming that incorporates media literacy training, in a manner appropriate to the local context. 30

Recommendation 6 – Supporting the Creation of a Position of Special Adviser on the Protection of Journalists at the United Nations

That the Government of Canada work with the United Nations and like-minded states to support the creation of a position of Special Adviser on the Protection of Journalists, who could monitor and address the threats to the freedom and safety of journalists..... 30



THE CANARY IN THE COAL MINE: RESPONDING TO VIOLATIONS OF PRESS FREEDOMS IN VENEZUELA AND MYANMAR

INTRODUCTION

The respect of independent media by government is an important indicator of the direction in which a state is headed in regards to the treatment of its citizens. Administrations wishing to act with impunity tend to, first and foremost, compromise the ability of independent media to report freely upon events in a country. The steps that repressive governments take towards constraining free press are often purposeful, systematic, and calculated. They may include, among other things, harassment and intimidation of journalists by state security forces, revocation of licenses for broadcast media, censoring of websites or even the use of certain terms, invoking the overly broad application of legislation with anti-defamation or so-called anti-hate provisions, or publicly discrediting press through unfounded accusations.

The past year has been challenging for independent media and for proponents of free expression, with press freedom trending downwards across the globe.¹ Journalists have been brazenly targeted, with some governments expressing outright contempt towards independent media critical of their policies. Unfavourable business environments due to demographics and the popularity of social media have further weakened independent press, rendering it especially vulnerable to hostile governments. Given the link between robust independent media and respect for human rights, the relevance of studying the state of global free press is clear.

With this in mind, the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (the Subcommittee) undertook a study on the global state of the free press between 27 November 2018 and 28 February 2019. To better understand the connection between democratic values and the free press, the Subcommittee chose to use as case studies the media environments in Venezuela, where a political crisis continues to unfold, and Myanmar, a fledgling democracy where growing nationalism has resulted in genocide against the Rohingya and the resurgence of conflict between Myanmar's army

1 Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development [SDIR], *Evidence*, 27 November 2018, 1305 (Philip Tunley, President, Board of Directors, Canadian Journalists for Free Expression).



and several ethnic minority groups. The Subcommittee heard from four expert witnesses on Venezuela and four on Myanmar. The witnesses consisted of members of local and international non-governmental organizations (NGOs), local and international journalists, and the Special Rapporteur for Freedom of Expression from the Inter-American Commission on Human Rights.

Witnesses speaking to the situation of Venezuela painted the portrait of a media environment that has been consistently compromised over the past decade. The closure and appropriation of major independent media outlets by government has led to higher concentration in media ownership and strikingly low diversity; major media outlets remaining in operation have shifted their editorial lines in support of government. Protests against the government of President Nicolás Maduro have been met with media blackouts and arbitrary arrests of journalists.

Witnesses describing the situation in Myanmar highlighted how the current government's hostility towards independent media has been all the more disappointing due to initial hopes that the National League for Democracy (NLD), led by State Counsellor Aung San Suu Kyi, would usher in a new era of free expression. Moreover, journalists in the country must contend with more than the ruling party's hostility; they are also subject to repression and physical threats from the army and radicalized groups. The manipulation of the social media network Facebook by the military, and the fact that its algorithms prioritize popularity in newsfeeds, have added to confusion between the dissemination of fact and fiction in Myanmar. Whereas Venezuelans are deprived of independent information and subject to networks that disseminate the government narrative, the media environment in Myanmar sees independent journalists struggling against several repressive actors, as well as the phenomenon of hate speech and disinformation through social media.

What follows is an account of the lead-up to, and description of, the current media environments in both Venezuela and Myanmar as case studies on press freedom. The discussion of each country concludes with a short section on witness suggestions for what can be done to reclaim space for independent media. Finally, the report considers general challenges to global free press and healthy media environments. The Subcommittee then reflects upon what action can be taken to protect global free press and lays out six recommendations for the Government of Canada.

PRESS FREEDOM IN VENEZUELA

The decline of press freedom in Venezuela over the past decade has not occurred haphazardly. Former President Hugo Chávez and his successor, Nicolás Maduro, both identified independent media as a political enemy,² taking systematic steps to restrict the rights of journalists, to control editorial lines and to close independent media outlets. The “ongoing and constant”³ deterioration of press freedom in Venezuela has only intensified in recent years, leaving the media infrastructure particularly vulnerable to the country’s economic and social crises and compromising the ability of citizens to receive and disseminate information during moments of crisis.⁴ It is during these periods that government intensifies its suppression of local and international press, as well as of citizens sharing information online.⁵ Government intervention in media is the new normal. According to Carlos Correa, Executive Director, Nongovernmental Organization (NGO) Human Rights, Freedom of Expression, Espacio Público:

Currently, most people in Venezuela don't know what is happening in the moment. The lack of space for information and the disinformation spread by government increase uncertainty and diminish informed public debate, which is necessary to overcome the crisis and to recover democratic institutions.⁶

As the Subcommittee undertook its study in the fall of 2018 and winter of 2019, a political crisis escalated in Venezuela. Inflamed by the election of President Maduro for a second term in January of 2019, followed shortly thereafter by the self-proclaimed interim presidency of Juan Guaidó, the obstacles to reporting independent information to the public have intensified.⁷ However, witnesses emphasized that the current state of the media in Venezuela is the result of a long campaign of building state hegemony over communications. Emmanuel Colombié, Director, Latin America Desk at Reporters Without Borders, summarized the situation as follows:

This censorship has been going on for months, and indeed for several years. It intensified in the beginning of 2019, but it's a reality we have observed for a very long time.⁸

2 SDIR, [Evidence](#), 26 February 2019, 1300 (Carlos Correa, Executive Director, Nongovernmental Organization (NGO) Human Rights, Freedom of Expression, Espacio Público).

3 SDIR, [Evidence](#), 5 February 2019, 1335 (Emmanuel Colombié, Director, Latin America Desk, Reporters Without Borders).

4 SDIR, [Evidence](#), 26 February 2019, 1310 (Edison Antonio Lanza Robatto, Special Rapporteur for Freedom of Expression, Inter-American Commission on Human Rights).

5 SDIR, [Evidence](#), 5 February 2019, 1335 (Colombié).

6 SDIR, [Evidence](#), 26 February 2019, 1300 (Correa).

7 SDIR, [Evidence](#), 5 February 2019, 1305 (Colombié).

8 Ibid.



Measures Taken to Restrict the Free Flow of Information in Venezuela

Consolidation of Media and State Communications Hegemony

The Venezuelan state has achieved communications hegemony through a two-pronged approach: 1) by suspending media licenses, and 2) acquiring media networks. Laura Helena Castillo, Co-Founder of El Bus TV, traced the pattern to 2007 and President Chávez's increasing control of the state media apparatus and procurement of independent media outlets.⁹ While state-owned media expanded, some of the most important independent broadcasters in Venezuela had their licenses revoked.¹⁰ Revocations are carried out by the National Commission of Telecommunications (CONATEL), the most notable instance being the withdrawal of Radio Caracas Televisión's (RCTV) permit.¹¹ Edison Antonio Lanza Robatto, Special Rapporteur for Freedom of Expression at the Inter-American Commission on Human Rights, noted that RCTV "was doubtlessly the number one private TV channel, and it was handed over to a state media outlet."¹² Ms. Castillo stated that the repercussions of these policies included the closure of 39 media outlets between 2005 and 2017, the majority being radio stations. Major print media outlets were sold and in 2013 the only 24-hour news channel was also sold, abandoning its independent editorial line.¹³ International media outlets were not immune to the crack down, with peaks of suspensions occurring in 2009, 2014, and 2017.¹⁴ In 2017 alone, 61 sources of media were closed, representing 32% of all of media sources closed since 2002.¹⁵ Mr. Correa explained that "massive closures of the media, which happened increasingly, have significantly restricted traditional media, specifically, those that reach the greatest number of people, such as television and radio."¹⁶

Mr. Lanza Robatto stated that the Maduro government defends the legitimacy of measures such as the blocking of access to media platforms, revocation of licenses, and

9 SDIR, [Evidence](#), 28 February 2019, 1300 (Laura Helena Castillo, Co-Founder, El Bus TV).

10 SDIR, [Evidence](#), 26 February 2019, 1320 (Lanza Robatto).

11 SDIR, [Evidence](#), 26 February 2019, 1335 (Correa).

12 SDIR, [Evidence](#), 26 February 2019, 1325 (Lanza Robatto).

13 SDIR, [Evidence](#), 28 February 2019, 1300 (Castillo).

14 SDIR, [Evidence](#), 26 February 2019, 1315 (Correa).

15 SDIR, [Evidence](#), 26 February 2019, 1300 (Correa).

16 Ibid.

deportation of journalists.¹⁷ While such brazen methods of suppression of independent media continue, more nuanced approaches also exist, including the private purchase of media outlets by front companies that are close to the government. Mr. Lanza Robatto cited Global Vision as an example, noting that its editorial line shifted after it was purchased by an entrepreneur close to the government.¹⁸

To protect themselves from government pressure, media outlets have merged. The result is less diversity in editorial lines. Mr. Correa explained that “there used to be a number of provisions that regulated the frequency bands that could be held by a private owner” and that “no individual could own more than 10% of the radio spectrum in AM or FM, or more than 25% of the radio spectrum for regional broadcasters.”¹⁹ In order to survive the continuous closure of radio stations, outlets now establish “partnerships with either political powers or private powers that are closely linked to state powers—either locally, regionally or nationally.”²⁰

What we have is lower diversity, lower pluralism. We have gone from a situation where there was more pluralism and diversity, to one where there is greater concentration of ownership and also fewer choices for people to be informed, and to compare and contrast information that they receive.²¹

Obstacles to the Dissemination of Information

Equipment and Resources

Mr. Colombié explained that daily and weekly print media is subjected to a “vicious type of censorship: paper rationing.”²² By using its monopoly over the sale and distribution of newsprint paper to limit supply, the state has effectively prevented print media with opposing views from publishing. The tactic, which began roughly 5 years prior to the current crises, has resulted in 10 states no longer having access to print media as of December 2018.²³ Mr. Lanza Robatto noted that the loss of print media has the added significance of the disappearance of “the most independent portion of the press.”²⁴

17 SDIR, [Evidence](#), 26 February 2019, 1310 (Lanza Robatto).

18 Ibid.

19 SDIR, [Evidence](#), 26 February 2019, 1335 (Correa).

20 Ibid.

21 SDIR, [Evidence](#), 26 February 2019, 1335 (Correa).

22 SDIR, [Evidence](#), 5 February 2019, 1310 (Colombié).

23 Ibid.; SDIR, [Evidence](#), 26 February 2019, 1300 (Correa).

24 SDIR, [Evidence](#), 26 February 2019, 1355 (Lanza Robatto).



Obstruction of Broadcasting and Internet

Government obstruction of broadcasting and controls over content are common occurrences and are applied across all forms of media in Venezuela. Access to the Internet has been limited during select periods, television and radio frequencies have been blocked, and the content of all three mediums monitored. Mr. Correa explained that the frequency of blocking media, of restrictions on reporting, and of restrictions on access to information have led to normalization of the practices.²⁵

Witnesses stated that the Maduro government has developed strategies to control messages published online by blocking websites²⁶ and that investigative news sites such as *Armando.info* have been specifically censored, for months at a time.²⁷ Mr. Correa noted that the blocking of social media systematically takes place on days when protests against the government occur and that the practice “is affecting the visibility of what is happening in the country.”²⁸ He also noted that the blocking of websites is often followed up by criminal charges against bloggers.²⁹

The state-run communications regulation commission, CONATEL, blocks independent radio and television frequencies, “either through couriers or direct intervention on the premises of the independent media,” preventing them from transmitting information.³⁰ In addition to managing the distribution of licenses and blocking frequencies, CONATEL monitors content, making it increasingly difficult to address certain topics. Mr. Correa noted that no television or radio station has been able to interview Juan Guaidó, keeping the public from hearing his arguments. He explained that, because of this, citizens “haven’t been able to compare [his arguments] with the very abundant official information that, in addition to state media, also uses other platforms.”³¹ Mr. Colombié added that on the day of opposition leader Juan Guaidó's inauguration, Venezuelan media only broadcast President Maduro's speech. He further added that radio and television channels had been censored in advance by the government and that “Venezuelan people do not have access to independent, varied, objective or critical

25 SDIR, [Evidence](#), 26 February 2019, 1300 (Correa).

26 SDIR, [Evidence](#), 26 February 2019, 1310 (Lanza Robatto).

27 SDIR, [Evidence](#), 28 February 2019, 1330 (Castillo).

28 SDIR, [Evidence](#), 26 February 2019, 1315 (Correa).

29 Ibid.

30 SDIR, [Evidence](#), 5 February 2019, 1305 (Colombié).

31 SDIR, [Evidence](#), 26 February 2019, 1335 (Correa).

information on what is happening in their country.”³² International television channels have also been blocked by CONATEL, including CNN, Colombian networks (for example, Radio Caracol), and Chilean national television.³³

Criminalization of Journalism and the Deportation of Foreign Journalists

The legislative framework within which reporters exercise their profession has become more restrictive, as reflected in increased judicial persecution and through the arbitrary arrest and criminal convictions of journalists.³⁴ Mr. Lanza Robatto warned that a pattern of criminalization of journalism, in place for the past eight years, has recently intensified.³⁵ Mr. Correa, added that the criminalization of journalism facilitated attacks against the media and fostered impunity in cases of violence against journalists.³⁶

Journalists covering opposition demonstrations in Venezuela and those not supporting the government's official line have also been arbitrarily arrested by the state counter-intelligence service, Servicio Bolivariano de Inteligencia Nacional (SEBIN). Mr. Lanza Robatto informed the Subcommittee that when a local journalist in Venezuela addresses either government corruption or human rights violations, a legal case is opened against them and they are prohibited from leaving the country.³⁷ Furthermore, reporters identified as critical of the government have had their cameras and other equipment confiscated and destroyed by the SEBIN.³⁸

Journalists have been detained under a variety of charges, including espionage and conspiracy. Mr. Colombié noted that, “[w]e’re dealing with a range of charges that have absolutely no validity. In our opinion, the charges are simply intended to silence not only journalists, but also bloggers and other people.”³⁹

Mr. Lanza Robatto explained that the threat of imprisonment has led many journalists to leave the country and live in exile, noting there are more than 10 Venezuelan journalists carrying out their work in Miami or Colombia. Repression is not limited to local

32 SDIR, [Evidence](#), 5 February 2019, 1310 (Colombié).

33 SDIR, [Evidence](#), 28 February 2019, 1330 (Castillo); SDIR, [Evidence](#), 26 February 2019, 1305 (Lanza Robatto).

34 SDIR, [Evidence](#), 5 February 2019, 1335 (Colombié).

35 SDIR, [Evidence](#), 26 February 2019, 1335 (Lanza Robatto).

36 SDIR, [Evidence](#), 26 February 2019, 1300 (Correa).

37 SDIR, [Evidence](#), 26 February 2019, 1320 (Lanza Robatto).

38 Ibid.; SDIR, [Evidence](#), 5 February 2019, 1310 (Colombié).

39 SDIR, [Evidence](#), 5 February 2019, 1335 (Colombié).



journalists. Deportations of foreign correspondents occur regularly, with up to 20 cases recorded over the past four years.⁴⁰ Witnesses related the recent case of seven foreign journalists arrested during a 24-hour period, including journalists from Chile, Colombia, Spain, Brazil and France. All were detained, questioned, and, after some hours, freed. Most were immediately escorted to the airport and expelled from the country. According to Mr. Colombié, the reporters were asked to stop transmitting information despite having registered as journalists upon their arrival in Venezuela.⁴¹

Surveillance and Criminalization of Social Media Users

Mr. Colombié also emphasized the importance of social media in Venezuela, noting that “Twitter is playing a fundamental role and is one of the few tools where people can find information provided by opposition and independent media, which aren't aligned with President Maduro.”⁴² He explained that, because opposition media have been systematically shut out of regular broadcast channels by the Maduro regime, they have turned to Twitter.⁴³ Mr. Lanza Robatto echoed this view, adding that the repression and monopolization of traditional media has led bloggers and citizens to rely on the Internet and that “during certain years that was the space that was much more free than traditional media.”⁴⁴

Along with other witnesses, however, Mr. Colombié warned that steps are now being taken by government to curtail free expression on social media. Government is using its control over Internet infrastructure to censor networks directly “by cutting off access to the Internet or the platforms.”⁴⁵ There has also been selective government surveillance of citizens on social media and the arbitrary application of new anti-hate legislation to social media users.⁴⁶ Mr. Lanza Robatto and Mr. Correa raised the case of Pedro Jaimes Criollo, an individual who regularly shared information related to meteorology and flight paths in Venezuela on Twitter. In May 2018, Mr. Jaimes was detained by the SEBIN without a warrant for sharing the flight path of the presidential plane, which was public

40 SDIR, [Evidence](#), 26 February 2019, 1305 (Lanza Robatto).

41 SDIR, [Evidence](#), 5 February 2019, 1310 (Colombié).

42 SDIR, [Evidence](#), 5 February 2019, 1350 (Colombié).

43 Ibid.

44 SDIR, [Evidence](#), 26 February 2019, 1325 (Lanza Robatto).

45 SDIR, [Evidence](#), 5 February 2019, 1350 (Colombié).

46 SDIR, [Evidence](#), 26 February 2019, 1325 (Lanza Robatto).

information, on Twitter. Amado Vivas, Coordinator, Nongovernmental Organization (NGO) Human Rights, Freedom of Expression, Espacio Público, explained that:

basically there is very selective surveillance of social media that affects these citizens, particularly in Jaimes's case. Because he shared public information, he's now subject to a possible penalty of up to 30 years in prison, which is the maximum penalty in Venezuela. In addition, he is now subject to prosecution in which, of course, the judges lack any independence.⁴⁷

Mr. Lanza Robatto explained that for the past year and a half, individuals have been threatened with imprisonment for so-called "expressions of hate, discrimination or terrorism under the anti-hate law" on social media.⁴⁸ He emphasized that the definition of such circumstances has been vague and ambiguous. Describing it as draconian, Mr. Lanza Robatto informed the Subcommittee that the law is the first of its kind in the hemisphere, "establishing up to 20 years in jail for people whom the government considers as disseminating online messages of hate that are subversive."⁴⁹ Of the 53 people detained for publishing information online since 2009, 23 were detained in 2018.⁵⁰

While the above describes a dire situation for freedom of expression for online spaces in Venezuela, things may soon get worse. Mr. Colombié warned that the Maduro administration intends to introduce a bill allowing government to maintain control over private data online, describing the potential legislation as "very troubling".⁵¹ This latest move by the Maduro regime is consistent with the pattern described above: repressive measures by government intensify as the threat to its hold on power deepens.

Alternative Media: Challenges and Opportunities

In response to increasing obstacles to the free flow of information, Venezuelans "started looking for small sources of media online."⁵² In fact, Mr. Correa noted, "the small spaces that do have the ability to function are the ones that are the most sought-after."⁵³ However, Venezuelans seeking independent news online are hindered by subpar

47 SDIR, [Evidence](#), 26 February 2019, 1300 (Amado Vivas, Coordinator, Nongovernmental Organization (NGO) Human Rights, Freedom of Expression, Espacio Público).

48 SDIR, [Evidence](#), 26 February 2019, 1325 (Lanza Robatto).

49 Ibid.

50 SDIR, [Evidence](#), 26 February 2019, 1300 (Correa).

51 SDIR, [Evidence](#), 5 February 2019, 1335 (Colombié).

52 SDIR, [Evidence](#), 26 February 2019, 1320 (Correa).

53 Ibid.



infrastructure and limited access. Despite the turn toward online sources described above, Internet speeds in Venezuela are among the slowest in the region and the network is unavailable to more than half the population.⁵⁴ The high price of smartphones creates another barrier to access Internet, their cost representing a large part of the minimum income of the average Venezuelan.⁵⁵

The Subcommittee learned of one example of innovative journalism bringing news directly to Venezuelans. Co-founded in 2017 by Ms. Castillo and a colleague, El Bus TV is made up of more than 40 journalists, along with journalism students working for school credit, who board urban transit buses, when allowed, and who read out news reports. Presenters relay the news from behind a cardboard cut-out approximating a TV screen. El Bus TV operates on several routes primarily in low-income areas of Caracas, Valencia and Mérida, and plans to expand to Ciudad Guayana. Ms. Castillo explained to the Subcommittee that “[w]e believe that we cannot wait for the public to come to the media. The media has to go to its audience to bring them information, especially independent and balanced information.”⁵⁶

The shortage of information in Venezuela is not limited to political matters; it extends to basic needs such as nutrition and health care.⁵⁷ Ms. Castillo explained that Venezuelans are seeing a resurgence of previously eradicated diseases. Diphtheria, hepatitis A and malnutrition are prevalent, and “[w]e have a total lack of health information campaigns.”⁵⁸

Ms. Castillo relayed that journalists are generally welcomed on board. Riders have recommended topics of interest, and informed debates have occurred. However, as political tensions have increased, so too has tension on the buses. Journalists have been verbally and physically assaulted, and the organization has had to revise its security protocols.⁵⁹

Impact of the Media Environment on the Current Political Crisis

In recent months the crisis in Venezuela has severely escalated. Censorship intensified in the beginning of 2019 with the election of President Maduro for a second term and with

54 Ibid.

55 SDIR, [Evidence](#), 28 February 2019, 1330 (Castillo).

56 SDIR, [Evidence](#), 28 February 2019, 1305 (Castillo).

57 Ibid.

58 Ibid.

59 Ibid.

the self-proclaimed interim presidency of Juan Guaidó on 23 January 2019.⁶⁰ This continues what has become a pattern in Venezuela: “[e]ach time the opposition becomes more prevalent ... censorship automatically grows at the same time.”⁶¹ As noted above, in January 2019 CONATEL shut down all television channels intending to broadcast live coverage of Juan Guaidó's inaugural speech.⁶² During protests and events that have taken place since, subscription television channels from Chile and Colombia have also been blocked by CONATEL.⁶³ Mr. Correa voiced his concerns over the most recent developments, stating that:

the president of the National Assembly of Venezuela [Juan Guaidó] has not been interviewed by any radio broadcaster in Venezuela. No television station or radio station is able to interview this person. The public has not heard his arguments. They haven't been able to compare them with the very abundant official information that, in addition to state media, also uses other platforms.⁶⁴

Agreeing, Mr. Colombié added that “[i]t is harder and harder for journalists to describe reality, to talk about what is happening, the economic crisis, the food shortage, the repression and the very tense situation that has prevailed there since the beginning of 2019.”⁶⁵ More than ever, the Venezuelan people do not have access to independent, varied, objective or critical information on what is happening in their country.⁶⁶ The Maduro government has also recently doubled down on its turn against social media, restricting access to platforms such as Twitter and Instagram. Internet access has also been sporadically cut off in several parts of the country.⁶⁷ Finally, Mr. Correa highlighted that in January 2019 alone, 20 members of the press were detained for their coverage.⁶⁸

As alluded to above, the clampdown has contributed to “a very tense month” for journalists in the country, with one witness noting that people are becoming more polarized.⁶⁹ In Ms. Castillo's words:

60 SDIR, [Evidence](#), 5 February 2019, 1305 (Colombié); SDIR, [Evidence](#), 26 February 2019, 1305 (Lanza Robatto).

61 SDIR, [Evidence](#), 5 February 2019, 1335 (Colombié).

62 Ibid.

63 SDIR, [Evidence](#), 26 February 2019, 1305 (Lanza Robatto).

64 SDIR, [Evidence](#), 26 February 2019, 1335 (Correa).

65 SDIR, [Evidence](#), 5 February 2019, 1310 (Colombié).

66 SDIR, [Evidence](#), 26 February 2019, 1335 (Correa).

67 SDIR, [Evidence](#), 5 February 2019, 1350 (Colombié).

68 SDIR, [Evidence](#), 26 February 2019, 1300 (Correa).

69 SDIR, [Evidence](#), 28 February 2019, 1305 (Castillo).



We continue to do what we do, and we continue to grow. But we also know that it will become increasingly difficult to climb onto buses and provide information. We feel that it's increasingly necessary and, at the same time, increasingly difficult. It's more sensitive than it was a couple of years ago because people are more tense.⁷⁰

What Can be Done?

Witnesses highlighted the importance of attention from foreign governments and the United Nations (UN) in the fight to defend press freedoms in Venezuela. This includes advocacy measures, offering protection and using opportunities to support local press through training.

Mr. Colombié highlighted the need for governments to continue to speak out and to explicitly condemn what is happening in Venezuela, as well as in other countries. He explained that governments outside of Venezuela could raise the profile of important issues such as the continuing censorship and the lack of access to unbiased information. He added that increased pressure from the UN could contribute to progress and proposed the following:

For a number of years, we've been asking the United Nations to create the position of special adviser on the protection of journalists. The adviser would report to the secretary-general of the organization and could speak regularly about issues concerning press freedom. If Canada were prepared to support this request, we would be very grateful.⁷¹

Mr. Colombié also noted that Canada could play a role by providing funding for training initiatives for local journalists "who need cybersecurity and physical protection on the ground very badly" and who "need protective equipment" and "journalistic material."⁷² He highlighted the importance of training for independent journalists "who don't know how to defend themselves in the face of threats of physical and verbal violence, arrests and online attacks."⁷³ He stated that organizations such as Human Rights Watch and Reporters Without Borders "are working to find solutions to directly assist vulnerable media" but that putting such programs in place could be challenging for financial reasons.⁷⁴ Mr. Colombié also stressed that support provided by embassies to journalists in dangerous situations can be helpful, if not vital.⁷⁵

70 Ibid.

71 SDIR, [Evidence](#), 5 February 2019, 1355 (Colombié).

72 SDIR, [Evidence](#), 5 February 2019, 1325 (Colombié).

73 Ibid.

74 Ibid.

75 SDIR, [Evidence](#), 5 February 2019, 1355 (Colombié).

PRESS FREEDOM IN MYANMAR

Free Expression, the Media Landscape and Journalism in Myanmar

From approximately 2010 onward, Myanmar began to emerge from decades of military dictatorship under which expression was severely restricted.⁷⁶ Elections were held in 2012 to establish a civilian government, although Myanmar's military retains the balance of power. The first members of the NLD, the party led by Aung San Suu Kyi, were elected that year, joining the opposition at the time.⁷⁷

It first appeared that democratization would bring significant gains for free expression, a right guaranteed under Myanmar's new constitution, which was drafted by the military.⁷⁸ Due in part to pressure from the international community, local journalists gained greater access to the military-backed civilian government. In 2012, Myanmar's censorship board, which pre-approved all articles for publication, was abolished⁷⁹ and media outlets proliferated.⁸⁰ Though journalists no longer needed pre-approval to publish, they did face threats of arrest or reprisals from the military for coverage of specific topics, notably intensifying military operations against ethnic groups with armed factions, such as the Kachin, in north and northeastern Myanmar.⁸¹ The military began to partner with growing Buddhist extremist nationalist organizations, making useful allies in a new political landscape.⁸² Nevertheless, against that backdrop, in 2015, the NLD won a landslide victory in free and fair elections, having campaigned on further efforts to promote a free press.⁸³ Although Esther Htusan, Foreign Correspondent, The Associated Press recalled "we had so much hope, as journalists,"⁸⁴ the hope would ultimately give way to disappointment. Linda Lakhdhir, Legal Advisor, Human Rights Watch, explained that since the NLD took power in 2016, there has been "a serious decline in freedom of

76 SDIR, [Evidence](#), 19 February 2019, 1315 (Naing).

77 SDIR, [Evidence](#), 19 February 2019, 1310 and 1350 (Bastard); SDIR, [Evidence](#), 28 February 2019, 1310 and 1345 (Htusan).

78 SDIR, [Evidence](#), 28 February 2019, 1310 (Htusan).

79 Ibid.

80 SDIR, [Evidence](#), 19 February 2019, 1310 (Bastard).

81 SDIR, [Evidence](#), 28 February 2019, 1310 and 1315 (Htusan).

82 SDIR, [Evidence](#), 28 February 2019, 1345 (Htusan).

83 SDIR, [Evidence](#), 28 February 2019, 1310 (Htusan).

84 Ibid.



the press” in Myanmar.⁸⁵ The NLD’s actions represent “a genuine reversal of the trend” towards free expression, and “not just an aberration.”⁸⁶ Aung San Suu Kyi’s unwillingness to defend journalists in her country “speaks volumes about the bumpy and winding road that Myanmar must travel to address freedom of the press and complete its transition to democracy.”⁸⁷

Since the election of the NLD, Myanmar has gained international attention for the genocide committed by Myanmar’s military as well as civilians against Rohingya Muslims living in Rakhine state, and a resulting mass exodus towards Bangladesh. Furthermore, clashes between Myanmar’s military and armed ethnic militias have intensified, continuing a conflict that has endured since the country’s independence. Chronic human rights concerns persist, notably official corruption.⁸⁸

The Impact of the Media Landscape on Events in Myanmar

Witnesses highlighted for the Subcommittee that Myanmar’s national discourse and recent events are shaped by its media landscape and information environment. Witnesses emphasized that atrocities against the Rohingya were fueled by disinformation and hate speech coming from a resurgent Buddhist nationalist movement and spurred on by state officials.

Official Disinformation

Ms. Htusan told the Subcommittee that “official information we’re getting from the government is itself misinformation and disinformation.”⁸⁹ She noted that reports based on interviews with government officials are “usually incorrect.”⁹⁰ Myanmar’s government also owns newspapers that, according to Ko Ko Naing, President of the Los Angeles Rohingya Association, are used to spread disinformation.⁹¹ Other newspapers “are close to the government” and are “more or less organs of propaganda.”⁹² The

85 SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir).

86 SDIR, [Evidence](#), 19 February 2019, 1310 (Bastard).

87 Ibid.

88 SDIR, [Evidence](#), 5 February 2019, 1320 (Lakhdir); SDIR, [Evidence](#), 19 February 2019, 1315 (Naing); SDIR, [Evidence](#), 19 February 2019, 1330 (Bastard); SDIR, [Evidence](#), 28 February 2019, 1310 and 1315 (Htusan).

89 SDIR, [Evidence](#), 28 February 2019, 1345 (Htusan).

90 Ibid.

91 SDIR, [Evidence](#), 19 February 2019, 1315 (Naing).

92 SDIR, [Evidence](#), 19 February 2019, 1350 (Bastard).

business models of small privately-held media organizations “are still very weak,” leaving them highly susceptible to editorial pressure from the state.⁹³ In other cases, the government is simply not responsive to journalists and does not respond to questions.⁹⁴

Myanmar’s citizens access the internet almost exclusively through Facebook – in other words, “the Internet is Facebook.”⁹⁵ The number of Facebook users in Myanmar has increased exponentially over the past few years.⁹⁶ Witnesses emphasized that the worst threats to the free flow of accurate information in Myanmar unfold on social media.

The Proliferation of Hate Speech Online

Ms. Lakhdir observed that Facebook plays a “very complicated role” in Myanmar.⁹⁷ It has played, “in many ways a positive role,” by enabling activists to promote democracy, organize and report on protests and raise awareness.⁹⁸ However, she acknowledged that Facebook has “also played a very negative role.”⁹⁹ Daniel Bastard, Head of Asia-Pacific Desk, International Secretariat, Reporters Without Borders, explained the crux of the issue: Facebook algorithms prioritize posts that generate the highest number of clicks – which include false information and hate speech.¹⁰⁰ According to Mr. Bastard, citizen journalists who publish reliable information on Facebook “generally s[ee] their articles fall to the very bottom of the list.”¹⁰¹ Furthermore, witnesses added, the algorithms are “manipulated by authorities—by the army, notably.”¹⁰²

Witnesses explained that reliance on social media in Myanmar contributed to the spread of hate speech. Ms. Htusan observed that “the military's propaganda against the Rohingya has been very successful.”¹⁰³ Noting the “huge amount of abusive speech on

93 SDIR, [Evidence](#), 19 February 2019, 1340 (Bastard).

94 SDIR, [Evidence](#), 5 February 2019, 1325 (Lakhdir).

95 SDIR, [Evidence](#), 5 February 2019, 1345 (Lakhdir). See also: SDIR, [Evidence](#), 19 February 2019, 1330 (Bastard).

96 SDIR, [Evidence](#), 19 February 2019, 1330 and 1345 (Bastard).

97 SDIR, [Evidence](#), 5 February 2019, 1345 (Lakhdir).

98 Ibid.

99 Ibid.

100 SDIR, [Evidence](#), 19 February 2019, 1330 (Bastard).

101 Ibid.

102 Ibid. See also: SDIR, [Evidence](#), 19 February 2019, 1320 (Naing).

103 SDIR, [Evidence](#), 28 February 2019, 1320 (Htusan).



Facebook in Myanmar,”¹⁰⁴ witnesses stressed that the Myanmar government and citizens use Facebook as a tool to spread hate speech and justify the killing of the Rohingya.¹⁰⁵ Ms. Lakhdir, Mr. Naing and Mr. Bastard all made the very serious allegation that Facebook has some responsibility for contributing to the incitement of genocide.¹⁰⁶ Mr. Bastard noted that Facebook “was guilty of extreme negligence at the very least.”¹⁰⁷

Mr. Bastard observed that Facebook “had practically no-one to moderate the activities of that massive number of users,” though he also acknowledged that moderation is “difficult to define.”¹⁰⁸ He and Ms. Htusan made reference to an open letter drafted by a coalition of civil society groups to Mark Zuckerberg, Chief Executive Officer of Facebook.¹⁰⁹ The letter condemns Facebook’s over-reliance on third parties to report hate speech or incitement to violence, the company’s lack of a proper mechanism to escalate reports in cases of emergencies, its reticence to engage with local stakeholders to develop solutions, and its lack of transparency about past practices and measures to be taken to improve the company’s response.¹¹⁰

Threats to the Freedom and Safety of Journalists and Human Rights Defenders

Just as Myanmar’s media environment has shaped national discourse, the rhetoric and actions of Myanmar’s government have had a profound impact on the ability of journalists to cover the news. Some members of the government regularly disparage the press and support the harassment of journalists.¹¹¹ The Subcommittee learned that journalists are particularly fearful of negative consequences for writing about human rights issues or humanitarian crises unfolding in the country, leading to self-censorship.¹¹² Ms. Htusan highlighted that fear is now being used to replace the functions of the now-defunct

104 SDIR, [Evidence](#), 5 February 2019, 1345 (Lakhdir).

105 SDIR, [Evidence](#), 19 February 2019, 1320 (Naing). See also: SDIR, [Evidence](#), 5 February 2019, 1345 (Lakhdir); SDIR, [Evidence](#), 19 February 2019, 1330 (Bastard).

106 SDIR, [Evidence](#), 19 February 2019, 1345 (Bastard); SDIR, [Evidence](#), 5 February 2019, 1345 (Lakhdir); SDIR, [Evidence](#), 19 February 2019, 1320 (Naing).

107 SDIR, [Evidence](#), 19 February 2019, 1350 (Bastard).

108 SDIR, [Evidence](#), 19 February 2019, 1345 (Bastard).

109 Ibid.; SDIR, [Evidence](#), 28 February 2019, 1325 (Htusan).

110 [Open Letter to Mark Zuckerberg](#), 5 April 2018.

111 SDIR, [Evidence](#), 5 February 2019, 1325 (Lakhdir).

112 SDIR, [Evidence](#), 28 February 2019, 1315 (Htusan).

ensorship board, and that, along with the military, journalists now face threats from the civilian government and Buddhist extremist organizations.¹¹³

The Use of the Legal System to Stymie the Free Flow of Information

Ms. Htusan noted that the biggest challenge facing journalists is the threat of criminalization.¹¹⁴ Authorities have arrested journalists and advocates under a wide range of laws.¹¹⁵ Ms. Htusan observed that Myanmar’s civilian government has the power to repeal repressive laws that have been used by the military regime for over 50 years, but that the civilian government, along with the military, instead uses such laws to criminalize and demonize journalists who report on corruption or failures of government, or who engage in any form of satire.¹¹⁶ These laws serve as a “sword of Damocles hanging over the heads of investigative journalists,” creating a serious chilling effect.¹¹⁷ Even if there is no conviction, criminal charges can incur enormous costs for news organizations, which are already in financially precarious situations.¹¹⁸ They can also cause serious disruptions to a journalist’s professional and personal life – in one example, Ms. Lakhdir referred to an editor who had to make a 1260 kilometre round trip every second week for an ongoing trial.¹¹⁹ The chilling effect is enhanced by the reality that “[t]he judiciary is not independent of the central government, and the government can arrest anyone at any time.”¹²⁰

Perhaps the highest-profile demonstration of the use of the legal system to silence journalists is the case of Reuters journalists Wa Lone and Kyaw Soe Oo,¹²¹ who were convicted under Myanmar’s *Official Secrets Act of 1923*. The pair were arrested immediately after two state officials summoned them and handed them “mysterious documents.”¹²² Many believe that Wa Lone and Kyaw Soe Oo were arrested in

113 Ibid.

114 SDIR, [Evidence](#), 28 February 2019, 1355 (Htusan).

115 For more information on the criminalization of peaceful expression in Myanmar, consult [Dashed Hopes: The Criminalization of Peaceful Expression in Myanmar](#), Human Rights Watch, 31 January 2019.

116 SDIR, [Evidence](#), 28 February 2019, 1310 (Htusan).

117 SDIR, [Evidence](#), 19 February 2019, 1340 (Bastard); SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir).

118 SDIR, [Evidence](#), 19 February 2019, 1340 (Bastard).

119 SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir).

120 SDIR, [Evidence](#), 19 February 2019, 1315 (Naing). See also: SDIR, [Evidence](#), 19 February 2019, 1305 (Bastard).

121 SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir).

122 SDIR, [Evidence](#), 19 February 2019, 1305 (Bastard).



retaliation for uncovering and reporting upon a massacre in Rakhine state.¹²³ Mr. Bastard noted:

Perhaps the police, judicial and political apparatus went after the journalists with such zeal as a way for Aung San Suu Kyi's civilian government to placate the military and Buddhist fundamentalists in connection with this notorious persecution of the Muslim Rohingya minority.¹²⁴

Following the end of testimony, in May 2019, the two Reuters journalists were granted a presidential amnesty as part of an annual tradition, and released after 18 months in prison.¹²⁵ Observers had predicted this development. Mr. Bastard explained:

That scenario would give the civilian authorities a chance to make a show of clemency towards the journalists after upholding their convictions, and allow the military and Buddhist nationalists to save face ... but a chilling message would have been sent to other journalists: this is what will happen to you if you dare to investigate subjects that are off limits.¹²⁶

Witnesses emphasized that Wa Lone and Kyaw Soe Oo are only two of at least 43 journalists that have been arrested between 2016, when the NLD took power, and September 2018.¹²⁷

Several witnesses criticized Myanmar's *Telecommunications Law of 2013*. Article 66(d) of this law establishes a criminal penalty of imprisonment for up to three years for "defamation." Specifically, the law establishes an offence of "extorting, coercing, restraining wrongfully, defaming, causing undue influence or threatening to any person by using any Telecommunications network," a term defined by the law as computers and similar devices connected to a network.¹²⁸ Anyone may lodge a complaint under this provision.¹²⁹ Mr. Bastard described the provision as "vague and poorly written," and that

123 SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir).

124 SDIR, [Evidence](#), 19 February 2019, 1305 (Bastard).

125 "[Wa Lone and Kyaw Soe Oo: Reuters journalists freed in Myanmar](#)," *BBC News*, 7 May 2019.

126 SDIR, [Evidence](#), 19 February 2019, 1305 (Bastard).

127 SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir); SDIR, [Evidence](#), 28 February 2019, 1315 (Htusan).

128 [The Telecommunications Law](#) (The Pyidaungsu Hluttaw Law No. 31, 2013) The 4th Waxing Day of Thadingyut, 1375 M.E. (8 October 2013).

129 SDIR, [Evidence](#), 19 February 2019, 1340 (Bastard).

the practical result of the law is that no matter how overwhelming the supporting evidence of a journalist's investigation, they remain a target for a complaint.¹³⁰

Under this law, complaints have been lodged against journalists by state officials, members of the military and Buddhist ultra-nationalists.¹³¹ Editors and journalists have stood trial for defaming the military and regional officials, even where their work was "clearly satire."¹³² One editor, Swe Win, has been charged with defaming the ultra-nationalist Buddhist monk, Wirathu, after the monk's statement applauding the murder of a lawyer. The editor is quoted as saying that his case has "put a fear in all newsrooms for covering issues related to the Buddhist monks and the nationalist movement in the country."¹³³

Activists and ordinary citizens are also being arrested for speaking to the media on topics such as the military's human rights abuses or corruption.¹³⁴ This makes it much more challenging for even the most intrepid journalists to find sources.¹³⁵ As examples, Ms. Lakhdir noted that people have been arrested for talking to media about a military strike on a church in Kachin state, for calling for help for trapped civilians during a conflict between the Tatmadaw and the Kachin Independent Army, and for making allegations of corruption against the regional minister. She also described the case of Aung Ko Htway, who is currently serving a two-year sentence for giving an interview about his experiences as a child soldier to Radio Free Asia.¹³⁶

The chilling effect of the prospect of criminalization under vague laws is paired with certain outright prohibitions. Use of the term "Rohingya" has been prohibited in Myanmar. Officials prefer to call this group Bengali, a term which implies that the Rohingya rightfully belong in Bangladesh – and by extension that they will never be considered as indigenous to Myanmar. News outlets that use the term Rohingya risk closure or a prohibition on broadcasting, as in the case of United States-based Radio Free Asia.¹³⁷ Using the term can also lead to arrest, both for journalists or citizens.¹³⁸

130 Ibid.

131 SDIR, [Evidence](#), 28 February 2019, 1310 (Htusan); SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir).

132 SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir).

133 Ibid. See also: SDIR, [Evidence](#), 19 February 2019, 1310 (Bastard).

134 SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir).

135 SDIR, [Evidence](#), 5 February 2019, 1315 and 1320 (Lakhdir).

136 SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir).

137 SDIR, [Evidence](#), 19 February 2019, 1310 (Bastard).

138 SDIR, [Evidence](#), 19 February 2019, 1315 (Naing).



Media freedom is further hampered by broad restrictions on access to conflict zones, notably Rakhine state, which has been closed off since 2016.¹³⁹ There are also broad restrictions on access to Kachin, Chin and Shan states.¹⁴⁰ Myanmar's *Unlawful Associations Act of 1906* is a "very broad law" that is also regularly used to "punish anyone viewed as having any contact with one of Myanmar's ethnic armed groups," including journalists.¹⁴¹ Furthermore, according to Mr. Bastard, "those who dare to go [to conflict areas] are met with serious threats and sometimes reprisals by belligerents."¹⁴² He noted:

As soon as there is some conflict, the newspapers lose editorial freedom. It's even physically dangerous to publish anything the army would not want you to publish. It is only in the few areas where the population lives in peace that regional newspapers can be published.¹⁴³

As a result, conflict zones receive no press coverage.¹⁴⁴ Ms. Htusan explained that access restrictions make it extremely difficult to verify information coming from Rohingya sources, with whom she could communicate using social media. She noted that attempts to verify reports with local government would leave journalists very exposed to charges of defamation under the aforementioned *Telecommunications Law*, particularly because they can easily deny the story.¹⁴⁵

Demonization, Threats and Harassment

In Ms. Lakhdir's words, animosity towards journalism is:

a big problem in Myanmar, in fact. It's a problem that is not being helped by a government that, although it ran on a manifesto promising press freedom, has members of the government who regularly demonize or denigrate the press and support the prosecution of journalists.¹⁴⁶

Witnesses informed the Subcommittee that journalists and activists face threats and harassment by ultra-nationalists, militant supporters of the government and the military

139 SDIR, [Evidence](#), 28 February 2019, 1340 (Htusan).

140 SDIR, [Evidence](#), 5 February 2019, 1325 (Lakhdir); SDIR, [Evidence](#), 19 February 2019, 1310 (Bastard).

141 SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir); SDIR, [Evidence](#), 19 February 2019, 1320 (Naing).

142 SDIR, [Evidence](#), 19 February 2019, 1310 (Bastard).

143 SDIR, [Evidence](#), 19 February 2019, 1355 (Bastard).

144 Ibid.

145 SDIR, [Evidence](#), 28 February 2019, 1340 (Htusan).

146 SDIR, [Evidence](#), 5 February 2019, 1325 (Lakhdir).

when they touch on sensitive topics, such as the human rights abuses carried out against the Rohingya and other minorities.¹⁴⁷ These threats occur in person and online. Ms. Htusan, a Pulitzer-prize winning journalist, described her own experience. Her videographer was beaten by a Buddhist monk as he recorded protests against the shutdown of two Madrasah schools.¹⁴⁸ She left Myanmar in December 2017 after receiving death threats from government supporters.¹⁴⁹

Mr. Bastard raised concern about “the presence on Facebook of an army of trolls of the Buddhist fundamentalist movement,” composed of people “who are close to those in charge of the army.”¹⁵⁰ He noted that the harassment of journalists is systematic and organized. He also reported an increasingly widespread practice of preying on citizen journalists, who, as non-professionals are less likely to be targeted with legal threats.¹⁵¹

What Can be Done?

Throughout their testimony, witnesses emphasized the impacts that disinformation, hate speech, criminalization and harassment have had on journalists and human rights defenders in Myanmar. Criminalization can involve “enormous financial costs,”¹⁵² and serious impacts on personal and professional lives.¹⁵³ Ms. Lakhdir emphasized that local journalists “feel much more vulnerable” than international journalists, citing the lack of a support network.¹⁵⁴ Some journalists, such as Ms. Htusan, have been forced into exile.¹⁵⁵ Advocates who speak out on behalf of ethnic minorities in Myanmar – including some from the Buddhist majority—have also left the country. Communities of Rohingya citizen journalists are currently living in Thailand, Malaysia and the United States.¹⁵⁶ Even so, in Myanmar, “a culture of journalistic ethics has developed that must

147 Ibid.; SDIR, [Evidence](#), 28 February 2019, 1315 and 1345 (Htusan).

148 SDIR, [Evidence](#), 28 February 2019, 1345 (Htusan).

149 SDIR, [Evidence](#), 5 February 2019, 1325 (Lakhdir).

150 SDIR, [Evidence](#), 19 February 2019, 1325 (Bastard).

151 Ibid.

152 SDIR, [Evidence](#), 19 February 2019, 1350 (Bastard).

153 SDIR, [Evidence](#), 5 February 2019, 1315 (Lakhdir).

154 Ibid.

155 SDIR, [Evidence](#), 5 February 2019, 1325 (Lakhdir).

156 SDIR, [Evidence](#), 19 February 2019, 1315 (Naing).



be taken into account.”¹⁵⁷ Journalists in Myanmar “are true heroes. They represent the face of what could be freedom of the press.”¹⁵⁸

Mr. Bastard advocated for an approach from the international community that includes directly protecting journalists and privately-held media outlets. He argued that supporting privately-held media organizations would help them to build resilience against attacks. For example, he noted that providing funds to fight criminal charges would be useful.¹⁵⁹ Ms. Lakhdir emphasized the important role that Canada’s embassies could play to protect local journalists, including through providing recognition and support.¹⁶⁰

Witnesses also considered the potential impact of diplomatic pressure. Ms. Lakhdir emphasized that Canada should condemn Myanmar, or any country, that demonizes journalists and supports the regular persecution of journalists.¹⁶¹ However, Mr. Naing observed that Western states including Canada, the United States and the European Union, as well as some neighbouring states such as Malaysia, have continued to place pressure on Myanmar’s government for over a decade to no avail. He noted that Myanmar continued to have the support of other neighbouring states, such as China, Singapore, Thailand and Vietnam.¹⁶² Considering the financial nature of targeted sanctions, Mr. Bastard noted the fact that Myanmar’s leaders’ assets are in China “complicates things considerably.” Still, he further noted, a “message can be sent.”¹⁶³ Mr. Naing advocated for a stronger approach that includes moves to isolate Myanmar’s government and its military.¹⁶⁴

FACING CHALLENGES TO FREE EXPRESSION: A PRESSING NEED

The case studies of Venezuela and Myanmar provide powerful examples of how fragile media environments can perpetuate crises. The suppression of independent media in Venezuela over many years has led to the government’s near-hegemony over media outlets. In Myanmar, the popularity of Facebook and the suppression of independent

157 SDIR, [Evidence](#), 19 February 2019, 1350 (Bastard).

158 Ibid.

159 Ibid.

160 SDIR, [Evidence](#), 5 February 2019, 1325 (Lakhdir).

161 Ibid.

162 SDIR, [Evidence](#), 19 February 2019, 1335 (Naing).

163 SDIR, [Evidence](#), 19 February 2019, 1340 (Bastard).

164 SDIR, [Evidence](#), 19 February 2019, 1320 and 1335 (Naing).

media has led to an overreliance on a social media platform that is prone to being hijacked by promoters of hate speech or disinformation. Restrictions on media protects repressive governments from criticism. Furthermore, when given the opportunity, repressive regimes also employ their media hegemony to impose their own narratives. This is particularly alarming in times of crisis, such as political upheaval in Venezuela and genocide and resurgence of ethnic conflict in Myanmar. The situations of Venezuela and Myanmar fit into broader discussion about the nature of the right to free expression, the role of the media, and the impact of free speech on governance and in citizens' lives.

The Free Press as a Litmus Test

Reflected in Article 19 of the Universal Declaration of Human Rights, freedom of expression includes the freedom to “seek, receive and impart information and ideas through any media and regardless of frontiers.”¹⁶⁵ That right is therefore violated not only when one is restricted from communicating, but also when access to accurate, fair and unbiased information, necessary to inform opinions, is curtailed by government. As such, the concern surrounding the silencing of reporters extends to consider the violation of fundamental freedoms of all citizens of the state.

The treatment of journalists is an important indicator of the direction in which a state is headed regarding the treatment of its citizens. Philip Tunley, President, Board of Directors of Canadian Journalists for Free Expression warned that “governments firstly “act against journalists because they are the first line of critique.”¹⁶⁶ He explained that:

Journalists are the first to be exposed, when a government is seeking to implement repressive measures, because what they want to do is protect what they are doing from scrutiny from around the world and from pressure from the United Nations.¹⁶⁷

Mr. Tunley cautioned that globally, press freedom has trended downwards over recent years.¹⁶⁸ He noted that many governments around the world feel they can act with impunity¹⁶⁹ and highlighted brazen acts of governments against journalists, governments justifying selective interference with unfavored news outlets, and the diverting of public

165 United Nations General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Article 19.

166 SDIR, *Evidence*, 27 November 2018, 1325 (Tunley).

167 Ibid.

168 SDIR, *Evidence*, 27 November 2018, 1330 (Tunley).

169 SDIR, *Evidence*, 27 November 2018, 1325 (Tunley).



finances to a leader's own private news outlet as examples.¹⁷⁰ Mr. Tunley cautioned that "after the free press in a given country is undermined and is subverted, you will find the independent bar and the independent judges are the next in line."¹⁷¹ These critical aspects contribute to the need for free press "to be maintained with all our efforts," not only in Canada, but around the world.¹⁷² In addition to general concern for human rights, the defence of free press, according to Mr. Tunley, is essential if Canada wants "vibrant economic and political partners in the community of nations."¹⁷³

Witnesses' recommendations ultimately focused on protecting journalists who are in danger, encouraging the fact-finding process, and empowering citizens to seek out independent media. Many of the lessons learned and recommendations witnesses made in respect of the situations in Myanmar and Venezuela are applicable internationally. For example, though they were speaking about different contexts, Mr. Colombié and Ms. Lakhdir both recommended that Canadian embassies play a greater role in promoting press freedom.¹⁷⁴ Both also recommended that the Government of Canada raise the profile of such issues through specific condemnations.¹⁷⁵ Likewise, the potential role of the UN was raised in both the Venezuela and Myanmar contexts.¹⁷⁶

Witnesses spoke of the potential sensitivities of government intervention in press freedoms, including involvement by foreign governments such as Canada's. For example, Mr. Tunley spoke in favour of government aid for independent media struggling to cope in a difficult business environment, but noted that government funding is "controversial, even among journalists."¹⁷⁷ Witnesses also spoke about the importance of caution when engaging in the "marketplace of ideas."¹⁷⁸ Witnesses cautioned that measures designed to promote the free flow of accurate information are easily misused. Ms. Lakhdir warned:

One of the risks we have is that in many countries in which governments have tried to draw lines or make laws we've found, as is true with hate speech laws, that often those

170 SDIR, [Evidence](#), 27 November 2018, 1300 (Tunley).

171 Ibid.

172 Ibid.

173 Ibid.

174 SDIR, [Evidence](#), 5 February 2019, 1325 (Lakhdir); SDIR, [Evidence](#), 5 February 2019, 1325 (Colombié).

175 SDIR, [Evidence](#), 5 February 2019, 1340 (Lakhdir); SDIR, [Evidence](#), 5 February 2019, 1325 (Colombié).

176 SDIR, [Evidence](#), 5 February 2019, 1355 (Colombié); SDIR, [Evidence](#), 28 February 2019, 1355 (Htusan).

177 SDIR, [Evidence](#), 27 November 2018, 1320 (Tunley).

178 SDIR, [Evidence](#), 27 November 2018, 1340 (Tunley).

laws, however well-intended, tend to be used against the minority by the majority, as opposed to the reasons for which they were intended.¹⁷⁹

Indeed, both the Venezuela and Myanmar examples show how laws labeled as “anti-hate” or “anti-defamation” can be misused to arbitrarily detain journalists. Furthermore, Mr. Colombié added, initiatives designed to fight fake news are problematic, because “we don't know who should determine whether information is real or false or whether the information can be characterized as propaganda or in the public interest.”¹⁸⁰ Nevertheless, witnesses’ criticism of Venezuela and Myanmar’s laws left it clear that amendment or repeal is necessary. Ms. Lakhdhir expressed her hope that “concerned governments such as the Canadian government can press the Myanmar government to take steps to better improve media freedom.”¹⁸¹ Likewise, Mr. Lanza Robatto hoped that, if Venezuela enters a period of political transition, the “first step would be to modify legislation that restricts freedom of expression.”¹⁸²

These realities informed witness recommendations that centred around supporting responsible fact-finding and media literacy. Witnesses spoke of direct assistance, including through practical training to respond to threats, online harassment and arrest, as well as providing the equipment and resources to pursue their profession.¹⁸³ Mr. Tunley raised the reality that funding a free press means funding fact-driven investigative journalism, which is too expensive to undertake for many publications. He noted that in the Canadian context, investigative journalism now relies on networking and the pooling of resources.¹⁸⁴ This method may equally be applied abroad. Furthermore, witnesses noted that the proliferation of inflammatory content on social media, and the proliferation of misinformation also brought to light the need for increased media literacy to “prevent readers from taking information at face value.”¹⁸⁵

Based on witness testimony, the Subcommittee recommends:

179 SDIR, [Evidence](#), 5 February 2019, 1335 (Lakhdhir).

180 SDIR, [Evidence](#), 5 February 2019, 1330 (Colombié).

181 SDIR, [Evidence](#), 5 February 2019, 1325 (Lakhdhir).

182 SDIR, [Evidence](#), 26 February 2019, 1340 (Lanza Robatto).

183 SDIR, [Evidence](#), 5 February 2019, 1325 (Colombié).

184 SDIR, [Evidence](#), 27 November 2018, 1300 and 1325 (Tunley).

185 SDIR, [Evidence](#), 5 February 2019, 1325 (Colombié).



Recommendation 1 – Condemning Government Measures Taken to Silence Dissent

That Global Affairs Canada, in concert with like-minded partners, continue to explicitly condemn violations of the freedom of expression of human rights defenders such as those in Venezuela, Myanmar and elsewhere.

Recommendation 2 – Offering Practical Assistance in Legislative Drafting

That the Government of Canada offer practical assistance to states considering adopting, amending or repealing laws related to freedom of expression, internet usage, privacy or the practice of journalism, with a view to ensuring that laws are not overly broad or easily abused.

Recommendation 3 – Using Embassies to Protect Journalists

That Global Affairs Canada instruct its embassies to play a greater role in promoting press freedom, including by taking measures to protect journalists whose personal security is threatened, for example by highlighting specific cases or by offering sanctuary.

Recommendation 4 – Funding Training Programs for Journalists Working in Hostile Media Environments Abroad

That Global Affairs Canada support, either directly or through partner organizations or journalist-led initiatives, programs that train or otherwise assist journalists working in hostile media environments. This could include training in personal security and information security, basic legal training for journalists, training with respect to the fact-finding process, facilitating networking, or providing necessary resources and equipment for the practice of journalism.

Recommendation 5 – Promoting Media Literacy

That Global Affairs Canada identify and seize upon opportunities to support programming that incorporates media literacy training, in a manner appropriate to the local context.

Recommendation 6 – Supporting the Creation of a Position of Special Adviser on the Protection of Journalists at the United Nations

That the Government of Canada work with the United Nations and like-minded states to support the creation of a position of Special Adviser on the Protection of Journalists, who could monitor and address the threats to the freedom and safety of journalists.

CONCLUSION

Witnesses provided the Subcommittee with vivid narratives of deteriorating media environments, as well as methods used by governments to silence free press. The Subcommittee heard of the hardships faced by journalists in Venezuela and Myanmar, but was also informed of individual cases of persistence, resourcefulness, and courage in the struggle to communicate independent information to the public. Indeed, the sustained efforts taken by Venezuela and Myanmar to compromise independent media, as shown in this report, speak to the fundamental importance of the profession. The case studies showed that while support for journalists in times of crises is vital, a precautionary approach of ensuring the health of media environments needs to be an ongoing priority. Although it may seem daunting for governments and stakeholders trying to find solutions to unfavourable business environments and coming to terms with how traditional media can best interact with social media, the role played by the free press in upholding democracies certainly justifies facing the challenge with vigour.

Finally, as Mr. Tunley explained, it bears repeating that journalists remain the first line of critique and challenge for governments. Rhetoric from leaders meant to compromise journalists and steps taken by governments to limit their expression must be understood for what they are: deliberate attempts to shield ruling parties from criticism of their acts or from condemnation of intended acts.

APPENDIX A LIST OF WITNESSES

The following table lists the witnesses who appeared before the Subcommittee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the Subcommittee’s [webpage for this study](#).

Organizations and Individuals	Date	Meeting
Canadian Journalists for Free Expression Philip Tunley, President Board of Directors	2018/11/27	130
Human Rights Watch Linda Lakhdhir, Legal Advisor	2019/02/05	137
Reporters Without Borders Emmanuel Colombié, Director Latin America Desk	2019/02/05	137
Los Angeles Rohingya Association Ko Ko Naing, President	2019/02/19	139
Reporters Without Borders Daniel Bastard, Head of Asia-Pacific Desk International Secretariat	2019/02/19	139
Espacio Público Carlos Correa, Executive Director Nongovernmental Organization (NGO) Human Rights, Freedom of Expression Amado Vivas, Coordinator Nongovernmental Organization (NGO) Human Rights, Freedom of Expression	2019/02/26	141
Inter-American Commission on Human Rights Edison Antonio Lanza Robatto, Special Rapporteur for Freedom of Expression	2019/02/26	141
As an individual Esther Htusan, Foreign Correspondent The Associated Press	2019/02/28	142

Organizations and Individuals	Date	Meeting
El Bus TV Laura Helena Castillo, Co-Founder	2019/02/28	142

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* of the Committee ([Meeting No. 143](#)) is tabled and a copy of the relevant *Minutes of Proceedings* of the Subcommittee on International Human Rights ([Meetings Nos. 130, 137, 139, 141, 142, 150 and 151](#)) is tabled.

Respectfully submitted,

Michael Levitt
Chair

