

30 August 2012: For immediate release

Myanmar: Analysis of Constitutional Guarantees

The Centre for Law and Democracy (CLD) and International Media Support (IMS) today released an Analysis of the guarantees for freedom of expression in the 2008 Constitution of the Republic of the Union of Myanmar. Although the 2008 Constitution represented an important step forward in terms of democracy and human rights, the Analysis highlights shortcomings in terms of both the positive guarantees for freedom of expression and the relatively wide latitude it allows for restricting that right.

“Myanmar has made a strong commitment to reforming its law and practice on freedom of expression and other foundational rights for democracy,” said Toby Mendel, Executive Director of the Centre for Law and Democracy. *“Part of that should include bringing the Constitution more fully into line with international standards, along the lines recommended in our Analysis.”*

The CLD/IMS Analysis makes a number of recommendations to strengthen the Constitutional guarantees, including the following:

- The right to freedom of expression should apply to everyone, to all information and ideas, and regardless of frontiers.
- It should include not only the right to impart, but also the rights to seek and receive information and ideas.
- “Community peace and tranquillity” should not be included as grounds for restricting freedom of expression.
- Restrictions on freedom of expression should only be allowed where they are necessary to protect one of the interests listed in the Constitution.

“Myanmar has taken significant steps in the past year towards greater media freedom and freedom of expression for its citizens. A major challenge now is to ensure that repressive media laws are replaced and constitutional guarantees for freedom of expression are improved,” said Jesper Højberg, Executive Director of International Media Support (IMS).

We urge the Myanmar authorities to hold discussions with local stakeholders with a view to improving the constitutional guarantees for freedom of expression.

The Analysis is available at: <http://www.law-democracy.org/live/myanmar-analysis-of-constitutional-guarantees>.

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