
Submission to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye

Freedom of Expression and the Private Sector in the Digital Age

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The Institute for Human Rights and Business (IHRB)¹ welcomes the launch of the Special Rapporteur's project to study the responsibilities of the Information and Communication Technologies (ICT) sector to protect and promote freedom of expression in the digital age. We are pleased to share our work and experience of the ICT sector in order to contribute to this first stage of mapping, including "issue-spotting" and identifying national examples that the project should take into account. We look forward to the Special Rapporteur's mapping report to be presented to the Human Rights Council in June 2016.²

IHRB is a global centre of excellence and expertise (a think & do tank) on the relationship between business and internationally recognised human rights standards.

This submission outlines a number of issues of potential focus for the Special Rapporteur based on IHRB's body of research and publications on the ICT sector. As well as "issue-spotting", this submission includes recommendations IHRB has made to ICT companies, which may assist the Special Rapporteur in this project. See the Annex for a full list of IHRB's ICT resources exploring issues beyond those outlined in more detail in this submission.

Part I: Mobile and Internet Network Shutdowns and Blocking of Applications/Services

The role of telecommunications operators in network shutdowns first captured global attention following events in Egypt during the 2011 Arab Spring, when former President Hosni Mubarak ordered a near country-wide shutdown of mobile and Internet services, reportedly with the aim of preventing anti-government protesters from utilising these tools to organise and spread their message.³ Although the issue garnered worldwide attention and the telecommunications operators that complied with the order came under criticism⁴ from human rights groups, the practice has continued globally.

While we no longer see country-wide mobile and Internet shutdowns on the scale of Egypt during 2011, disruptions may target a specific geographical area of mobile coverage, internet access, or a specific service such as Facebook or WhatsApp, and potentially impact millions of people. But the issue has not garnered the attention it deserves. Government restrictions on access have a direct impact on freedom of expression and assembly, as well as infringing on economic, social, and cultural rights. Shutdowns can even endanger the right to life, as people are unable to access emergency services.

Telecommunication companies often bear the responsibility of executing these government orders, whether to shutdown mobile networks in particular cities or regions, Internet access, or access to particular websites or messaging applications. Most countries' national laws do allow for governments to take control of communications networks during a national emergency, but the situations in which governments can exercise this power are often not clearly defined. The request process may be unclear and non-transparent and execution is technically complex. In addition, it is still a difficult topic for companies in the sector to discuss publicly, due to the national security dimensions of government orders. It is therefore often difficult to verify when shutdowns have taken place and for what reason.

The situation is getting worse. In 2015 alone, there were shutdowns or blocking of services in many countries, including:

- The Democratic Republic of Congo: There was a near country-wide mobile Internet and SMS shutdown following protests over the President's unconstitutional decision to remain in power for a third term in January 2015.⁵
- Burundi: Following protests over the President's plan to seek another term in office, the government blocked access to social networking sites Facebook and Twitter, and messaging applications Viber and Whatsapp in April 2015.⁶
- India: Mobile Internet services were reportedly shutdown in the Gujarat region, potentially affecting 63 million people⁷, following violent protests at the arrest of a community leader. The shutdown reportedly lasted over a week in August/September 2015.⁸
- Bangladesh: Facebook, Viber and Whatsapp were blocked following a Supreme Court ruling to uphold the death penalty of several convicted war criminals in November 2015.⁹ A statement from the local telecommunications company Grameenphone (a Telenor subsidiary) said the order also included blocking other

messaging applications Line, Tango, Hangour, Comoyo and ustream.tv.¹⁰ It is not clear how long the block lasted or the reasons for the order.

- Brazil: In December 2015, a judge ordered a 48 hour shutdown of the messaging application Whatsapp (owned by Facebook) reportedly after the company refused to hand over information relating to an investigation. The shutdown reportedly lasted 12 hours after a lower court decision was overruled. Whatsapp has around 100 million users in Brazil.¹¹
- Pakistan: Frequent mobile network shutdowns took place throughout 2015. IHRB published an in depth case study on the issue, featuring Telenor Pakistan as an example (see below).

The 2011 Joint Declaration on Freedom of Expression and the Internet issued by the Special Rapporteurs on Freedom of Expression from the UN, the Organisation for Security and Co-operation in Europe (OSCE), the Organisation of American States (OAS) and the African Commission on Human and People's Rights, stated:

*"Cutting off access to the Internet, or parts of the Internet, for whole populations or segments of the public (shutting down the Internet) can never be justified, including on public order or national security grounds. The same applies to slow-downs imposed on the Internet or parts of the Internet."*¹²

The Joint Declaration on Freedom of Expression and Responses to Conflict Situations, issued by the same consortium of Special Rapporteurs in May 2015 states:

*"...using communication 'kill switches' (i.e. shutting down entire parts of communications systems)... are measures that can never be justified under human rights law."*¹³

While these statements cover Internet shutdowns and network shutdowns in conflict situations, there is ambiguity as to the impact of mobile shutdowns in a government proclaimed "emergency", national security or other reasons, which justifies many of the network shutdowns or blocking of services we see today.

1. National Example: Pakistan

A recent IHRB study of mobile network shutdowns in Pakistan¹⁴ focuses on the efforts of telecommunications operator Telenor Pakistan to reduce the frequency and scope of these events through dialogue with the government. The IHRB report analyses one particular shutdown that took place in March 2015 for national security reason and provides an in depth analysis of the process of network shutdowns.

The Pakistan study makes several recommendations to telecommunications operators which are relevant globally:

Open dialogue with Governments

Telecommunications operators in Pakistan have made great efforts to engage the Government of Pakistan in discussion, which has resulted in some limitations on network shutdowns in terms of scope and duration, and a more streamlined process of

submitting requests. This demonstrates that while the issue is sensitive, positive change can be achieved by opening a dialogue with governments.

Widen support within the industry through collective action

One company is unlikely to be able to effect widespread change at a local level. Telecommunication companies are finding a voice through membership in global industry initiatives such as the Telecommunications Industry Dialogue, a group of telecommunications operators and vendors who jointly address freedom of expression and privacy rights in the telecommunications sector in the context of the UN Guiding Principles on Business and Human Rights.¹⁵ Other telecommunication operators worldwide face challenges similar to those of Pakistan, and this platform could be used to exchange learning and discuss ways forward, including how to encourage dialogue between local operators on the ground.

Conduct stakeholder engagement

The UN Guiding Principles on Business and Human Rights highlight the importance of businesses building relationships and mutual understanding with stakeholders. In the ICT sector, in the case of network disconnection, companies and local civil society have the same aim: to reduce the frequency of network shutdowns. Both can utilise their distinct skills and leverage to achieve this by joining forces. Greater alignment between business and civil society has the potential to produce real and long-lasting action that will ultimately strengthen respect for human rights.

Create a consumer grievance mechanism

Customers should have effective means to report adverse impacts experienced during network shutdowns including on health, education and work. Companies should also explore how customers can be compensated for loss of service during network shutdowns.

Ensure transparency

Public reporting on network shutdowns remains in its infancy. One area where further development is possible is to explore whether companies could publicly report instances when they have been ordered to wholly or partially shut down a network, or when they have been asked to block access to a particular service. The laws in some countries prevent companies from even revealing this information, and some companies believe the onus should be on governments to publish this information, not companies. Telenor Group and the mobile operator Vodafone have taken the step of including a review of laws they must abide by regarding suspension of services.¹⁶ In addition, the Telecommunications Industry Dialogue published an online resource detailing the laws of 44 countries concerning freedom of expression and privacy in telecommunications, including an analysis of Pakistan's laws.¹⁷ This analysis is useful and can help develop advocacy positions as a starting point for dialogue with governments.

Part II: The Growing ICT Sector in Myanmar

New ICT infrastructure and services in Myanmar is having a transformative impact on the country. Mobile phone penetration has increased from 7% to over 50% between 2012 and 2015¹⁸, and continues to rise. The growing availability of smartphones is increasing opportunities for Internet access. It has been estimated that by 2030 the ICT sector could contribute \$6.4 billion to Myanmar's GDP and employ approximately 240,000 people.¹⁹

The ICT sector is having a transformative impact on Myanmar at the same time as the country itself is undergoing a transformation: emerging from decades of ethnic-based armed conflict, authoritarian rule and economic isolation. Myanmar is – and will remain for some time – a high-risk country with poor governance. The headlong rush to improve access to ICTs brings challenges, particularly in the absence of adequate policy and legal frameworks. These frameworks are lacking both for the rollout of the network and other services, and for considering and controlling wider impacts on society associated with greater use of ICTs, such as surveillance of communications and “hate speech” online. The gaps in the policy and legal frameworks are compounded by people's basic lack of experience of using ICTs, resulting in the potential for misuse and negative impacts on a range of human rights, particularly the rights to privacy and freedom of expression.

This means that conducting business responsibly in Myanmar's ICT sector requires a clear commitment to understanding the complex operating context and its constraints to determine what impacts business activities may have on people in the country. This needs active engagement by companies, Government and civil society to promote public and informed debates, which are still a rarity in Myanmar. This includes the need for robust approaches to filling in the gaps by managing negative impacts in line with international standards on responsible business conduct.

As part of Myanmar's reform process beginning in 2011, hundreds of political prisoners were released, the vast majority arrested for peacefully exercising their rights to freedom of expression and assembly. The government also eased restrictions on such freedoms; abolished pre-publication censorship of all types of media; and permitted peaceful demonstrations for the first time in decades, albeit with arbitrary restrictions. Rapid and continuing growth in ICT use, including the vastly increased use of mobile phones and social media, has provided new ways for the Myanmar people to express their views. However, at the same time the authorities are using broadly worded laws to penalise critics who give speeches, stage peaceful demonstrations, and use social media.

1. Recommendations from the Myanmar ICT Sector-Wide Impact Assessment

In 2015, the Myanmar Centre for Responsible Business (MCRB) in partnership with its co-founders IHRB and the Danish Institute for Human Rights (DIHR) carried out a Sector Wide Impact Assessment (SWIA) focusing on ICTs, which included analysis of the legal and policy framework relevant to the sector and the policies and practices of companies operating in the sector.²⁰

Chapter 4 of the ICT SWIA is dedicated to analysing freedom of expression in Myanmar and identifying operational level impacts of ICT companies (there are also chapters on Hate Speech, Privacy, Surveillance and Cyber-Security).

Understand conflicts between national and international law

Myanmar's laws on freedom of expression are not aligned with international standards on freedom of expression. In addition, some clauses in the *Telecommunications Law* may allow censorship and surveillance.²¹ The World Bank has committed to carrying out a due diligence review of Myanmar's telecommunications laws as part of its Telecommunications Sector Reform project, but to date, none of the reviews have been made public.²² Recent actions indicate the Government at various levels, from local to national, continues to apply the laws and at times draconian practices against journalists, protestors and human rights defenders exercising their right to freedom of expression.

There have been two recent cases of the criminalisation of government critics for their use of social media:

- In October 2015, a 43-year-old ethnic Kachin peace activist Patrick Kum Ja Lee was arrested in Yangon. The authorities told Patrick that he was arrested for posting an image on Facebook showing an unidentified person stepping on the photo of the Commander-in-Chief, with the message 'Don't share this post – if you do you will be arrested.' He was later charged under Section 66(d) of the 2013 Telecommunications Law, which carries a maximum sentence of three years in prison for 'extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening to any person by using any Telecommunications Network'. On 22 January 2016 he was sentenced to six months' imprisonment amidst concerns that he is not receiving proper medical treatment for serious health problems, including asthma and high blood pressure.²³
- Chaw Sandi Tun, a 25 year old activist, was arrested in Yangon for a Facebook post pointing out that Daw Aung San Suu Kyi was wearing a longyi of similar colour to the Myanmar army uniform. Her comment stated: 'If you love her so much, put a piece of her longyi [sarong] on your head'. In Myanmar society generally, the idea of a man wearing a women's clothes on his head is offensive. She was sentenced to six months imprisonment on 28 December 2015 under Section 66(d) of the Telecommunications Law.²⁴

At least four other people have been charged and detained under Section 66(d) of the Telecommunications Law:

- Zaw Myo Nyunt was arrested on 6 October 2015 for a post with a foot on a photo of the Commander-in-Chief.
- In November 2015 Maung Saungkha, a poet, was arrested for a poem he posted on Facebook about the President; he is currently on trial.²⁵
- Ko Lu Zaw Soe Win, a 28 year old cell phone shop employee, was arrested in October 2015 for posting a photo of the Commander-in-Chief with faeces on it.²⁶
- U Than Tun, a Union Solidarity and Development Party (USDP, the ruling party

defeated by the NLD in the November 2015 elections) township leader, was also arrested in October for posting a fake nude photo of NLD leader Daw Aung San Suu Kyi; he is currently in detention.²⁷

In March 2015 V-Gastro Bar employees Tun Thurein and Htut Ko Ko Lwin, and its owner New Zealand national Philip Blackwood were sentenced to 30 months' imprisonment for posting an image of the Buddha wearing headphones to promote the bar online. They had been charged under Penal Code articles 295(a) and 298 for 'insulting religion'. Philip Blackwood was released in a 22 January 2016 prisoner amnesty. It is not clear if the two other defendants have yet been released. This case should be considered against a backdrop of religious tensions and anti-Muslim sentiment in Myanmar.²⁸

Companies risk being implicated in such violations when they are requested to comply with Government requests to take down content, block access, or turn over information. It is not clear if there was any company action related to the above cases.

Publicly commit to respecting freedom of expression

Given these concerns, and the gaps in other areas of law, ICT companies will need to develop their own policies and procedures to ensure they are meeting their responsibility to respect human rights. In line with the UN Guiding Principles on Business and Human Rights, companies should make their policy commitment to respecting human rights publicly available.²⁹ For some parts of the ICT value chain, the policy could provide more specific commitments on issues such as Government requests for data, censorship requests, illegal surveillance, or network shutdowns, including procedures for how to narrow requests that may be disproportionate or challenge requests not supported by law.³⁰ Further internal procedures setting out how the company will deal with Government requests would be an appropriate precautionary measure to put in place in Myanmar.³¹

Take positions on key concerns

Speaking up in public as an individual company to respond to concerns about censorship or imprisonment in violation of the freedom of expression may be sensitive in Myanmar. But companies might seek opportunities through other means, such as industry associations, embassies, and in collaboration with civil society, to express their concerns and convey the impact that the lack of rule of law has on willingness to invest in the country and the risks posed to companies.³²

Another example of these tensions is the enactment by Parliament in 2015 of four laws which *inter alia* restrict the rights of Buddhist women wishing to marry non-Buddhist men, and require that those seeking to convert to another religion receive approval from the authorities. Myanmar women's groups and CSOs have strongly protested against these laws in part as discriminating against women. Several individuals, including women, who have spoken out against them have received anonymous death threats via Facebook and on their mobile phones.³³ Preventing harassment of women online is an issue that more ICT companies are taking seriously.

Collaborate with and learn from other ICT companies

Companies operating in the sector can look to multi-stakeholder initiatives such as the Global Network Initiative (GNI) and other sources³⁴ for principles and guidance on dealing with challenges of being asked to comply with requests that violate human

rights. They can also look to the example set by telecommunications operators in Myanmar that have publicly committed to pushing back on Government requests for surveillance until regulations are put in place. These commitments set important precedents for other companies and important signals to the Government on how requests that may violate the right to freedom of expression will be dealt with.

Build business partners' capability

Many of the companies operating in the ICT value chain in Myanmar will be small companies, and many small local companies may have had little exposure to discussions or concerns around freedom of expression and other human rights issues and their role and responsibilities. There is a clear need for further awareness raising and training that could be taken on by business partners, donors, and civil society. ICT companies may therefore find it necessary to put in place contractual requirements and follow up to ensure that their business partners are aligned with their human rights approach.

Promote and preserve Myanmar languages online

Companies may want to think creatively or collaboratively with other stakeholders (such as civil society or donors) about opportunities to facilitate access and use of minority languages. Companies should publish Terms of Service in local languages.

Understand what is being posted or discussed publicly in online company portals

The wide range of languages in Myanmar has implications for those companies hosting content, such as social media pages, to be able to understand and decide upon whether content is consistent with the right to freedom of expression and in line with the company's terms of service.

Review anonymity policies

Companies should think through the implications of including 'real names' policies, and whether these are effective in the context of Myanmar. Companies should err on the side of allowing the use of pseudonyms particularly to individuals or groups who have a well-founded fear of possible prosecution. At the same time, companies may be required by law in some instances to reveal the identity of the user to the State (such as during an investigation into terrorism charges). In such a case, where appropriate, companies should inform the user that his or her identity has been compromised.

Provide and publish guidelines for employees and workers on the use of social media

All companies should publish specific guidelines that educate staff on how to use social media and the Internet responsibly while at work.

Raise awareness

Raise awareness of how to use, why to use and the results of using social media platforms' 'content reporting' functions.

Promote public awareness of the link between ICT and human rights

This can encourage more CSOs and media to understand and cover the issues.

Be transparent around ICT licenses, contracts and their Terms

While the process to license the telecommunications operators was more transparent than previous bidding processes in Myanmar, the Government did not make the terms of the licenses public. Few governments do provide transparency around the terms of telecommunications operating licenses, but the pressure for contract transparency and information on tariffs, fees and proceeds around public service contracts will continue to grow.

Publicly report on Government requests for censorship

Transparency enables governments and companies to demonstrate whether they are upholding human rights principles and for other stakeholders to hold governments and companies accountable to such principles.³⁵ A key development in company transparency in the ICT Sector has been the annual / bi-annual release by some companies of information relating to Government requests companies receive for content takedown, or requests for user data. Publishing such information and how the company responded increases awareness among users of the scale and scope of Government requests, and increases transparency about corporate responses. To date, there is not a standardised method of publishing such information, and therefore each company transparency report differs slightly, making comparison difficult, but as more companies publish reports, there has been an effort to move beyond publishing mere numbers to adding context on laws governing censorship and surveillance, including areas where companies are prevented by law from disclosing information. Providing such details highlights the responsibilities of the Government and areas where disclosure and transparency can be improved.

Report according to the US State Department Requirements for US Companies

The State Department requires all US persons investing US\$500,000 or more in Myanmar to submit an annual report on their activities, covering areas including land, labour, environmental and other human rights. TPG Holdings, which through its jointly owned company Apollo Towers, is engaged in the construction and operation of telecommunications towers submitted a report in 2014.³⁶

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Annex: Resources

Implementing the UN Guiding Principles on Business and Human Rights in the ICT Sector

This Guide offers practical advice on how to implement the corporate responsibility to respect human rights in day-to-day business operations in the ICT Sector through step-by-step guidance.

- European Commission, [*ICT Sector on Implementing the UN Guiding Principles on Business and Human Rights*](#) (2013).

IHRB [Digital Dangers](#) Project

The Digital Dangers project encourages ICT companies to be open and transparent about the complex dilemmas they face by sharing their experiences so that realistic and practical recommendations can be made, to spark debate with governments and civil society and bring about positive change. IHRB produces in-depth case studies, focusing on a particular challenge from the perspective of one particular ICT company. To date, the project has produced three case studies:

- IHRB, Digital Dangers Case Study No. 3, [*Security v. Access: The Impact of Mobile Network Shutdowns – Case Study: Telenor Pakistan*](#) (2015)
- IHRB Digital Dangers Case Study No. 2, [*Human Rights Challenges for Telecommunications Vendors: Addressing the Possible Misuse of Telecommunications Systems - Case Study: Ericsson*](#) (2014)
- IHRB Digital Dangers Case Study No.1: [*Corporate Responses to Hate Speech in 2013 Kenyan Presidential Elections –Case Study: Safaricom*](#) (2013)

Sector-Wide Impact Assessments

The idea behind a Sector Wide Impact Assessment (SWIA) is to present key human rights risks and opportunities for the Government of Myanmar, companies operating in the sector, and civil society in order to improve the regulation and operations of the sector in a manner that provides benefit to Myanmar, its people, and businesses. It is a forward-looking assessment that aims to contribute to preventing and minimising the sector's negative impacts as well as strengthening and improving the sector's positive impacts.

- Myanmar Centre for Responsible Business (MCRB), IHRB, Danish Institute for Human Rights (DIHR), [*Myanmar ICT Sector-Wide Impact Assessment*](#) (2015).

Human Rights Defenders

This paper is co-published with [Civil Rights Defenders](#) and [Front Line Defenders](#). Despite UN General Assembly resolutions supporting their work, laws continue to be applied to restrict the activities of human rights defenders.

Companies are engaging with civil society, but mutual suspicions remain. Companies share common goals with human rights defenders - accountability, transparency, the rule of law, and due process. Companies should build on these common interests and engage human rights defenders, and where possible, speak out in their defence.

- IHRB Occasional Paper No.4, [Human Rights Defenders and Business: Searching For Common Ground](#) (2015)

TechUK Guidance

IHRB facilitated industry consultation and input into the human rights section of this guidance and played a central role in the drafting and review of this section of the guidance.

- TechUK, [Assessing Cyber Security Export Risks: techUK Cyber Growth Partnership's Industry Guidance](#) (2014)

END NOTES

¹ www.ihrb.org

² <https://freedex.org/2015/12/03/call-for-submissions-for-ict-sector-project/>

³ Matt Richel, New York Times, [Egypt Cuts Off Most Internet and Cellphone Service](#), (28 January 2011)

Jim Cowie, Dyn Research, [Egypt Leaves the Internet](#) (27 January 2011)

⁴ Tim Bradshaw, Financial Times, [Condemnation Over Egypt's Internet Shutdown](#) (28 January 2011)

⁵ Lucy Purdon, IHRB, [Network Shutdowns in the DRC: ICT Companies Need Clear Rules](#) (19 February 2015)

⁶ Vincent Matinde, ITWebAfrica, [Burundi Shuts Down Internet Access](#) (30 April 2015)

⁷ Abhimanyu Ghoshal, [India just turned off mobile internet for 63 million citizens amid protests in Ahmedabad](#), TNNNews (26 August 2015)

⁸ Aarefa Johari, [Gujarat internet ban: On Day Six, citizens have had enough of being patronised by the state](#), Scroll.in (1 September 2015)

⁹ The Daily Star, [Government blocks Facebook, Whatsapp, Viber](#) (18 November 2015)

¹⁰ Grameenphone press release, [Temporary restriction on messaging and social media services](#) (18 November 2015)

¹¹ CBS News, [WhatsApp back online after Brazil](#) (17 December 2015)

¹² [Joint Declaration on Freedom of Expression and the Internet](#) 2011, Article 6b.

¹³ [Joint Declaration on Freedom of Expression and Responses to Conflict Situations](#), 2015, Article 4c

¹⁴ IHRB, [Security v. Access. The Impact of Mobile Network Shutdowns. Case Study: Telenor Pakistan](#) (2015)

¹⁵ <https://telecomindustrydialogue.org/>

¹⁶ Telenor Group, [Government Access Report- Legal Overview](#) (May 2015)

See also Vodafone, [Law Enforcement Disclosure Report](#) (2015)

¹⁷ Telecommunications Industry Dialogue, [Information on Country Legal Frameworks pertaining to Freedom of Expression and Privacy in Telecommunications](#) (June 2015)

¹⁸ Htoo Thant, [Mobile penetration reaches half the country](#), Myanmar Times (2 June 2015)

¹⁹ Deal Street Asia, [Myanmar 2014-2015 FDI swells to \\$8.1b: govt agency](#) (April 2015)

²⁰ MCRB, IHRB and DIHR, [Myanmar ICT Sector-Wide Impact Assessment](#) (ICT SWIA) (September 2015) (in particular chapter 4.1 to 4.5 focusing on impacts on Freedom of expression, hate speech, privacy, surveillance and cyber-security).

²¹ See Chapter 2 of the ICT SWIA for an in depth analysis of Myanmar's telecommunications laws.

²² M. Igoe, [Is Myanmar ready for a telecommunications revolution?](#) Devex (6 May 2014)

²³ Amnesty International Urgent Action, [Release Patrick Kum Ja Lee](#), (18 December 2015); Amnesty International Urgent Action, 'Patrick Kum Ja Lee, Peace Activist detained for Facebook Post; and Amnesty International press release, [Prison amnesty marred by outrageous jailing of activist for Facebook post](#) (22 January 2016). Amnesty International considers him a prisoner of conscience, imprisoned solely for his peaceful criticism of the Myanmar Government

²⁴ Amnesty International Urgent Action, [Release Chaw Sandi Tun](#) (4 January 2016). She is also a prisoner of conscience.

²⁵ Coconuts Yangon, [Trial of Myanmar's "Penis Poet" begins in Yangon](#) (19 November 2015).

²⁶ Myanmar Times, [Opposition fears social media punishments meted out unfairly](#) (20 October 2015).

²⁷ Eleven Myanmar, [USDP leader arrested for posting fake Suu Kyi photo released on bail](#).

²⁸ Amnesty International, [Myanmar "Buddha Bar" guilty verdict another blow to freedom of expression](#) (17 March 2015)

²⁹ Numerous companies operating in the ICT sector have already developed policy commitments on human rights and made those publicly available. See for example the ICT companies among this list, Business and Human Rights Resource Centre, [Company policy statements on human rights](#).

³⁰ See: Human Rights Watch [Reforming Telecommunications in Burma: Human Rights and Responsible Investment in Mobile and Internet](#) (2013).

³¹ See: European Commission, [ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights](#) (2013), pg. 44-46, 59-60.

³² This is done in other markets, for example, the Global Network Initiative has been particularly active in [commenting](#) on the need for reform by a range of governments to bring their laws and practices into line with international human rights standards.

³³ Zin Mar Aung, in The Irrawaddy, [We will not back down](#) (19 June 2014).

³⁴ See the [GNI Principles on freedom of expression and privacy](#) and European Commission, [ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights](#) (2013).

³⁵ Freedom Online Coalition, [Draft Report Executive Summary](#) Working Group 3: Privacy and Transparency (May 2015).

³⁶ TPG Holdings, [Re: Report on Responsible Investment in Myanmar](#), Letter to the US Department of State (1 April 2014).