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Mark Zuckerberg
CEO and Co-Founder
Facebook
1601 S. California Avenue
Palo Alto, CA 94304

Dear Mr. Zuckerberg:

I write to urge Facebook to take immediate and tangible steps to protect the human rights of your users. I commend you for providing an important tool to democracy and human-rights activists. However, as millions of people around the world use Facebook to exercise their freedom of expression, I am concerned that the company does not have adequate safeguards in place to protect human rights and avoid being exploited by repressive governments.

Recent events in Egypt and Tunisia have again highlighted the significant benefits and costs of social networking technology like Facebook to democracy and human rights activists. Facebook has facilitated efforts by activists to organize demonstrations and publicize human-rights abuses. At the same time, the Egyptian and Tunisian governments have reportedly used Facebook to monitor activists, which is surely aided by Facebook's refusal to allow activists to use pseudonyms.

A recent article by Alexis Madrigal in *The Atlantic* details the important role that Facebook played in the Tunisian uprising and the Tunisian government's efforts to steal activists' Facebook passwords. As Mr. Madrigal wrote, "If you need a parable for the potential and the pitfalls of a social-media enabled revolution, this is it: the very tool that people are using for their activism becomes the very means by which their identities could be compromised."

As you know, this dilemma is not new and it is not unique to Egypt and Tunisia. Repressive regimes like the governments of Belarus, China, and Iran reportedly use social-networking technology to track activists. As Facebook Chief Security Officer Joe Sullivan said, "When you step back and think about how internet traffic is routed around the world, an astonishing amount is susceptible to government access." Syrian activist Ahed al-Hindi said, "Facebook is a great database for the government." In "How dictators watch us on the web," a November 18, 2009 article in *Prospect Magazine*, Evgeny Morozov noted that, "Social media created a digital panopticon," and argued, "As Twitter and Facebook emerge as platforms for cyber-activism in authoritarian states, it is essential they are aware of their new global obligations." In a recent article in *The New York Times*, Scott Shane explained:

The very factors that have brought Facebook and similar sites such commercial success have huge appeal for a secret police force. A dissident's social networking and Twitter feed is a handy guide to his political views, his career, his personal habits and his network of like-thinking allies, friends and family.

In a August 27, 2009 letter to me, Facebook Public Policy Director Tim Sparapani wrote, “Facebook served as a venue for Iranians to rally around their election candidates, debate the results of their election and protest against actions taken subsequently to squelch debate. As a result, Facebook’s users made Facebook a vital conduit during this important world event.” It is also important to note that using Facebook created risks for Iranian activists. As Evgeny Morozov wrote, “As we know from the post-protest crackdown in Iran, the Internet has proved a very rich source of incriminating details about activists; the police scrutinized Facebook groups, tweets, and even email groups very closely.”

I invited you to testify at a hearing in my Human Rights and the Law Subcommittee on March 2, 2010, entitled, “Global Internet Freedom and the Rule of Law, Part II.” You declined to participate. In a February 19, 2010 letter to me, Mr. Sparapani said you would not testify because “Facebook does not have any business operations or significant user footprint in China.” I do not believe this justifies Facebook’s refusal to engage with Congress on the critical issue of internet freedom. As my staff explained to Mr. Sparapani, China was only one of many issues discussed at the hearing.

I also have repeatedly encouraged Facebook to join the Global Network Initiative (GNI), a voluntary code of conduct for internet and communications technology companies that requires participating companies to take reasonable measures to protect human rights. I believe that the GNI has great potential to advance human rights if member companies fully implement the GNI’s principles and the GNI’s membership is expanded. In her speech last year on internet freedom, Secretary of State Hillary Clinton expressed her support for the GNI: “We’re also encouraged by the work that’s being done through the Global Network Initiative. ...The initiative goes beyond mere statements of principles and establishes mechanisms to promote real accountability and transparency.”

In his August 27, 2009 letter, Mr. Sparapani said Facebook would not join the GNI for the following reasons:

[A]s a young start-up, our resources and influence are limited. ...[A]s a relatively resource-constrained, small company Facebook cannot currently commit to the extensive implementation guidelines that GNI signatories agree to.

In his February 19, 2010 letter, Mr. Sparapani provided this additional justification for not joining the GNI:

Facebook has no business operations in China, or, for that matter, in most countries of the world. ... Based on what we have learned, we do not anticipate more expansive engagement in the GNI unless and until the growth of our international business operations warrants it and we have the staff hours to dedicate to participating properly.”

I appreciate that joining GNI would require a significant investment of time and resources, but it strains credulity to claim that Facebook is a “small company” whose “resources and influence are limited” with “no business operations ... in most countries in the world.” Facebook has over 2000 employees, hundreds of millions of dollars in annual revenues, and nearly 600 million users; about 70% of Facebook’s users are outside the United States; and Facebook is available in more than 70 languages.

Moreover, as the GNI testified at my March 2, 2010 hearing, GNI membership dues and requirements differ based on a company's size and resources: "While membership requires executive-level commitment to the principles and GNI framework, implementation of GNI commitments will vary for each company, depending on differences in size, markets, business models, products and services."

Facebook clearly faces the significant human-rights issues that the GNI is designed to help companies address, namely government pressure to violate the freedom of expression and user privacy. As Assistant Secretary of State Michael Posner testified at my March 2, 2010 hearing, "It's fair to say that companies like Facebook and Twitter are certainly susceptible to the pressures that we've seen other companies face."

I appreciate that Facebook tries to protect user privacy, as Mr. Sparapani said in his August 27, 2009 letter: "Facebook goes to great lengths to maintain the confidentiality of users' account information and to protect against spying or monitoring by repressive foreign regimes." Moreover, as Mr. Sparapani noted in his February 19, 2010 letter: "Facebook also does not store any user data outside of the United States." However, Facebook has on several occasions inadvertently disclosed confidential personal information and such information has also been stolen. Also, as mentioned above, Facebook does not allow democracy and human rights activists in repressive regimes to use Facebook anonymously. A February 2, 2011 article by Cecilia Kang and Ian Shapira in *The Washington Post* explained, "[T]he company's terms of use – which require members to use real identities – make protestors vulnerable to government spying."

I also appreciate that Facebook already conducts human-rights risk assessments, one of the main requirements of the GNI. In his August 27, 2009 letter, Mr. Sparapani said:

Facebook carefully evaluates new markets with an eye towards human rights. Each time Facebook considers engaging in commerce in a new country, Facebook evaluates whether the laws, policies and mores of that country share Facebook's commitment to openness, sharing and transparency and, if not, what accommodations may be necessary to advance our goals of sharing and user control. If we are not prepared to make the accommodation required, we will not do business in that market.

In his February 19, 2010 letter, Mr. Sparapani stated, "We look to the Global Network Initiative (GNI) as a benchmark to which we compare our own efforts." Since the GNI is already Facebook's benchmark, I suggest that you take the next step and become a member. Only GNI member companies participate in an independent assessment that confirms their compliance with the GNI principles, which assures the public that they are taking reasonable steps to protect their users' human rights. I understand that advancing human rights is an important priority for Facebook, so I would hope that resources would not be an obstacle to joining the GNI.

I believe that Facebook's participation in the GNI would have a significant positive impact. By taking a position of leadership, Facebook would help protect the human rights of hundreds of millions of Facebook users and also serve as an important exemplar of corporate responsibility because of your company's tremendous influence on the technology industry.

Joining the GNI is all the more important in light of recent reports that Facebook is considering expansion into China. As you know, the Chinese government maintains the most-extensive online censorship regime in the world, the so-called "Great Firewall." A recent CNN article outlined the challenges that Facebook would face if you decided to enter the Chinese market:

If Facebook wants to run on local servers, it must be prepared to censor, though even then, it runs into the problem of just *how* it should censor content, and how far it should go. Should users be banned from "Friend"-ing others who "Like" taboo pages about say, Tibet or Tiananmen Square? Will status updates with verboten keywords, subjects, or links from banned sites be automatically deleted from News Feeds? Facebook must figure out how to address those issues and more. It's arguable that censoring an interconnected social network will be far more challenging than simply deleting certain search results or links to website.

These are all issues that the GNI could help you to address.

I greatly appreciate that Facebook has enabled millions of people around the world to express themselves more fully and freely. At the same time, your company has a moral obligation to ensure that people do not put their human rights at risk when they use Facebook. I urge you to take immediate steps to reduce the risk that governments will use Facebook as a tool to facilitate repression, and to reconsider your decision not join the Global Network Initiative.

Thank you for your time and consideration. I look forward to your response at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Durbin", written in a cursive style.

Richard J. Durbin