Human Rights Impact Assessment

Facebook in Myanmar

About This Report

Facebook commissioned BSR to undertake a human rights impact assessment (HRIA) of the company's presence in Myanmar.

BSR undertook this HRIA between May and September 2018, using a methodology based on the UN Guiding Principles on Business and Human Rights (UNGPs). This assessment identifies and prioritizes actual and potential human rights impacts, reaches conclusions about those impacts, and makes recommendations for their mitigation and management. This HRIA was funded by Facebook, though BSR retained editorial control over its contents.

ACKNOWLEDGEMENTS

BSR wishes to thank all Facebook employees, rightsholders, and stakeholders who participated in this assessment.

DISCLAIMER

The conclusions presented in this report represent BSR's best professional judgment, based upon the information available and conditions existing as of the date of the review. In performing its assignment, BSR must rely upon publicly available information, information provided by Facebook, and information provided by third parties. Accordingly, the conclusions in this report are valid only to the extent that the information provided to BSR was accurate and complete. This review is not intended as legal advice, nor is it an exhaustive review of legal or regulatory compliance. BSR makes no representations or warranties, express or implied, about the business or its operations. BSR maintains a policy of not acting as a representative of its membership, nor does it endorse specific policies or standards. The views expressed in this publication are those of its authors and do not necessarily reflect those of BSR members.

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1. Executive Summary

PROJECT OVERVIEW AND METHODOLOGY

Facebook commissioned BSR to undertake a human rights impact assessment (HRIA) of the company's presence in Myanmar. The objectives of the HRIA are to:

- » Identify and prioritize actual and potential human rights impacts, including both risks and opportunities.
- » Recommend an action plan to address the impacts, mitigate the risks, and maximize the opportunities.
- » Build capacity of relevant staff to lead constructive dialogue with rightsholders and stakeholders and to improve management of human rights.

BSR undertook this assessment between May and September 2018 using a methodology based on the UN Guiding Principles on Business and Human Rights (UNGPs). This methodology included a documentation review, direct consultation with around 60 potentially affected rightsholders and stakeholders during two visits to Myanmar by BSR staff, and interviews with relevant Facebook employees. This HRIA was funded by Facebook, though BSR retained editorial control over its contents.

ACTUAL AND POTENTIAL HUMAN RIGHTS IMPACTS

The question of how social media platforms can respect the freedom of expression rights of users while also protecting rightsholders from harm is one of the most pressing challenges of our time.

This challenge is even more testing in Myanmar, where the majority of the population is still developing the digital literacy required to navigate the complex world of information sharing online, and where lack of rule of law and recent political, economic, and social history add to the challenging environment. It is widely recognized that Facebook's human rights impacts in Myanmar cannot be addressed by Facebook alone, but instead require broader systemwide change.

The legal framework in Myanmar is not aligned with international human rights norms and provides insufficient legal protections for Facebook users. Laws governing telecoms services, content restrictions, defamation, and privacy are very ambiguous, and many provisions are available to prosecute users for content shared on Facebook. An uptick in arrests and prosecutions under existing laws, as well as the enactment of new laws with vague provisions and definitions, implies that the state will increasingly police digital communications and infringe on human rights.

Moreover, there are deep-rooted and pervasive cultural beliefs in Myanmar that reinforce discrimination and result in interfaith and communal conflict. A minority of users are seeking to exploit Facebook as a platform to undermine democracy and incite offline violence.

In this context, BSR prioritizes the following actual and potential human rights impacts based on their severity for rightsholders. It should be noted that, while we have segmented impacts this way in the assessment, these rights are highly interdependent and interrelated, with the improvement or deprivation of one right significantly affecting the others.

» **Security:** As specified in Article 3 of the Universal Declaration of Human Rights (UDHR) and Article 20 of the International Covenant on Civil and Political Rights (ICCPR), everyone has the right to life, liberty, and security of person, and advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence should be prohibited by law. This covers life, liberty, and bodily security impacts arising from hate speech, misinformation intended to incite or exacerbate violence or coordinate harm, and the use of data illegitimately acquired from Facebook users.

» **Privacy:** As specified in Article 12 of the UDHR and Article 17 of the ICCPR, no one shall be subjected to arbitrary interference with his or her privacy, family, home, or correspondence, nor to attacks upon his or her honor and reputation, and everyone has the right to the protection of the law against such interference or attacks. This impact covers data requests from law enforcement agencies, content that violates the privacy rights of users (such as ID numbers, personal photos, passwords, and phone numbers) being posted on Facebook, or the hacking of private information by malicious actors.

» **Freedom of Expression:** As specified in Articles 19 and 20 of the UDHR and Article 19 of the ICCPR, everyone has the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association. This covers impacts such as the overbroad removal of content (for example content intended to expose rather than encourage human rights violations), content restrictions demanded by government, and the potential blocking of Facebook by the government.

» **Children's Rights:** As specified in Article 25 of the UDHR and Article 10 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), motherhood and childhood are entitled to special care and assistance. This covers impacts such as children accessing inappropriate content on Facebook or being communicated with on Facebook in ways that may result in real world harm, such as psychological harm, trafficking, or sexual exploitation.

» **Non-Discrimination:** As specified in Article 2 of the UDHR, everyone is entitled to all human rights, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. This covers impacts such as content on Facebook that harasses users based on their characteristics or increased Facebook use benefiting men more than women.

» **Access to Culture:** As specified in Article 27 of the UDHR, everyone has the right to freely participate in the cultural life of the community, to enjoy the arts, and to share in scientific advancement and its benefits. This covers opportunities such as promoting quality content on Facebook and supporting digital literacy.

» **Standard of Living:** As specified in Article 25 of the UDHR and Article 11 of the ICESCR, everyone has the right to a standard of living adequate for the health and well-being of himself and of his or her family. This includes opportunities to promote the development of e-commerce on Facebook (such as digital payments and Facebook Marketplace) that could increase access to economic opportunity and improved standard of living.

It is noteworthy that several human rights impacts often identified for companies are not listed as priorities in this case for Facebook, including workplace health and safety, land rights, and labor rights.

RECOMMENDATIONS

BSR makes the following recommendations based on the insights gained during this assessment and the expectations of the UNGPs. BSR believes that the implementation of recommendations arising from this assessment is far more important than the assessment itself.

BSR notes that some of these recommendations build on activities already well underway at Facebook, while others are new activities for the company. BSR also notes that the recent action to remove senior military officials from Facebook has a material impact on Facebook's ability to implement some of BSR's recommendations, especially those that relate to activities undertaken inside Myanmar. The implementation timeline will need careful consideration.

Area	Key Recommendations
Governance Internal accountability and decision-making	» Create a stand-alone human rights policy. » Deepen and formalize a leadership, governance, and accountability structure inside Facebook to oversee the company's human rights strategy, approach, and milestones. » Publish periodic human rights updates to the public. » Continue to undertake similar HRIAs in other high-risk markets.
Community Standards Enforcement Resourcing, partnerships, and the use of artificial intelligence	» Continue building a cross-functional team that understands the local context to lead the implementation of Community Standards in Myanmar. » Implement a stricter interpretation of Facebook's credible violence policy as it relates to misinformation. » Proactively draw upon local stakeholder insights to improve Community Standards enforcement. » Continue investing in AI-based and other machine-based approaches to Community Standards enforcement to improve accuracy, responsiveness, and timeliness, and share insights with stakeholders. » Research the distribution characteristics of hate speech in Myanmar and act upon relevant findings. » Fund relevant organizations and initiatives that provide support to the Facebook Community Standards Enforcement Team. » Explore the co-creation of a system to preserve removed content for use as evidence later. » Align Facebook's definition of a terrorist organization with international standards.
Engagement, Trust, and Transparency Public reporting and engagement with stakeholders	» Publish a local Myanmar-specific version of the Community Standards Enforcement Report. » Conduct an annual (or every six months) "public briefing" on Facebook's human rights strategy and actions in Myanmar.

	» Engage external organizations and users to better understand misinformation and disinformation tactics deployed in Myanmar.
	» If established, provide evidence to international mechanisms created to investigate violations of international human rights.
	» Assist civil society organizations in raising awareness of opportunities for victims to access remedy.
Systemwide Change Public policy, digital literacy, capacity building, and counter hate speech	» Integrate human rights considerations into advocacy efforts aimed at policy, legal, and regulatory reform in Myanmar and the ASEAN region.
	» Continue to participate in the Unicode transition campaign.
	» Introduce innovations on the Facebook platform that increase the digital and media literacy of users in Myanmar.
	» Continue to invest in partnerships aimed at improving digital and media literacy in Myanmar.
	» Continue to invest in partnerships aimed at creating and disseminating "counter hate speech" content in Myanmar.
	» Continue to invest in partnerships aimed at improving the capacity of human rights organizations.
	» Bring the Facebook Journalism Project and Fact Checking Initiative to Myanmar.
Risk Mitigation and Opportunity Enhancement Preparing for future developments and undertaking deeper dive investigations into specific human rights risks and opportunities	» Create multiple scenarios for how the human rights context may evolve in Myanmar and generate approaches capable of addressing multiple scenarios.
	» Prepare for the possibility that WhatsApp will be more commonly used in Myanmar.
	» Develop a risk-mitigation plan for Myanmar's 2020 parliamentary elections.
	» Explore opportunities to develop new Facebook products and services that accelerate the development of the digital economy in Myanmar.
	» Bring #SheMeansBusiness to Myanmar.

2. Project Overview and Methodology

2.1 HUMAN RIGHTS IMPACT ASSESSMENT

Facebook Inc. commissioned BSR to undertake a human rights impact assessment (HRIA) of the company's presence in Myanmar. The objectives of the HRIA are to:

» Identify and prioritize actual and potential human rights impacts, including both risks and opportunities.
» Make recommendations for an action plan to address the impacts, mitigate the risks, and maximize the opportunities.
» Build capacity of relevant staff to lead constructive dialogue with rightsholders and stakeholders, and to improve management of human rights.

The desired outcome of the project is that Facebook possess the knowledge, insights, and perspectives to integrate human rights responsibilities into the management of its Myanmar presence. This should include understanding how to prevent, mitigate, or address adverse human rights impacts that Facebook might be directly involved in or linked to via its products, services, or business relationships, and creating a human rights strategy to exercise leverage over adverse human rights impacts and positive human rights opportunities.

The desired impact of the project is that investments in internet and social media products, services, and technologies are more likely to result in improved realization of human rights, such as privacy, security, freedom of expression, nondiscrimination, and economic, social, and cultural rights.

It should be noted that this is a HRIA of *Facebook in Myanmar*; it is not an assessment of human rights at Facebook globally; nor is it a fact-finding mission regarding human rights violations in Myanmar or an assessment of human rights in the country overall. It is also important to note that BSR's assessment is not an audit and does not apply a specific professional auditing standard. BSR has not undertaken a complete examination of all data, records, operations, and performance information, and we have not reached a formal auditor's opinion. For example, while BSR reviewed many policies and processes during the assessment, it was outside our scope of work to reach conclusions about the extent, completeness, or effectiveness of implementation of these policies and processes.

2.2 FACEBOOK IN MYANMAR

Facebook does not have a physical presence (i.e., no staff, offices, or data) in Myanmar. However, users in Myanmar use Facebook's four main products:

» **Facebook** enables people to connect, share, discover, and communicate with each other on mobile devices and personal computers. There are a number of different ways to engage with people on Facebook, the most important of which is News Feed, which displays an algorithmically ranked series of stories and advertisements individualized for each person. While almost all features of Facebook are available in Myanmar (such as Pages, Groups, Events, and Live), certain features of Facebook (such as Facebook Marketplace) are only available in a limited number of markets and are not currently accessible in Myanmar.

» **Instagram** is a community for sharing visual stories through photos, videos, and direct messages. Instagram is also a place for people to stay connected with the interests and communities that they care about.

» **Messenger** is a messaging application that makes it easy for people to connect with other people, groups, and businesses across a variety of platforms and devices.

» **WhatsApp** is a fast, simple, and reliable messaging application that is used by people around the world to connect securely and privately.

In mid-2018, it was estimated that there were around 20 million users of Facebook in Myanmar. While all Facebook products were considered in this assessment, Facebook and Messenger were the primary focus, as they are much more commonly used in Myanmar, compared to Instagram and WhatsApp.

2.3 HRIA METHODOLOGY

In this HRIA, BSR provides analysis, reaches conclusions, and makes recommendations for the management of human rights in Myanmar by Facebook. Using a methodology consistent with the UN Guiding Principles on Business and Human Rights (UNGPs), we interviewed rightsholders and stakeholders inside and outside Myanmar, reviewed Facebook documentation, interviewed Facebook staff, and undertook two visits to Myanmar.

Identification and Prioritization

BSR's HRIA methodology is aligned with the UNGPs and uses the international legal human rights framework as the basis for defining the scope of the term "human rights." Companies today are expected to respect all human rights, and it is understood that businesses can potentially impact any of them. Human rights issues also cut across a diverse range of business activities and company functions. Therefore, our HRIA methodology uses as its baseline the universe of rights codified in the following international instruments:

» The Universal Declaration of Human Rights[1]
» The International Covenant on Civil and Political Rights[2]
» The International Covenant on Economic, Social, and Cultural Rights[3]
» The International Convention on the Elimination of All Forms of Racial Discrimination[4]
» The Convention on the Elimination of All Forms of Discrimination against Women[5]
» Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[6]
» Convention on the Rights of Persons with Disabilities[7]
» The eight International Labour Organization (ILO) Core Conventions[8]
» The Convention on the Rights of the Child[9]
» ILO Convention 169 on Indigenous Peoples[10]

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[1] United Nations, 1948.
[2] OHCHR, 1966.
[3] OHCHR, 1966 http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx.
[4] OHCHR, 1965.
[5] OHCHR, 1979.
[6] OHCHR, 1984.
[7] OHCHR, 2006.
[8] ILO, accessed August 2018.
[9] OHCHR, 1989.
[10] ILO, 1989.

Where appropriate, in areas of armed conflict, we broaden this baseline universe to include relevant aspects of humanitarian law contained in the Geneva Conventions.

BSR's HRIA methodology identifies actual and potential human rights impacts and the human rights risks and opportunities arising from those impacts. BSR's HRIA methodology also prioritizes human rights, using factors contained in principles 19 and 24 of the UNGPs, such as:

» Scope—How many people could be affected by the harm/opportunity?
» Scale—How serious are the impacts for the victim?
» Remediability—Will a remedy restore the victim to the same or equivalent position before the harm?
» Likelihood—What is the likelihood of the impact occurring?
» Attribution—How closely would Facebook be connected to the human rights impact?
» Leverage—How much leverage does Facebook have to influence the impact?

There is significant overlap of rights in international human rights instruments. Our HRIA methodology accounts for this overlap and is based on a single list of all the relevant rights, categorized into business-relevant groupings such as privacy, freedom of expression, security, community, and nondiscrimination. We use these groupings to make the assessment more actionable for the company.

Rightsholder and Stakeholder Engagement

Effective human rights due diligence requires meaningful engagement with rightsholders—people whose human rights may be impacted by the company. Particular attention should be paid to human rights impacts on individuals from groups or populations that may be at heightened risk of vulnerability or marginalization. As a result, many of the BSR conclusions and recommendations focus on activists, marginalized groups, and other users facing the most severe risks, rather than the general population.

BSR engaged directly with rightsholders and stakeholders in Myanmar. For reasons of safety and business continuity, the identities of the individuals and organizations we consulted are being kept confidential. These rightsholders and stakeholders included human rights defenders, digital rights activists, civil society organizations, (including both local organizations and local offices of international organizations), nonprofit organizations, trade organizations, technology start-ups, development organizations, government representatives, and international companies investing in Myanmar. In total, BSR undertook direct consultation with around 60 potentially affected rightsholders and stakeholders during two visits to Myanmar by BSR staff as well as interviews with relevant Facebook employees.

Project Timeline and Segments

BSR undertook this HRIA between May and September 2018. BSR's HRIA process is summarized in the table below. For reasons of timing and logistics, key elements of these project segments were undertaken concurrently, rather than sequentially.

Phase	Key Questions	Method
IMMERSION Building knowledge of Facebook and Myanmar	» What Facebook products, services, and technologies are relevant to the HRIA? » How is Facebook used in Myanmar? » What is Facebook's existing human rights policy and management approach, globally and in Myanmar? » Who are the key internal and external stakeholders and rights holders in Myanmar? » What is the human rights context in Myanmar, such as extent of rule of law, relevant laws and regulations, and human rights history?	» Desk-based research, using public and Facebook-specific resources » Interviews with relevant Facebook staff » Interviews with relevant Myanmar experts » Identification of rightsholders and stakeholders
MAPPING Identifying relevant actual and potential human rights impacts	» What are the relevant actual and potential human rights impacts, including risks and opportunities, in Myanmar? » What are the most vulnerable groups, and how are they impacted?	» Two visits to Myanmar—once participating in Facebook-managed dialogues and once independently » Interviews with rightsholders and stakeholders in Myanmar » Interviews with Facebook staff
PRIORITIZATION Prioritize actual and potential human rights impacts to determine where Facebook should focus resources	» Where should Facebook prioritize different approaches and allocate resources?	» Use BSR's HRIA tool to prioritize human rights impacts, based on severity (scale, scope, remediability), likelihood, attribution, and leverage
MANAGEMENT Develop recommendations for mitigation measures in the short, medium, and long term, in line with prioritization	» What action plan should Facebook deploy? » What leverage does Facebook have over actual and potential impacts? » What measures should Facebook take over the short, medium, and long term? » What can be achieved by Facebook alone, and what should be undertaken in collaboration with others?	» Provide recommendations on how to address impacts, risks, and opportunities » Review and comment by Facebook » Final report

3. Country Context

3.1 MYANMAR

Myanmar (officially the Republic of the Union of Myanmar, and also known as Burma) is bordered by India, Bangladesh, Thailand, Laos, and China.

Recent assessments, including the country's 2014 census, estimate the country's population to be around 50 million to 55 million. Myanmar's capital city is Naypyidaw, and its largest city and former capital is Yangon.

Myanmar was granted independence as a democratic nation in 1948. Following a coup d'état in 1962, Myanmar became a military dictatorship under the Burma Socialist Program Party. A new constitution was introduced in 2008 forming a unitary parliamentary republic, and the military junta was officially dissolved and replaced by a nominally civilian government following a 2010 general election. However, the National League for Democracy (NLD), which won the previous 1990 elections but was never allowed to take power, decided not to participate.

The first openly contested elections held in Myanmar since 1990 took place in November 2015. Aung San Suu Kyi's NLD won an absolute majority of seats in both chambers of the national parliament, enough to

ensure that the NLD's candidate would become president. However, Aung San Suu Kyi is constitutionally barred from the presidency, so she adopted the newly-created position of state counsellor instead. While the president of Myanmar (Win Myint) is the de jure head of state and head of government, Aung San Suu Kyi is considered the de facto head of government. The next elections are expected to take place in 2020.

The military retains significant power in Myanmar, despite these reforms. The commander-in-chief appoints 25 percent of members in all legislative assemblies and directly appoints ministers in the Ministry of Defense (which in turn controls Myanmar Armed Forces and Myanmar Economic Corporation, the largest economic corporation in Myanmar), the Ministry of Border Affairs, and the Ministry of Home Affairs.

Myanmar is ethnically diverse, with 68 percent Bamar, 9 percent Shan, 7 percent Karen, 4 percent Rakhine, 2 percent Mon, and 5 percent others. Nearly 88 percent of Myanmar is Buddhist, 6 percent Christian, and 5 percent Islamic.[11] For most of its independent years, Myanmar has experienced ethnic strife and one of the world's longest-running civil wars.

Myanmar is rich in jade and gems, oil, natural gas, and other mineral resources. Myanmar has a gross domestic product (GDP) of nearly US$331 billion (54th in the world), and a GDP per capita of around US$6,300 (162nd in the world).[12] Around 70 percent of Myanmar's labor force works in agriculture, 23

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[11] CIA, 2018.
[12] Ibid.

percent in services, and 7 percent in industry.[13] As of 2016, Myanmar ranks 145 out of 188 countries in human development, according to the Human Development Index.[14] Myanmar has been a member of the Association of Southeast Asian Nations (ASEAN) since 1997.

In August 2018, the UN Human Rights Council published an advanced, unedited version of its Independent International Fact-Finding Mission on Myanmar report into the alleged recent human rights violations by military and security forces in Myanmar, in particular in Rakhine State. The mission concluded that serious crimes under international law had been committed that warrant criminal investigation and prosecution.[15]

BSR does not repeat here the thorough assessments of the human rights context in Myanmar contained in publicly available reports. For more depth, readers can refer to reports published by the Business Anti-Corruption Portal,[16] Freedom House (both Freedom in the World[17] and Freedom on the Net[18]), Global Information Society Watch,[19] Human Rights Watch,[20] the UN Human Rights Council,[21] and the U.S. State Department.[22] These reports were key sources for the BSR assessment and surfaced the following key issue areas for BSR to focus on: freedom of expression; privacy; security; nondiscrimination; child rights; standard of living; and access to culture.

3.2 THE INTERNET IN MYANMAR

Before 2013, and after decades of state control, Myanmar was a rumor-filled society at every level, and free speech was virtually nonexistent. Since then, Myanmar has moved very rapidly from being a closed society to one with millions of internet users, and this rapid transition provides essential context for our HRIA.

For the majority of Myanmar's 20 million internet-connected citizens, Facebook is the internet.[23] Less than 1 percent of the country's 50 million people had a smartphone or home internet in 2009, but access increased exponentially when the country opened up in 2011, especially following the liberalization of the telecom sector.[24] This has resulted in a crisis of digital literacy: A large population of internet users lacks basic understanding of how to use a browser, how to set up an email address and access an email account, and how to navigate and make judgments on online content. Despite this, most mobile phones sold in the country come preloaded with Facebook.

According to the Digital in 2018 report, 34 percent of Myanmar's population of 53 million people use the internet. Of those, 73 percent use mobile phones (an increase of 4 percent from 2017), while just 26 percent use laptops or desktops (a reduction of 7 percent from 2017). There are approximately 20 million Facebook users as of January 2018—equivalent to internet penetration—which is an increase of 29

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[13] CIA, 2018.
[14] UNDP, 2016.
[15] OHCHR, 2018.
[16] GAN Business Anti-Corruption Portal, accessed August 2018.
[17] Freedom House, 2018.
[18] Freedom House, 2017.
[19] Global Information Society Watch, 2017.
[20] Human Rights Watch, accessed August 2018.
[21] OHCHR, accessed August 2018.
[22] US Department of State, 2017.
[23] We Are Social, 2018. According to the Digital in 2018 report and derived from sources including Internet Worldstats, ITU, Eurostat, CIA World Factbook, Mideastmedia.org, Facebook, government officials, regulatory authorities, and reputable media.
[24] The Word Bank data, individuals using the Internet as percentage of population in Myanmar, accessed August 2018.

percent from January 2017.[25] The call and messaging app Viber is also very popular, with approximately 25 million users in 2016.[26] WeChat is used in Shan State, which borders China.

Myanmar's telecommunications infrastructure is largely controlled by the Ministry of Transport and Communications' (MoTC) Post and Telecommunications Department, via the state-owned telecommunications provider, Myanmar Post Telecommunication (MPT). The MoTC is also responsible for information technology and cybersecurity, and is in the process of establishing a Social Media Monitoring Unit, reportedly to monitor overseas interference in Myanmar's social media activity.[27] The MoTC's designated department for this effort, the IT and Security Department, did not provide any further details of this initiative to BSR. A separate Cybercrime Division within the Ministry of Home Affairs is responsible for Myanmar's approach to cybercrime and related legislation, such as the Narcotic Drugs and Psychotropic Substances Law.[28]

There are equal numbers of internet users and Facebook users in Myanmar. As a result, many people use Facebook as their main source of information, and government municipalities, departments, officials, and leaders have Facebook pages, even if they do not have a webpage. Facebook has been described as having a powerful democratizing effect in Myanmar by exposing millions of people to concepts like democracy and human rights, increasing accountability for lawmakers and enforcers, and providing a communications channel for political representatives and their constituents. It also provides a learning platform for human rights activists, which improves civic participation and empowers civil society.

Despite transitioning from a military to a nominally civilian government in recent years, internet activity continues to be monitored in Myanmar. Government takedown requests for content are not common, but they are increasing, and at least 61 people were prosecuted for online speech from June 2016 to May 2017.[29] Telecommunications providers Telenor Myanmar and Ooredoo Myanmar reported receiving 85 requests for information in early 2016, and Facebook received one request for user data between July and December 2016.[30] Consequently, online self-censorship is common, with many individuals and journalists being cautious about what they post or report on with regard to the military and the NLD government.

Digital literacy is generally low across the country, and many people find it difficult to verify or differentiate content (for example, real news from misinformation). Many influential individuals, including teachers, politicians, religious leaders, celebrities, and local government representatives use Facebook to make posts on race; religion; lesbian, gay, bisexual, and transgender (LGBT) issues; and other topics. Facebook is also used to spread rumors about people and events. Character assassinations were described to BSR during this assessment, and in extreme cases these have extended to online death threats and the public disclosure of private information like home addresses and ID cards. There are indications that organized groups make use of multiple fake accounts and news pages to spread hate speech, fake news, and misinformation for political gain. Rumors spread on social media have been associated with communal violence and mob justice.[31]

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[25] We Are Social, 2018.
[26] Partners Asia, 2017.
[27] *Myanmar Times*, 2018.
[28] Part 14-A of law states that "irrespective of any existing law, the responsible person of any telecommunications service provider shall, upon receipt of the order from the Central Board concerning records containing information related to the crime, allow inspection and copying of records related to the crime."
[29] Freedom House, 2017.
[30] Ibid.
[31] PRI, 2014.

Specific aspects of user behavior on social media in Myanmar include the use of Facebook secret groups and the use of Facebook messenger to spread rumors. Most individuals will share a post by copy and paste the content, rather than using the "share" function. It is understood that many Facebook users use two to six different accounts simultaneously, and young adults often share online passwords among themselves. There is a 30 percent gap between men and women in mobile phone ownership.[32]

Some users are more vulnerable on social media than others. Women, in particular, report extortion and harassment by their photos being stolen or photoshopped and then posted to pornographic groups, along with their personal contact information. Rural people, people with lower incomes, and people with lower levels of education are more vulnerable to hate speech and misinformation. Older users are particularly digitally illiterate and more conservative, and they may be more likely to follow and subscribe to extremist nationalist content. It is commonplace for new mobile phone users to purchase phones from shops with Facebook preinstalled and Facebook accounts set up by shop owners without any knowledge of the user names and passwords. Some shop owners have been known to use this information to extort customers.

3.3 RELEVANT REGULATORY FRAMEWORK

After five decades of military rule and a highly restrictive legal environment, Myanmar went through significant legislative reform to strengthen rule of law and protect fundamental human rights from 2008 to 2015. The constitution was reformed in 2008, and several laws were passed to supersede legislation enacted during the colonial period and by the military junta. However, this trend has stalled in recent years.

The legal framework directly relevant to freedom of expression and the internet in Myanmar is summarized in this table, with analysis of the laws below:

Law	Requirement

The Electronics Transactions Law (April 2004)[33]	» Preceded by the 1996 Computer Science Development Law, the purpose of this law is to support electronics transactions technology, recognize and provide legal protection to electronic records and data, enable transmission, receipt, and storage of information, and enable regional and international communication and cooperation.
	
	» Section 33 allows for seven to 15 years' imprisonment and a fine for the following acts in using electronic transactions technology:
	
	  o "Doing any act detrimental to the security of the State or prevalence of law and order or community peace and tranquility or national solidarity or national economy or national culture."
	
	  o "Receiving or sending and distributing any information relating to secrets of the security of the State or prevalence of law and order or community peace and tranquility or national solidarity or national economy or national culture."
	
	» Section 34(d) allows for up to five years' imprisonment and/or a fine for a variety of acts, including "creating, modifying or altering of information or distributing of information created, modified or altered by electronic technology to be detrimental to the interest of or to lower the dignity of any organization or any person."

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[32] Freedom House, 2017.
[33] Government of the Republic of the Union of Myanmar, 2004.

Constitution of the Republic of the Union of Myanmar (2008)[34]	» The constitution of Myanmar was reformed in 2008 to provide improved protections for human rights, such as freedom of expression and the right to privacy.
	» Article 354 provides for freedom of expression, assembly, association, religion, and culture, so long as the exercise of these rights is "not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality."
	» The constitution guarantees the military 25 percent of all seats in parliament and veto power over any changes to the constitution.
The Telecommunications Law (October 2013)[35]	» The broad goal of the law is to support the telecommunications industry in Myanmar by protecting providers, users, licensed equipment, and enabling transparent competition.
	» Article 66(d) allows up to three years' imprisonment and/or a fine for "extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening to any person by using any Telecommunications Network."
	» Article 68 allows up to one year's imprisonment and/or a fine for the following:
	o "Communications, reception, transmission, distribution or conveyance of incorrect information with dishonesty or participation."
	o "Prohibiting, obstructing or interfering (sic) the transmission, reception, communication, conveyance or distribution of information without permission."
	» Article 75 allows for the Union Government to request access to information and telecommunications which "causes harm to national security and prevalence of law without affecting the fundamental rights of citizens."
	» Articles 76 and 77 allow for certain government ministries to enter, inspect, and supervise the operations of any telecommunications services, as well as, during an emergency, direct telecommunications providers to suspend operations, to intercept or not operate specific forms of communication, and temporarily control the service and equipment.
Media Law (2014)[36]	» The law is designed to guarantee media freedom and prohibit censorship, as well as provide recognition for specific rights of "media workers."
	» Article 9 outlines a "code of conduct" for journalists and other news media workers, including provisions on accuracy, use of multimedia including photos and videos, and intellectual property, as well as:
	o Writing style "which deliberately affects the reputation of a specific person or an organization or generates negative impact of the human right."
	o And "ways of writing which may inflame conflicts regarding nationality, religion and race."
Four Protection of Race and Religion Bills	» These laws are aimed at protecting race and religion in Myanmar. While not all are directly relevant to Facebook's operations, they do have direct legal implications for individuals who use Facebook.
	» Buddhist Women's Special Marriage Bill (2015)[37]: The explicit aim of this law is to guarantee equal rights of Myanmar Buddhist women and non-Buddhist men with respect to marriage, divorce, partition, and guardianship of children. Article 24(g) states that "A non-Buddhist man [who is married to a Buddhist woman] shall not insult, in words or in writing or through visible representation or gesture, with bad intention to cause bitter feeling to the Buddhist."

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[34] Government of the Republic of the Union of Myanmar, 2008.
[35] Government of the Republic of the Union of Myanmar, 2013.
[36] Unofficial translation provided by Free Expression Myanmar, 2017(b).
[37] Unoffical translation provided by Burma Library, 2015(a).

	» Religious Conversion Law (2014)[38]: This law is designed to support Article 34 of the constitution, that "every citizen shall have equal rights to freedom of religious belief and freedom of worship." Provisions include regulations on the process governing religious conversion.
	» The Monogamy Bill (2014)[39]: This law is designed to outlaw polygamy and extramarital affairs. Article 9 and Article 10 specifically prohibit "[entering into] another marriage with another person or conducting an illegal extramarital affair."
	» Population Control Healthcare Bill (2015)[40]: This law is aimed at improving living standards and reducing poverty by ensuring sufficient quality healthcare and developing maternal and child health.
Law Protecting the Privacy and Security of Citizens (March 2017)[41]	» The law is broadly aimed at protecting freedom of movement, freedom of residence, and freedom of speech, as well as security or residence, possessions, correspondence, and other communications.
	» Article 8(f) stipulates that "no one shall unlawfully interfere with a citizen's personal or family matters or act in any way to slander or harm their reputation."
Amendment of the Narcotic Drugs and Psychotropic Substances Law (March 2018)	» This was enacted in March 2018 as one of the last legislative acts of outgoing President Htin Kyaw.
	» Broad, sweeping provision grants Ministry of Home Affairs power to request user data from telecommunications providers under the auspices of drug investigations.
	» This amendment was drafted without any input from the Post and Telecommunications Department, the telecommunications regulator, and represents an effort by the Ministry of Home Affairs at utilizing communications in more assertive ways to enforce rule of law.
	» Article 14(a) states that "irrespective of any existing law, the responsible person of any telecommunications service provider shall, upon receipt of the order from the Central Board concerning records containing information related to the crime, allow inspection and copying of records related to the crime."
Independent Telecommunications Regulatory Commission (Draft)	» The draft Myanmar Communications Regulatory Commission law was released for public consultation in May 2017, as required by the Telecommunications Law. However, the law has not been submitted to Parliament for passage.
	» It is unclear why this law has not progressed farther since May of last year. However, Director General for Post and Telecoms Department U Soe Thane indicated in late June 2017 that the government is concerned about whether there are sufficient candidates that can meet the board commissioner requirements as outlined in the draft law.

In addition to the above laws and provisions relevant to digital communications, Myanmar's regulatory environment has several key characteristics with implications for internet and telecommunications companies, as well as for the wider realization of human rights in the country.

» **Myanmar's legal framework does not reflect universal principles of rule of law defined by the World Justice Project.**

The government and its officials and agents, as well as individuals and private entities, are not necessarily accountable under the law. Recently, two Reuters journalists were detained, charged, and convicted under the 1923 Official Secrets Act for their investigation of security forces' activity in

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[38] Unofficial translation provided by the Chin Human Rights Organization, 2014.
[39] Unofficial translation provided by Burma Library, 2015(b).
[40] Unofficial translation provided by the Asian Legal Information Institute, 2015.
[41] Unofficial translation provided by Myanmar Centre for Responsible Business, 2017.

northern Rakhine State.[42] The same law was also used to convict five journalists who worked on an article about the construction of a military facility on land that had been confiscated from local farmers.[43] The 1861 Penal Code is used against people who speak out against abuses perpetrated by the military.[44]

The laws are not necessarily clear, publicized, stable, and just; nor are they necessarily applied evenly; nor do they necessarily protect fundamental rights, including the security of persons or property. For example, vague terms used in Article 66(d) of the Telecommunications Law create risk for the arbitrary characterization of legitimate expression as threats or criminal offense.[45] This provision has increasingly been used by the current government to target journalists and limit freedom of expression online, and some individuals have been imprisoned for posting content on Facebook that is deemed insulting to the government or military.[46]

The process by which the laws are enacted, administered, and enforced is not always clearly accessible, fair, or efficient. Civil society groups report being unaware of laws being drafted, and say that laws are adopted by Parliament without public consultation. This includes the 2017 Privacy Law and the forthcoming hate speech law.

» **The legal framework in Myanmar does not allow for the full realization of freedom of expression.**

The 2008 constitution, which is used as a basis for many other laws, does include guarantees for human rights and freedom of expression, but it fails to fully meet international standards and allows for the constitutional justification of many restrictive laws. For example, Article 354 provides the right to express and publish convictions and opinions, but qualifies that this right exists only when the views are not contrary to the laws of the country. The provisions are ambiguous, which means they can be interpreted differently on a case-by-case basis.

Many laws do not uphold international legal and human rights norms, definitions, and standards on freedom of expression. For example, Myanmar has several laws that criminalize defamation, including the 1861 Penal Code, the 2004 Electronic Transactions Law, the 2013 Telecommunications Law, and the 2017 Privacy Law. International standards recommend the use of civil laws to regulate defamation and protect reputation, because criminal laws can be used to exploit the power of the state and silence legitimate criticism.

Additionally, the 2017 Privacy Law falls below international standards (i.e., ICCPR guidelines, UN General Assembly) of the definition for privacy, and the 2015 Broadcasting Law fails to acknowledge and promote freedom of expression with respect to international standards and definitions.[47] The 1923 Official State Secrets Act violates international standards because there is no requirement that disclosed information "post a real risk of harm" and there are no defenses against prosecution.[48] Despite reform, the 2011 Peaceful Assembly and Peaceful Procession Act fails to meet international

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[42] CNN, 2018.
[43] Human Rights Watch, 2018.
[44] UN Special Rapporteur, 2018.
[45] Myanmar Centre for Responsible Business, 2015.
[46] Article 19, 2017 (b).
[47] Global Information Society Watch, 2017.
[48] Human Rights Watch, 2018.

standards on freedom of expression and assembly by effectively making spontaneous protests unlawful and restricting the content and conduct of protestors.[49]

Legal provisions frequently use vague and inconsistent terms, and these are applied broadly to limit freedom of expression. For example, the Electronic Transactions Law criminalizes acts that threaten "security of state" and "community peace and tranquility" but does not define these terms.[50] In Article 38, this prohibition is extended to anyone who "attempts to commit" any offence or "conspires" or "abets" in the commission of any offence under the law. This could extend to a social network on which critical views are expressed, and implies liability for telecommunications providers in the distribution of messages which are found to violate the law.

In recent years, prosecutions for online activity have shifted to the 2013 Telecommunications Law, which uses broad terms such as material that is "disturbing" or material which causes "undue influence," a term that could potentially apply to fiction, literature, and public essays.[51] Article 68(a) also prohibits the "communications, reception, transmission, distribution or conveyance of incorrect information with dishonesty or participation," and Article 73 applies the same penalty for anyone who abets in their commission, extending liability for issues like hate speech or false news to internet service providers or online platforms.

» **The wider regulatory context is complicated by laws that deepen cultural divides, religious discord, and intercommunal conflict by enabling systemic gender, ethnic, and religious discrimination.**

In Myanmar, social media platforms can indirectly act as a conduit for human rights violations and expose individuals to the abuse of their human rights by other individuals, organized groups, and the authorities. A suite of four problematic "race and religion protection" laws amplify this risk. Proposed by a conservative Buddhist nationalist organization, they were approved in Parliament in 2015, despite strong objections from civil society groups. These laws, when taken together, could result in the violation of a number of human rights and serve to embed harmful gender, ethnic, and religious stereotypes within the cultural psychology of the country. The laws have been widely criticized by national and international human rights defenders.[52]

The specific human rights implications associated with the race and religion protection laws are:

- o   The Buddhist Women's Special Marriage Bill (2015) regulates the marriage of Buddhist women with men from another religion. Some of the provisions are not applied equally, are discriminatory toward non-Buddhist men, and in some instances are vague in meaning and therefore in contravention of international human rights norms. Article 24(g) allows for restrictions on the husband's freedom of expression. Other articles in the law rely on harmful stereotypes of non-Buddhist men and sanction discrimination based on race and religion.

- o   The Population Control Healthcare Bill (2015) contains clauses that could be used to infringe on human rights and discriminate on the basis of religion or ethnicity. A primary

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[49] Free Expression Myanmar, 2017(a).
[50] Centre for Law and Democracy, 2017.
[51] Ibid.
[52] Amnesty International and the International Commission of Jurists, 2015.

feature of the law is the provision of a process by which local authorities can organize women to have a gap of 36 months between births. There are concerns that this law is directed at controlling the birth rates of the Muslim community, and that it could justify the use of an out-of-force Rakhine state regulation limiting Muslim couples to two children.[53]

o   The Monogamy Bill (2015) prohibits men and women who are already married from conducting an extramarital affair, and makes no reference to trans or intersex people. This prohibition could constitute an interference with the right to privacy and family.

o   The Religious Conversion Law (2014) is concerned with the right to freedom of thought, conscience, and religion, and therefore has a noteworthy relationship to other human rights, including the right to freedom of expression, the right to privacy, and the rights of persons belonging to national, ethnic, religious, and linguistic minorities. The law has several provisions which are vague or otherwise incompatible with international human rights standards. For example, the vague use of the term "citizen" in this law and in the relevant constitutional article could exclude the minorities that are denied citizenship, including the Rohingya, from the rights and protections enshrined in the law.

This troubling legal context, when combined with the widespread use of Facebook and other social media platforms for character assassinations, rumor-spreading, and hate speech against minority individuals, creates an enabling environment for the ongoing endorsement and proliferation of human rights abuse in Myanmar.

» **An uptick in arrests and prosecutions under existing laws, as well as the enactment of new laws with vague provisions and definitions, implies that the state will increasingly police digital communications and infringe on human rights.**

International human rights groups have expressed concern at the increase in prosecutions and arrests of journalists and activists in Myanmar. The UN Special Rapporteur on the situation of human rights in Myanmar recorded 40 cases in January 2017 prosecuted under Article 66(d) of the Telecommunications Law.[54] The 1908 Unlawful Associations Act has not commonly been used against journalists, but in May 2017 three journalists were detained for reporting an event organized by an ethnic armed group, and in October 2017 two community leaders were sentenced for two years for assisting documentation of military damage and allegedly supporting the Kachin Independence Army.[55]

Several new laws, forthcoming laws, and laws that have been recently reformed are relevant for freedom of expression and social media. The 1872 Evidence Act was amended in 2015 to include electronic records and information as evidence in court, for example. The forthcoming hate speech law (alternatively known as the Interfaith Harmony Law, the Interfaith Harmonious Coexistence Law, or the Protection Against Hate Speech Bill) has been flagged by civil society groups as a risk for widening the power of government censorship, with overbroad definitions of hate speech and the exclusion of protected characteristics required by international human rights law.[56]

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[53] Conflict Prevention and Peace Forum, 2015.
[54] UN Special Rapporteur, 2018.
[55] Human Rights Watch, 2018.
[56] Aritcle 19, 2017(a).

4. Human Rights at Facebook

Facebook does not maintain a holistic human rights policy covering all human rights. However, Facebook has several policy commitments, processes, and public reports of direct relevance to this HRIA.

4.1 POLICY AND GOVERNANCE

Facebook is a member of the **Global Network Initiative (GNI)** on privacy and freedom of expression and is committed to implementing the GNI's Principles[57] and Implementation Guidelines.[58] These are based on internationally recognized laws, standards, and guidelines for human rights (including the Universal Declaration of Human Rights [UDHR], International Covenant on Civil and Political Rights [ICCPR], International Covenant on Economic, Social and Cultural Rights [ICESCR], UNGPs, and the Organisation for Economic Co-operation and Development [OECD] Guidelines for Multinational Enterprises) and state that companies avoid, minimize, or otherwise address the adverse impact of government demands, laws, or regulations on the human rights of freedom of expression and privacy. Every two years, member companies are assessed for compliance with the GNI Principles and Implementation Guidelines, and Facebook's most recent independent assessment found the company to be in compliance.[59] A finding of compliance means that the companies are making good faith efforts to implement the GNI Principles and to improve this implementation over time.

Facebook's **Audit and Risk Oversight Committee of the Board** has oversight of a number of issues relevant to this HRIA, including both privacy and receiving assessments of "the major ways in which its services can be used to facilitate harm or undermine public safety or the public interest, as well as the steps the Company has taken to monitor or mitigate such abuse, including the Company's procedures and any related policies with respect to risk assessment and risk management."

Facebook also maintains a **Privacy Cross Functional Working Group** ("Privacy XFN") that approves any product changes and decisions that impact privacy, and a cross-functional **Content Standards Forum** that discusses and approves any changes to the Community Standards. Significant issues and challenging cases are escalated to the founder, chairman, and chief executive officer and to the chief operating officer.

4.2 FACEBOOK COMMUNITY STANDARDS

The **Facebook Community Standards** outline what is and is not allowed on Facebook and apply globally to all types of content across all Facebook products.[60] The goal of the Community Standards is to encourage expression and create a safe environment, and they cover topics such as violence and criminal behavior, safety, objectionable content, integrity and authenticity, and respecting intellectual property.

The Community Standards are based on input from both users and experts in technology, public safety, hate speech, child safety, terrorism, and other relevant topics. The Community Standards evolve over time, based on lessons learned and insights from a diverse range of geographies and contexts. In April

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[57] Global Network Initiative, accessed August 2018.
[58] Ibid.
[59] Global Network Initiative, 2016.
[60] Facebook (a), accessed August 2018.

2018, Facebook updated its public-facing Community Standards to include its internal review guidelines, giving the public more detail on where the company draws the line on content.

Facebook's Community Standards are implemented by a **Community Operations Team** (which is doubling in size to 20,000 people during 2018) who review content in more than 50 languages to ensure that Community Standards are enforced. This team includes experts in areas such as child safety, hate speech, terrorism, and law. In August 2018, Facebook reported that it employed 60 Myanmar language experts to review content, with the expectation to have at least 100 by the end of 2018.[61]

The Community Operations Team benefits from the existence of detailed written guidance about how to enforce the Community Standards in a local context, such as specific slurs, flagged words, and illustrative cases. These evolve over time, based on lessons learned from real-life cases, changes in social, political, and local context, and engagement with stakeholders.

Engineers at Facebook are also building artificial intelligence (AI) tools to assist the Community Operations Team in proactively identifying content that violates the Community Standards, including AI that works in the Burmese language. The quality and accuracy of AI is expected to improve over time as the volume of cases and data increases. In August 2018, Facebook reported that it proactively identified about 52 percent of the content removed for hate speech in Myanmar in the second quarter of 2018, up from 13 percent in the final quarter of 2017.[62]

The consequences for violating Community Standards vary, depending on the severity of the violation and a person's history on the platform—for example, Facebook may warn someone for a first violation, but if they continue to violate policies, Facebook may restrict the user's ability to post on Facebook or disable their profile. Law enforcement may be notified when there is a genuine risk of physical harm or a direct threat to public safety. It should be noted that Facebook deals with misinformation by making it less prominent in the News Feed, rather than by removing it. In July 2018, Facebook altered its credible violence policies to more proactively delete inaccurate or misleading information created or shared with the purpose of contributing to, or exacerbating, violence or physical harm.[63] While this change is being made at the global level, it has specific relevance for Facebook in Myanmar.

In August 2018, Facebook removed 18 Facebook accounts, one Instagram account, and 52 Facebook Pages in Myanmar, and banned 20 individuals and organizations from Facebook, including Senior General Min Aung Hlaing, commander-in-chief of the armed forces, and the military's Myawady television network. This action was taken to prevent them from using Facebook to further inflame ethnic and religious tension, and because of coordinated inauthentic behavior on Facebook, including the use of seemingly independent news and opinion Pages to covertly push the messages of the Myanmar military.[64]

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[61] Facebook, 2018(a).
[62] Facebook, 2018(a).
[63] Facebook (b), accessed September 2018.
[64] Facebook, 2018(b).

4.3 TRANSPARENCY

The **Facebook Transparency Report**[65] is published every six months to provide data and insights into how Facebook's various policies are enforced. This includes a Community Standards Enforcement Report,[66] an Intellectual Property Report,[67] Government Requests for User Data,[68] Content Restrictions Based on Local Law,[69] and Internet Disruptions.[70] The data are segmented by country for all reports except the Community Standards Enforcement Report, where methodologies are still under development. The Community Standards Enforcement Report was published for the first time in 2018 and includes global-level processes and metrics for Graphic Violence, Adult Nudity and Sexual Activity, Terrorist Propaganda, Hate Speech, Spam, and Fake Accounts. Facebook's plans to address "false news" and election interference are also published alongside the Facebook Transparency Report.

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[65] Facebook (c), accessed August 2018.
[66] Facebook (c), with further details on enforcement: https://transparency.facebook.com/community-standards-enforcement.
[67] Facebook (c), with further details on intellectual property: https://transparency.facebook.com/intellectual-property.
[68] Facebook (c), with further details on government data requests: https://transparency.facebook.com/government-data-requests.
[69] Facebook (c), with further details on government data requests: https://transparency.facebook.com/government-data-requests.
[70] Facebook (c), with further details on internet disruptions: https://transparency.facebook.com/internet-disruptions.

5. Observations

Before identifying actual and potential human rights impacts and making recommendations, it is important to share some high-level observations about Facebook's human rights impacts in Myanmar and its room for maneuver to address them. The following observations influence the remainder of this report. Where helpful, we have included quotes from interviewees, though it should be noted that these quotes are all from external stakeholders, not Facebook staff.

5.1 HUMAN RIGHTS CONTEXT IN MYANMAR

These observations relate to the overall human rights context in Myanmar and their implications for Facebook's human rights strategy.

» **Facebook has substantially increased opportunities for freedom of expression, assembly, and association in Myanmar. This includes greater opportunities for participation in public dialogue, a more diverse media sector, and new platforms for grievances to be aired.**

It is often said that "Facebook is the internet" in Myanmar, and it has generated substantial user engagement, compared to competing social media platforms. As one interviewee described, "There has been a significant increase in freedom of expression in Myanmar over the past five years, and Facebook has played a very important role in that … despite all the challenges relating to hate speech, we must not forget this fundamentally positive purpose." Another concluded that "It is unclear how access to information and freedom of expression would have grown so rapidly in Myanmar without the Facebook platform." Describing how many users utilize Facebook with positive outcomes, one interviewee explained how "With Facebook, users can much more easily attract attention to problems with day-to-day government services and get them fixed. They can criticize in a way they could not before." It is noteworthy that Facebook remains the primary tool for activists when organizing peaceful protests.

» **The legal framework and lack of rule of law in Myanmar substantially increase human rights risks for Facebook.**

The legal framework in Myanmar is not aligned with international human rights norms and provides insufficient legal protections for Facebook users. Laws governing telecoms services, content restrictions, defamation, and privacy are very ambiguous, and many provisions are available to prosecute users for content shared on Facebook. While Section 66d of the Telecommunications Law has been the most prevalent, there are many other legal provisions (such as Section 68 of the Telecommunications Act and sections 33 and 34 of the Electronic Transactions Law) that can be used by government authorities to violate the rights of Facebook users. Without substantial legal reform, Facebook will face significant human rights risks in Myanmar for many years to come.

» **Myanmar's recent political, economic, and social history—notably restrictions to freedom of expression and poor access to technology—also substantially increases human rights risks for Facebook.**

There are deep-rooted and pervasive cultural beliefs in Myanmar that reinforce discrimination and which result in interfaith and communal conflict—these persist among teachers, politicians, religious

leaders, celebrities, and local government representatives, and Facebook is being used to spread these opinions on an individual basis, as well as by organized groups for political gain. The sudden introduction of accessible mobile communication services and the rapid growth in access to Facebook has resulted in a steep learning curve for users, policymakers, and civil society. Significant shortcomings in the areas of digital literacy, privacy awareness, and critical thinking have a sizable impact on Facebook's human rights risk profile; indeed, the Facebook platform and Community Standards rely on certain legal, political, and cultural assumptions (such as freedom of speech and rule of law) that do not hold true in the Myanmar context today. As one interviewee commented, "Maybe Myanmar isn't ready for Facebook yet." Another bluntly explained that "Facebook isn't the problem; the context is the problem."

» **The prevalence of hate speech, disinformation, and bad actors on Facebook has had a negative impact on freedom of expression, assembly, and association for Myanmar's most vulnerable users.**

The Facebook platform in Myanmar is being used by bad actors to spread hate speech, incite violence, and coordinate harm. This is resulting in increased levels of self-censorship, especially among vulnerable groups such as political activists, human rights defenders, women, and minorities. As one interviewee explained, "Activists are being harassed, self-censorship exists, and activity on Facebook today is closing freedom of expression, rather than increasing it. One side is shutting down the other, and it is no longer a marketplace of ideas." There is significant interest in a concerted effort to stop these trends, said the same interviewee. "We are not in the delete-Facebook camp, and we desperately want Facebook to succeed in Myanmar." At the same time, the use of Facebook in Myanmar overall continues to grow.

» **Facebook has become a useful platform for those seeking to incite violence and cause offline harm.**

Though the actual relationship between content posted on Facebook and offline harm is not fully understood, Facebook has become a means for those seeking to spread hate and cause harm, and posts have been linked to offline violence. A minority of users is seeking to use Facebook as a platform to undermine democracy and incite offline violence, including serious crimes under international law; for example, the Report of the Independent International Fact-Finding Mission on Myanmar describes how Facebook has been used by bad actors to spread anti-Muslim, anti-Rohingya, and anti-activist sentiment.

» **In the near term, most (but not all) local stakeholders are more concerned about security risks to rightsholders than they are about overbroad restrictions on content.**

The need to protect the security of vulnerable users was of paramount importance to almost all stakeholders and rightsholders that BSR engaged with in Myanmar. Top priorities included efforts to remove content that violates Facebook's Community Standards, eliminate fake accounts, and de-prioritize misinformation. As one rightsholder described: "Compared to many in the international community we are less concerned about restrictions to freedom of expression because our proximity to offline harm is much greater. I'm dealing with scenarios where lives are at risk." However, these security priorities are also key to being able to promote a culture of free expression.

» **There are signs that the "surveillance state" may be returning in Myanmar.**

After years of decay following the demobilization of the security apparatus in 2004, a surveillance state appears to be re-emerging in Myanmar. The government, military, and Buddhist nationalist groups are all demonstrating an increasingly sophisticated targeting of civil society leaders, activists, and human rights groups on the Facebook platform in ways that draw upon improved surveillance capabilities. Evidence supporting this assertion include the planned "Social Media Monitoring Team" within the Ministry of Transport and Communications and the real-life testimony of human rights defenders shared with BSR and elsewhere. For example, several activists shared with BSR stories about harassment by government and government-related proxies that indicate an increasing level of sophistication around surveillance and harassment. While all governments will monitor social media activity in their country to some degree, in Myanmar this is happening without the necessary legal and regulatory safeguards and in a context of conflict and stalled democratic transition. Said one interviewee, "Press freedom is under threat in Myanmar."

» **The 2020 elections are likely to present substantially increased human rights risk.**

The 2020 parliamentary elections are likely to be a flashpoint for hate speech, harassment, misinformation, incitement to violence, and other actions designed to undermine the political process. Today's challenging circumstances are likely to escalate in the run-up to the election, and Facebook would be well-served by preparing for multiple eventualities now. One interviewee emphasized that "With two years advance notice, it is important that Facebook gets it right during election time." Another stressed that "Facebook should prepare for massive chaos and manipulation. There is a great risk of increased polarization in 2020, and this will take place on Facebook."

» **The future human rights context in Myanmar is highly uncertain.**

The next decade of social, political, and economic development in Myanmar could take many different directions and result in a multitude of different scenarios. For example: Elections may be smooth or may not be; the military may relinquish power or seek to increase it; legal reform that advances rule of law may be implemented, or today's legal framework could be retained; and efforts at conflict resolution may succeed or fail. Companies operating in Myanmar are well-advised to understand and prepare for multiple different human rights scenarios that might unfold in the future and consider how their businesses could impact the various outcomes and relevant rightsholders.

5.2 COMMUNITY STANDARDS ENFORCEMENT

During BSR's engagement with rightsholders and stakeholders, there was substantial focus on the Facebook Community Standards and their role in human rights protection.

» **The implementation of Facebook's Community Standards presents challenges of a nature and scale never previously addressed by companies or governments.**

The need for extensive content moderation is inherent in any platform that is built upon user-generated content, and with over 2 billion users, this is a task of immense complexity and intensity for Facebook. This challenge is even more testing in the Myanmar context, where the majority of the population lacks the digital literacy to effectively navigate the complex world of information-sharing online, and where a

minority of users is seeking to use Facebook as a platform to undermine democracy and incite offline violence, including serious crimes under international law.

» **Local rightsholders and stakeholders are primarily focused on the enforcement of the Community Standards, rather than their substance.**

BSR received many insights into how the Community Standards should be implemented at Facebook and gathered specific proposals for how the enforcement processes in Myanmar could be improved. However, while many stated that more detailed local guidance on what the Community Standards mean in practice would be helpful, the Community Standards themselves are considered largely fit for purpose. Said one interviewee, "The Community Standards are mostly fine, but they are not being enforced well enough." BSR notes the important action taken against prominent users by Facebook before and during this assessment, including against individuals Wirathu, Thuseitta, and Parmaukkha; the groups Ma Ba Tha and the Buddha Dhamma Prahita Foundation; and senior military officials.

» **Implementing the Community Standards in Myanmar will continue to require substantial investment in Burmese and local staff with high-quality insight into the Myanmar human rights context.**

There is substantial consensus—among both external stakeholders and Facebook's own staff—that effective implementation of the Community Standards in Myanmar requires Burmese staff with insight into the local context, such as cultural, political, conflict, ethnic, religious, and language factors. Several considerations were raised, including the need to avoid bias by hiring diverse staff, the need for a critical mass of staff to be located locally (or at least with market proximity in the same time zone), the benefits of hiring both policy- and product-oriented staff, and the desire for civil society organizations to be involved in staff training. As one interviewee remarked, staff enforcing the content standards "need to live and breathe Myanmar" and "build relationships with a wide range of organizations across Myanmar, not just the usual suspects." BSR heard a good level of awareness of these considerations in subsequent discussions with Facebook. In addition, while keen to be a source of local insight for Facebook, local civil society organizations do not want to carry the burden of Community Standards enforcement. As one interviewee expressed, "At times it feels as if Facebook has outsourced the job to us, but we simply don't have the resources to do it. We have a strong desire to be collaborative, but not to be relied upon." A similar statement was shared by other interviewees involved in reporting suspected Community Standards violations. BSR notes Facebook's significant investment in Burmese and Myanmar-focused staff underway—over 60 at the time of writing, and 100 by the end of 2018—and it will be important to revisit perceptions about the effectiveness of this investment over time.

» **Investment in local staff could raise expectations that Facebook will take a similar approach in other countries, so a clear human rights-based rationale will be needed.**

The considerable interest in Facebook investing in local country staff is unlikely to be unique to Myanmar. Indeed, one interviewee noted the 150+ countries using Facebook and speculated "whether content moderation can be scaled across all markets, and what human resource would be needed to make this happen." Facebook can seek to apply human rights criteria when deciding whether to invest in staff with local market insights, such as the severity of the local human rights risks, Facebook's market share in the country, and the leverage the company may have. BSR noted a good recognition among Facebook staff that the level of resources needed for Community Standards enforcement will

need to be greater in high-risk locations such as Myanmar than in locations with less immediate risk of harm.

» **The removal of senior military officials from Facebook in Myanmar was a bold move and could be a significant blow against those committing or enabling serious human rights violations. However, the risk of retaliation by the Burmese military will have a material impact on Facebook's ability to undertake activities in Myanmar.**

The decision to ban 20 military individuals and organizations from Facebook in August 2018 was a strong statement of the company's determination to act against those seeking to use Facebook in ways that spread violence and enable genocide. However, this action also increases the risk of retaliatory moves against Facebook and its partners and impacts the ability of Facebook to undertake the in-country activities proposed by BSR in the recommendations section of this assessment, at least in the near term. It will take some time for the full impact and consequences of Facebook's actions to be known, and the reaction of local stakeholders in Myanmar remained somewhat divided and uncertain at the time of writing.

» **There are both advantages and disadvantages in locating Facebook staff in Myanmar and establishing a local presence.**

As implied above, most external stakeholders BSR spoke to expressed support for Facebook staff to be located in Myanmar itself, rather than in nearby countries. However, some did express concern that the existence of local Facebook staff may increase government leverage over content restrictions and data requests by allowing them to threaten seizure of Facebook's IT equipment or data or place Facebook staff at safety risk. Facebook's action against senior military officials in August 2018 also increased the risks associated with locating Facebook staff in Myanmar, at least in the near term, and it is unclear whether Facebook could have acted against the military if Facebook staff had been present in Myanmar. There are also significant advantages for some Myanmar-focused staff to be located elsewhere, such as to provide 24/7 coverage or to build closer working relationships with other key teams and decision-makers in Facebook.

» **Local stakeholders are the source of very specific insights into how to improve Community Standards enforcement.**

Interviewees raised with BSR several specific proposals for Community Standards enforcement, such as allowing content reviewers to see the whole comment thread holistically, rather than one comment in isolation, searching for "copy and paste" sharing of content, and ensuring that Myanmar-relevant posts are channeled to Myanmar reviewers. When discussing these suggestions with Facebook, it was clear that Facebook was already aware of them or has different processes in place for different types of cases. Nevertheless, the detail and specificity of these recommendations suggest that Facebook has an opportunity to continue identifying improvements to its Community Standards enforcement process by engaging directly with those impacted most by them.

» **Stakeholders emphasized the need for a mix of machine- and human-based approaches to Community Standards enforcement.**

There is considerable interest in the potential to use AI, machine learning, and other technology-based approaches to improve the speed and effectiveness of Community Standards enforcement. For

example, we spoke with stakeholders asking about the analysis of IP addresses to tackle fake accounts, or "mapping on which messages are reaching who" to tackle hate speech and misinformation. However, there is also skepticism at the ability of machines to "cope with" the Burmese script or fully learn the local context, given the limited volume of Burmese-to-English translation that can be utilized in machine learning. As one interviewee questioned, "Artificial intelligence may have a hard time coping with our lack of sentence structure and the lack of data to support machine learning in Burmese." BSR notes Facebook's investment in AI underway at the time of writing and the fact that the effectiveness of AI should increase considerably over time with more experience, data, and use cases. Facebook is aware of the questions raised by stakeholders about the effectiveness of AI, and is seeking to address them. Facebook also views the primary role of AI to be about surfacing content for human review and does not see AI as a panacea for Community Standards enforcement. However, today's skepticism among stakeholders about the potential for AI to assist with Community Standards enforcement in Myanmar stands in contrast to its potential, reinforcing the points we make below about the importance of engagement, trust, and transparency.

5.3 ENGAGEMENT, TRUST, AND TRANSPARENCY

The complex human rights challenges confronting Facebook in Myanmar are widely understood by stakeholders. In this context, engagement, trust, and transparency are often seen as core responsibilities for Facebook when navigating these challenges.

» **There is significant appetite for local-level transparency from Facebook on Community Standards enforcement and government relationships.**

Facebook's recent Community Standards Enforcement Report describes processes and contains global content-removal metrics in areas such as spam, hate speech, fake accounts, and terrorist propaganda. Stakeholders in Myanmar have an appetite for a Myanmar-specific version of this report that discloses the same metrics for Myanmar and describes elements of local process, such as the nature of government relationships, how certain standards are interpreted locally, and whether the government submits content-removal requests through the Community Standards process, rather than via law enforcement relationship channels.

» **Continuing to build trust with local stakeholders will require ongoing engagement and responsiveness.**

Facebook faces a significant trust deficit in Myanmar because of actual or perceived lack of sufficient action in response to a rise in hate speech and the increasingly sophisticated propaganda campaigns waged by a network of bad actors against civil society activists and human rights defenders. We heard comments that questioned Facebook's motivation, such as "Facebook is more interested in repairing its reputation on Capitol Hill than finding solutions in Myanmar" and "After four years of calls for action, Facebook only started to take real action after the letter [from civil society organizations] received attention." One stakeholder feared that "Facebook will collaborate with the proposed social media monitoring team as an act of corporate social responsibility"—though we note Facebook's strong refutation of this possibility during this assessment. However, BSR also noted a significant determination on the part of both stakeholders and Facebook to improve trust and increase the effectiveness of collaboration. Facebook now has a window of opportunity to restore trust through proactive and responsive engagement with local stakeholders, increased transparency, doubling down on existing efforts, and pursuing the recommendations in this HRIA. It is important to recognize the

length of time, going back to 2012, that civil society organizations have been raising concerns with Facebook, and not to become too defensive about the efforts that Facebook has made during this time. It is also important to note that the local stakeholder community is continuing to grow and evolve—especially as it relates to increasing capacity to engage on issues of technology and human rights—and this presents an opportunity for more productive collaboration over time.

» **Facebook can focus engagement on vulnerable populations.**

Several stakeholders emphasized the importance of Facebook making sure that its engagement locally is not restricted to the government and major civil society organizations, but also has a focus on vulnerable populations. One suggested that "Facebook should meet people outside Yangon and Mandalay to see how Facebook is used and misused in villages by low-income and rural populations." Another emphasized "groups most at risk of hate speech, such as women, the Muslim population, and ethnic groups" and "groups most likely to believe fake news, such as those in villages and rural areas."

» **There are tough transparency dilemmas.**

The advantages and disadvantages of increased transparency need to be thoroughly considered. Facebook has steadily increased transparency on freedom of expression, privacy, and Community Standards enforcement over time, but additional disclosures also present risks. For example, the disclosure of detailed local Community Standards enforcement guidelines may increase digital literacy and help identify gaps, but it may also provide bad actors with a road map on how to game the system. Similarly, insights from the use of AI may assist civil society organizations and other partners in efforts to address hate speech and misinformation, but if too much detail is shared, privacy rights can be placed at risk.

» **There is a shared determination to address human rights challenges.**

During this HRIA, BSR witnessed a strong determination on the part of both Facebook and stakeholders to address human rights in Myanmar as a matter of utmost importance and urgency. While many stakeholders (and Facebook itself) emphasized that previous Facebook efforts have fallen short, the BSR team also experienced first-hand a shared sense of urgency to establish a robust human rights approach at Facebook. We believe there is significant potential for collaborative efforts that enhance the realization of human rights, both now and over the long-term.

5.4 SYSTEM-LEVEL CHANGE

It is widely recognized that Facebook's human rights impacts in Myanmar cannot be addressed by Facebook alone, but instead require broader systemwide change.

» **Enforcing Community Standards is a necessary but not a sufficient activity. The root causes of hate speech, incitement to violence, and misinformation need to be addressed as well.**

While the sense of urgency around Community Standards enforcement during this assessment was unmistakable, there is also interest in how Facebook—alone and in partnership with others—can help create a local environment more conducive to the company's mission of building community and bringing the world closer together. One interviewee feared that "A strategy based solely on taking content down will cause a backlash, whereas Facebook's massive profile in Myanmar is an opportunity

to support long-term change," while another emphasized the need to balance short-term actions to address hate speech on Facebook and long-term actions needed to address the root causes. Another emphasized the need to "view the government as an essential partner, as that is the only sustainable way to address the root causes."

» **Facebook's link to human rights violations in Myanmar should not be overestimated.**

There is potential that the extensive public interest in the role of Facebook in Myanmar may divert attention away from the unwillingness of the government and the military to recognize human rights challenges and address their root causes—ultimately, it is the state that has a duty to protect human rights under international and domestic law. Said one interviewee: "While Facebook occupies a unique and important place in Myanmar, calls for Facebook to take action should not drown out the very real need for the government and citizens to take steps toward peace and reconciliation."

» **A concerted effort by many parties is needed to (1) increase digital literacy and (2) spread counter-hate speech narratives that mitigate hate speech, misinformation, and harassment.**

Several interviewees emphasized Facebook's significant influence in Myanmar to make the case for a very proactive and long-term Facebook role in both digital literacy and counter-hate speech narratives. One interviewee encouraged Facebook to "think big" and "engage in a sustained digital and media literacy campaign that goes well beyond socialization of the Community Standards and makes full use of prime real estate on the Facebook platform."

However, it will also be important to identify the right intervention points for these efforts, including local government representatives, civil society organizations, religious leaders, local celebrities and influencers, and mobile phone distribution networks and stores. While Facebook can make a substantial contribution—for example, by creating a Facebook-oriented digital literacy curriculum—the company's main leverage resides with the Community Standards enforcement process and its own technology. As one interviewee explained, "Facebook's leverage is first and foremost their ability to take content down swiftly, use technology to spot trends and remove bad accounts, and boost counter-narrative generated by others."

By contrast, there is a need for more locally generated digital literacy and counter-hate speech narrative efforts, especially targeted at low-income groups, rural areas, and zones of intercommunal conflict. As one interviewee described, "Counter narrative needs to be done in a Burmese way, with Burmese people speaking to Burmese people. It also needs to be done in low-income areas, and both on and off the Facebook platform." A different interviewee held a similar view, but emphasized the need for funding (including from Facebook) to make this happen. Another interviewee highlighted the need to generate content not just in Burmese, but in minority languages such as Ta'ang, Shan, Karen, and Mon.

» **There are specific steps Facebook can take to support a more positive and responsible public discourse.**

The national discourse is being undermined by the growth of misinformation and disinformation campaigns carried out daily on the Facebook platform to target a public with scant exposure to, or understanding of, free and independent media. Shifting this dynamic will require much more than the enforcement of Community Standards.

Facebook can support more sustained initiatives that promote independent media and fact-checking, such as via the Facebook Journalism Project and Fact Checking Initiative. For example, Facebook's Fact Checking Initiative only works with fact-checking partners that meet the Poynter Institute's standards, but no organizations in Myanmar currently meet these standards; Facebook could help local organizations become certified, or at least achieve standards approximating it.[71] Immense opportunities also exist to invest in a sustained digital- and media-literacy initiative—beyond communication of the Community Standards—in partnership with civil society organizations, the Ministry of Education, public schools, the monastic school system, and public libraries (e.g., Beyond Access Initiative). One interviewee encouraged Facebook to "explore opportunities to support the sustainable commercialization and development of long-term business models for credible local media organizations." Another emphasized Facebook's uniquely positive, high-profile reputation in Myanmar as an asset in promoting more positive and responsible discourse.

» **Policy, legal, and regulatory reform should be pursued at both the local and the ASEAN regional level.**

The legal and regulatory framework for the telecommunications and internet sector in Myanmar is inconsistent with international human rights laws and norms. While efforts to reform laws and regulations have been slow going and can be very challenging, it is important that Facebook and other influential companies continue to make their views known and emphasize the importance of reform for the long-term success of Myanmar's society and economy. Said one interviewee, "Telenor is the only company really focused on data and privacy regulations, and they would benefit from having more allies." Myanmar's participation in the Association of Southeast Asian Nations (ASEAN) organization and the trend toward regulatory harmonization in Southeast Asia suggests that a regional approach to policy influence may reap rewards in the long term.

» **Relationships with law enforcement agencies should be addressed with both risks and opportunities in mind.**

As set out in its GNI commitments and the Facebook Transparency Report, it will be important for Facebook to remain vigilant against overbroad requests for user data and content restrictions by law enforcement agencies in Myanmar. At the same time, there are opportunities to partner with law enforcement agencies to address credible threats and tangible harm, such as child exploitation, human trafficking, suicide, and other risks to bodily integrity. While Facebook's efforts to build these relationships have not been reciprocated by Myanmar's law enforcement agencies to date, they will remain a key feature of a strategy in Myanmar designed to mitigate human rights risk.

» **The creation of a thriving digital economy and a culture of trust and security online offers potential to enhance the realization of human rights in Myanmar over the long term.**

There are opportunities for Facebook to develop new products and services (e.g., the ability to download Apps from Facebook App pages, enabling digital payments, Facebook Marketplace, mobile financial services) with the potential to enhance the human right to a decent standard of living and to better spread economic opportunity. Such initiatives could be taken in support of the Myanmar Government Digital Economy Development Committee's Masterplan. These opportunities may not be unique to Myanmar and may also be present in other frontier and emerging markets, where high

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[71] Poynter, accessed September 2018.

Facebook penetration is combined with a small formal banking sector and an absence of online commerce. One interviewee urged Facebook to "Bring the digital marketplace to Myanmar and experiment with a digital payments system. This could reveal new business models and revenue opportunities for Facebook in emerging markets." Another emphasized how important digital literacy efforts will be in making this happen, recounting how the use of Facebook pages for commerce is growing, "but some users are making purchases by posting their bank account details in comments for all to see."

6. Actual and Potential Human Rights Impacts

6.1 DEFINITIONS AND METHODOLOGY

BSR's assessment identified actual and potential human rights impacts of Facebook in Myanmar, including both risks and opportunities. Actual and potential impacts are defined as follows:

» **Actual impacts** are defined in the UNGPs as impacts that have already occurred. In this HRIA, BSR has listed actual impacts as overall impact categories of known impact, such as privacy, freedom of expression, and nondiscrimination.

» **Potential impacts** are defined by the UNGPs as human rights risks and adverse impacts that might occur in the future. In this HRIA, BSR has listed several detailed human rights risks for each actual impact category; however, given the power of the internet to support the realization of human rights, we have also listed human rights opportunities. It should be noted that these risks are impacts that might occur and are not necessarily facts or current practice observed during the assessment.

Companies are expected to address their actual adverse human rights impacts through remediation and their potential adverse impacts through prevention or mitigation. However, while companies are expected to address all their adverse human rights impacts, it is not always possible to address them simultaneously. For this reason, and consistent with principles 14 and 24 of the UNGPs, we have prioritized human rights risks, based the severity of the impact. Severity is judged by:

» **Scope**—How many people could be affected by the harm/opportunity?
» **Scale**—How serious are the impacts for the victim?
» **Remediability**—Will a remedy restore the victim to the same or equivalent position before the harm?

It is also important to consider a range of other factors that will implement the prevention and mitigation strategies Facebook can deploy.

First, we have considered the **likelihood** of the potential impact on rightsholders occurring in the next five years. When judging the likelihood of an impact occurring, BSR considered the human rights context in Myanmar, whether these impacts have happened in the past or are happening today, and the presence of relevant Facebook policies, processes, and procedures.

Second, and in line with Principle 19 of the UNGPs, we considered whether Facebook is connected to the human rights impact in any of the following ways:

» **Caused the impact**, in which case the company should take the necessary steps to cease or prevent the impact.
» **Contributed to the impact**, in which case the company should take the necessary steps to cease or prevent its contribution and use its leverage to mitigate any remaining impact to the greatest extent possible.

> » **Linked to the impact** by its products, services, operations, or business relationships, in which case the company should determine action, based on factors such as the extent of leverage over the entity concerned, how crucial the relationship is to the enterprise, the severity of the abuse, and whether terminating the relationship with the entity itself would have adverse human rights consequences.

It is important to note that internet companies will often be linked to human rights impacts that they do not cause or contribute to. For example, internet companies may be linked to hate speech, child sexual-abuse material, and hacking that takes place over their platforms, even though they do not cause or contribute to these adverse human rights impacts themselves. When a company is linked to human rights impacts, the UNGPs expect companies to take action, though the nature of the action will be very different than had the company caused or contributed to these impacts.

Finally, and in line with Principle 19 of the UNGPs, we have considered the extent to which Facebook has **leverage** over the human rights impact, where leverage is defined ability to effect change in the wrongful practices of an entity that causes a harm.

6.2 FINDINGS

We have published below a series of tables listing the priority human rights impacts identified, their severity for the rightsholder (i.e., scope, scale, remediability), and relevant company management factors (i.e., likelihood, level of attribution, extent of leverage) that influence our recommendations.

The priority human rights impacts identified by BSR are security; privacy; freedom of expression, assembly, and association; children's rights; nondiscrimination; standard of living; and access to culture. Several human rights impacts often identified for companies in HRIAs were not identified in this case for Facebook, including workplace health and safety, land rights, and labor rights.

It should be noted that, while we have segmented risks this way in the assessment, these rights are highly interdependent and interrelated, with the improvement or deprivation of one right significantly affecting the others.

6.3 PAST, PRESENT, AND FUTURE IMPACTS

The priority human rights impacts that follow in this section—and the BSR recommendations to Facebook contained in section 6—are focused on the future, rather than the past. However, it is essential to note that many of these potentially adverse impacts have happened in the past and are happening today, and as a result have significant influence on our assessment of the likelihood that they will occur in the future. Where relevant, we have noted this in the tables below.

SECURITY

As specified in Article 3 of the UDHR and Article 20 of the ICCPR, everyone has the right to life, liberty, and security of person, and advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence should be prohibited by law.

Risk / Opportunity	Severity Factors	Management Factors
What is the potentially adverse human rights impact that might happen in the future?	**Scope** (How many people could be affected by the harm/opportunity?) **Scale** (How serious are the impacts for the victim?) **Remediability** (Will remedy restore the victim to same or equivalent position?)	**Likelihood** (How likely is the impact to happen over next five years?) **Attribution** (How closely is Facebook connected to the impact?) **Leverage** (How much ability does Facebook have to effect change?)
Hate speech (including coordinated content intended to promote offline violence) may be posted on the Facebook platform, but not discovered and removed. Misinformation and disinformation that is intended to incite or exacerbate violence or coordinate harm may be posted on the Facebook platform, but not discovered and removed. Content intended to harass users—for example, by threatening participants in public discourse to intimidate or silence them—may be posted on the Facebook platform, but not discovered and removed. WhatsApp may be increasingly used to spread hate speech, misinformation, and disinformation, with bad actors attracted to the encrypted nature of communications content. Accounts being used to spread hate speech, incite violence, or coordinate harm may not be identified and removed, or may be rapidly replaced by new "fake accounts" undertaking the same activities. Facebook products (such as Messenger, "Secret"/ "Closed" Groups, WhatsApp) may be used in conflict-affected areas to share information and plans. User data illegitimately acquired from Facebook's platform (e.g., via hacking or phishing) may be inappropriately used to violate the security of persons.	**Scope:** There are around 20 million Facebook users in Myanmar. These security risks only impact a subset of Facebook users—especially vulnerable groups such as women, minorities, human rights defenders, and political activists—but the population at risk is still large in number. **Scale:** The consequences for the victim are severe, with lives and bodily integrity placed at risk from incitement to violence. **Remediability:** Access to remedy is available, most notably through the prompt removal of content. However, remedy is not guaranteed to restore the victim to the previous position—for example, bodily harm may already have occurred, the offending content may remain known, or content could be re-posted. In addition, remedy is more challenging in the context of WhatsApp, given the encrypted nature of communications content.	**Likelihood:** There is a high likelihood of these risks occurring in practice (they have occurred in the past and are happening today), with heightened likelihood associated with the 2020 elections and the recent action taken by Facebook against the military officials. However, Facebook's efforts to remove content and accounts that violate Community Standards, combined with many peace-building, counter speech, and digital literacy efforts, may reduce likelihood over time. **Attribution:** Facebook itself does not cause or contribute to these risks via its own actions—rather, Facebook is directly linked to them via the actions of users on its platform that violate Facebook's Community Standards. **Leverage:** Facebook has leverage available via machine- and human-based efforts to implement Community Standards. Facebook can also contribute to digital literacy efforts aimed at improving security online. However, Facebook's leverage is significantly curtailed by the historical, political, and conflict-based local context that is often the root cause of security risks. It is worth noting that Facebook also has significantly less leverage regarding WhatsApp, owing to the encrypted nature of communications content.

FREEDOM OF EXPRESSION, ASSEMBLY, AND ASSOCIATION

As specified in articles 19 and 20 of the UDHR and Article 19 of the ICCPR, everyone has the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association. These rights include the freedoms to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.

Risk / Opportunity	Severity Factors	Management Factors
What is the potentially adverse human rights impact that might happen in the future?	**Scope** (How many people could be affected by the harm/opportunity?) **Scale** (How serious are the impacts for the victim?) **Remediability** (Will remedy restore the victim to same or equivalent position?)	**Likelihood** (How likely is the impact to happen over next five years?) **Attribution** (How closely is Facebook connected to the impact?) **Leverage** (How much ability does Facebook have to effect change?)
Content that does not violate Community Standards may be mistakenly removed. Content intended to expose human rights violations, rather than encourage them, may be removed as a result of technically violating Community Standards. Factors such as hate speech, incitement to violence, and content intended to coordinate harm may lead users who would otherwise participate in public discourse to exercise self-censorship. The government's proposed "social media monitoring team" may make content-removal demands of Facebook that result in overbroad restrictions on freedom of expression. The government of Myanmar may block Facebook or demand that telecom network operators shut down their networks. An organization understood to be a legitimate combatant in conflict (e.g., an officially recognized armed ethnic group) may have content removed, based on being classified by Facebook as a terrorist organization—in Facebook's Community Standards, a non-governmental organization engaging in premeditated acts of violence.	**Scope:** There are around 20 million Facebook users in Myanmar. While a subset of these users is most at risk of self-censorship or government-mandated restrictions, risks to freedom of expression exist for all users. **Scale:** The consequences for the victim are not severe (when compared to security risks), though they may be significant in some contexts—such as political speech and campaigning during election time, or content intended to raise awareness of imminent harm. **Remediability:** Access to remedy is often available, and content can be restored.	**Likelihood:** There is a high likelihood that content not violating Community Standards will occasionally be removed in error, and it is known that some users (especially those from vulnerable groups) are already exercising self-censorship. Government restrictions on content, especially broad restrictions such as blocking and network shutdowns, are less likely, given the government's own reliance on Facebook—though the government may increasingly target specific types and sources of content, or retaliate against Facebook if the company takes action that seriously impacts military interests. **Attribution:** Facebook does contribute to freedom of expression violations when content is removed in error, but is only linked to violations resulting from government actions or demands for content removal. **Leverage:** Facebook has leverage available via machine- and human-based efforts to reduce restrictions to freedom of expression made in error. Facebook has significantly less leverage over the actions of the government. It is in Facebook's control to alter the definition of terrorist organizations.

PRIVACY

As specified in Article 12 of the UDHR and Article 17 of the ICCPR, no one shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence, nor to attacks upon his or her honor and reputation, and everyone has the right to the protection of the law against such interference or attacks.

Risk / Opportunity	Severity Factors	Management Factors
What is the potentially adverse human rights impact that might happen in the future?	**Scope** (How many people could be affected by the harm/opportunity?) **Scale** (How serious are the impacts for the victim?) **Remediability** (Will remedy restore the victim to same or equivalent position?)	**Likelihood** (How likely is the impact to happen over next five years?) **Attribution** (How closely is Facebook connected to the impact?) **Leverage** (How much ability does Facebook have to effect change?)
Content that violates the privacy rights of users (such as ID numbers, personal photos, passwords, phone numbers, etc.) may be posted on the Facebook platform, but not discovered and removed. Content intended to out an individual as a member of a designated and recognizable at-risk group may be posted on the Facebook platform, but not discovered and removed. A user's account may be hacked by another user. A system of mass surveillance may return to Myanmar (such as forms of direct access to communications), resulting in a significant increase in government requests for user data.	**Scope:** There are around 20 million Facebook users in Myanmar, all of whom are at risk of privacy violations, especially given the prevalence of out-of-date Facebook apps. **Scale:** The consequences for vulnerable populations can be severe, especially if privacy violations lead to violations of their right to life, liberty, and security of person. (See Security risks, above.) **Remediability:** Some access to remedy does exist, such as private content being removed, data being purged, passwords being changed, or apps being updated. However, privacy violations can have permanent impacts—for example, if private information is shared via screenshot and cannot be purged.	**Likelihood:** Lack of digital literacy and the existence of political, ethnic, and communal conflict in Myanmar make the likelihood of these risks occurring higher than in many other markets—and many privacy violations, such as the posting of sensitive personal information, are happening today. **Attribution:** Facebook does not cause or contribute to these violations, but is linked to them via its products and services. **Leverage:** Facebook has leverage available via efforts to increase digital literacy (e.g., about passwords or maintaining separate accounts), efforts to assist with the updating of apps by users, and public policy efforts to promote pro-privacy legal reform in Myanmar.

NONDISCRIMINATION

As specified in Article 2 of the UDHR, everyone is entitled to all human rights, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing, or under any other limitation of sovereignty.

Risk / Opportunity	Severity Factors	Management Factors
What is the potentially adverse human rights impact that might happen in the future?	**Scope** (How many people could be affected by the harm/opportunity?) **Scale** (How serious are the impacts for the victim?) **Remediability** (Will remedy restore the victim to same or equivalent position?)	**Likelihood** (How likely is the impact to happen over next five years?) **Attribution** (How closely is Facebook connected to the impact?) **Leverage** (How much ability does Facebook have to effect change?)
Content that intends to harass users, based on characteristics such as gender, religion, ethnicity, or political views, may be posted on the Facebook platform but not discovered and removed. Men may benefit more than women from the use of Facebook in Myanmar, via opportunities for social and economic participation and advancement. Misinformation and disinformation that is intended to promote discrimination on the basis of protected characteristics may be posted on the Facebook platform but not discovered and removed.	**Scope:** There are around 20 million Facebook users in Myanmar, all of whom are at risk of discrimination—though vulnerable groups, such as women, children, ethnic minorities, and political activists, face greater risks. **Scale:** The consequences for vulnerable populations can be severe and lead to violations of their right to life, liberty, and security of person. (See section on security risks, above.) **Remediability:** Access to remedy is available, most notably through the prompt removal of content. However, remedy is not guaranteed to restore the victim to the previous position—for example, bodily harm may already have occurred, the offending content may remain known, or content could be re-posted.	**Likelihood:** Lack of digital literacy and the existence of political, ethnic, and communal conflict in Myanmar make the likelihood of these risks occurring higher than in many other markets. These risks are occurring today. **Attribution:** Facebook does not cause or contribute to these violations, but is linked to them via its products and services. **Leverage:** Facebook has leverage available via implementation of the Community Standards, efforts to increase digital literacy, and raising awareness of the Community Standards. However, Facebook's leverage is significantly curtailed by the historical, political, and conflict-based local context that is often the root cause of discrimination.

CHILD RIGHTS

As specified in Article 25 of the UDHR and Article 10 of the ICESCR, motherhood and childhood are entitled to special care and assistance. The Convention on the Rights of the Child requires that the best interests of children must be the primary concern in making decisions that may affect them.

Risk / Opportunity	Severity Factors	Management Factors
What is the potentially adverse human rights impact that might happen in the future?	**Scope** (How many people could be affected by the harm/opportunity?) **Scale** (How serious are the impacts for the victim?) **Remediability** (Will remedy restore the victim to same or equivalent position?)	**Likelihood** (How likely is the impact to happen over next five years?) **Attribution** (How closely is Facebook connected to the impact?) **Leverage** (How much ability does Facebook have to effect change?)
Children may be communicated with on the Facebook platform in ways that may result in offline harm, such as psychological harm, trafficking, and sexual exploitation. Children may access inappropriate content on Facebook. Child sexual abuse material may be distributed on Facebook.	**Scope:** Children over 13 but less than 18 who may be using Facebook. **Scale:** The consequences for children can range from mild to severe, including violations of their right to life, liberty, and security of person. (See Security risks, above). **Remediability:** Some access to remedy does exist, such as private content being removed, data being purged, or passwords being changed. However, violations of child rights can have permanent impacts, including on mental and physical health and well-being.	**Likelihood:** Lack of digital literacy and the rule of law in Myanmar make the likelihood of these risks occurring higher than in many other markets. The lack of local law enforcement capacity or partnership increases these risks, too. **Attribution:** Facebook does not cause or contribute to these violations, but is linked to them via its products and services. **Leverage:** Facebook has leverage available via implementation of the Community Standards, efforts to increase digital literacy, raising awareness of the Community Standards, and seeking partnerships with law enforcement agencies.

STANDARD OF LIVING

As specified in Article 25 of the UDHR and Article 11 of the ICESCR, everyone has the right to a standard of living adequate for the health and well-being of himself and of his or her family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his or her control.

Risk / Opportunity	Severity Factors	Management Factors
What is the potentially adverse human rights impact that might happen in the future?	**Scope** (How many people could be affected by the harm/opportunity?) **Scale** (How serious are the impacts for the victim?) **Remediability** (Will remedy restore the victim to same or equivalent position?)	**Likelihood** (How likely is the impact to happen over next five years?) **Attribution** (How closely is Facebook connected to the impact?) **Leverage** (How much ability does Facebook have to effect change?)
There are opportunities to promote the development of e-commerce (such as digital payments and Facebook Marketplace) on the Facebook platform that could increase access to economic opportunity and improved standard of living.	**Scope:** There are around 20 million Facebook users in Myanmar who could benefit from using the Facebook platform for e-commerce. **Scale:** Not applicable to opportunities. **Remediability:** Not applicable to opportunities.	**Likelihood:** There is a "gap" in the marketplace for Facebook to exploit. **Attribution:** By developing innovative products and services (e.g., digital payments infrastructure, Facebook Marketplace) Facebook will have contributed to the positive impact. **Leverage:** Facebook has leverage available via the development of its own products and services.

ACCESS TO CULTURE

As specified in Article 27 of the UDHR, everyone has the right freely to participate in the cultural life of the community, to enjoy the arts, and to share in scientific advancement and its benefits.

Risk / Opportunity	Severity Factors	Management Factors
What is the potentially adverse human rights impact that might happen in the future?	**Scope** (How many people could be affected by the harm/opportunity?) **Scale** (How serious are the impacts for the victim?) **Remediability** (Will remedy restore the victim to same or equivalent position?)	**Likelihood** (How likely is the impact to happen over next five years?) **Attribution** (How closely is Facebook connected to the impact?) **Leverage** (How much ability does Facebook have to effect change?)
There are opportunities to promote further development in the quality and reliability of content on Facebook. There are opportunities to "boost" content that encourages dialogue and connection among diverse groups. There are opportunities to promote digital literacy and thereby increase access to Facebook.	**Scope:** There are around 20 million Facebook users in Myanmar who could benefit from using the Facebook platform to participate in the cultural life of the community. **Scale:** Not applicable to opportunities. **Remediability:** Not applicable to opportunities.	**Likelihood:** There is a "gap" in the marketplace for Facebook to exploit. **Attribution:** By developing innovative products and services (e.g., digital payments infrastructure, Facebook Marketplace), or by supporting initiatives that promote counter speech, positive dialogue, and reliable news sources, Facebook will have contributed to the positive impact. **Leverage:** Facebook has leverage available via the development of its own products and services.

7. Recommendations

7.1 GOVERNANCE OF HUMAN RIGHTS

BSR believes that the implementation of recommendations arising from this assessment is far more important than the assessment itself. As Principle 19 of the UNGPs states, "to prevent and mitigate adverse human rights impacts, business enterprises should integrate the findings from their impact assessments across relevant internal functions and processes."

However, BSR also notes that the human rights issues covered in this Myanmar HRIA exist within a broader human rights context at Facebook, including similar impacts in other countries and other human rights issues relevant for the company, such as supply chain labor standards and nondiscrimination in the workplace. For this reason, we make the following recommendations relating to the overall governance of human rights at Facebook. Each recommendation is accompanied by an explanation based on the insights gained during this assessment and the expectations of the UNGPs and GNI commitments.

Recommendation	Explanation
Create a stand-alone human rights policy. This stand-alone human rights policy should be the place where Facebook expresses a public commitment to the International Bill of Human Rights. Facebook would list the areas of biggest human rights risks and opportunity for the company, and reference relevant articles of the UDHR, ICCPR, and the ICESCR, as well as other relevant human rights treaties. This policy should detail the governance structure of human rights at Facebook and provide links to other relevant policies, such as the Community Standards, the Supply Chain Code of Conduct, and GNI commitments.	Principle 14 of the UNGPs states that, as the basis for embedding their responsibility to respect human rights, companies should express their commitment through a statement of policy. A recent BSR survey found that 56 percent of the world's largest 200 companies have stand-alone human rights policies, including 48 percent of U.S. companies. There is an increasingly common perspective (such as from the UN Special Rapporteur on Freedom of Expression) that the term "human rights" and key principles of international human rights law should be used as a framework for social media content policies, such as Facebook's Community Standards; however, there is a counter view that the inclusion of inaccessible language would harm the effectiveness of Community Standards, which are written for an audience of 2 billion. BSR believes that the creation of a public stand-alone human rights policy—separate from, but linking to the Community Standards—would be an effective solution to this problem, especially if the Community Standards are conceptually consistent with the human rights policy. A single stand-alone policy would act as a "hook" for the engagement of functions across Facebook to integrate human rights into its operations.
Deepen and formalize a leadership, governance, and accountability structure inside Facebook to oversee the company's human rights strategy, approach, and milestones. BSR recommends that this structure makes full use of existing Facebook mechanisms, such as the Audit and Risk Oversight Committee of the Board, the Privacy Cross Functional Working Group, the Content Standards Forum, and the substantial roles played by	Principle 19 of the UNGPs states that effective integration of human rights requires that (1) responsibility for addressing such impacts is assigned to the appropriate level and function within the business enterprise, and (2) internal decision-making, budget allocations, and oversight processes enable effective responses to such impacts. Principle 20 of the UNGPs, which states that "in order to verify whether adverse human rights impacts are

the founder, chairman and chief executive officer and chief operating officer. Rather than duplicate these existing structures, BSR proposes that enough resources (budget, people, time, formal terms of reference) be allocated to ensuring that the human rights management and mitigation plans arising from this and other HRIAs (see section 7.2) are implemented, reviewed, and tracked by relevant Facebook decision-makers, forums, and committees. In short, we are recommending integration into existing processes, rather than the creation of a parallel structure. This should include ensuring that human rights impacts of material importance to business success are communicated to the Facebook Board and Audit and Risk Oversight Committee. Facebook should periodically review the contents of this HRIA, taking into consideration any material changes in the local context or Facebook's product and service mix.	being addressed, business enterprises should track the effectiveness of their response." Principle 17(c) of the UNGPs states that human rights due diligence "should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve." GNI Implementation Guideline 2.7(f) states that companies should "update human rights impact assessments over time, such as when there are material changes to laws, regulations, markets, products, and services." GNI Implementation Guideline 2.3 states that companies should review freedom of expression and privacy risks related to the company's operations in a manner consistent with the company's overall approach to risk management.
Publish periodic human rights updates to the public. These communications could take a variety of forms. For example, Facebook could establish a dedicated human rights website as a "home" to this and other HRIAs, provide regular updates on progress, or publish a formal annual human rights report.	Principle 21 of the UNGPs states that companies should communicate how they address human rights impacts externally. GNI Implementation Guideline 5.4 states that participating companies should communicate their general approach to addressing their human rights impacts in relation to freedom of expression and privacy, such as via public communications or formal reporting.
Continue to undertake similar HRIAs in other high-risk markets. Facebook can develop a more robust and systematic approach to human rights by undertaking HRIAs in other high-risk markets. BSR notes that Facebook has already initiated HRIAs in several other countries and has plans in place to grow that number.	Principle 17 of the UNGPs states that "in order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence." Principle 17 of the UNGPs also states that "where business enterprises have large numbers of entities in their value chains it may be unreasonably difficult to conduct due diligence for adverse human rights impacts across them all. … Business enterprises should identify general areas where the risk of adverse human rights impacts is most significant … and prioritize these for human rights due diligence."

7.2 MYANMAR

BSR recommends the creation of a human rights management and mitigation plan by Facebook covering the following four priorities:

» **Community Standards Enforcement,** especially as it relates to resourcing, partnerships, and the use of AI.

» **Engagement, Trust, and Transparency,** especially as it relates to public reporting and engagement with local stakeholders.

» **Systemwide Change,** especially as it relates to public policy, digital literacy, capacity building, and counter-hate speech narrative efforts.

» **Risk Mitigation and Opportunity Enhancement**, especially as it relates to preparing for future developments and undertaking deeper-dive investigations into specific human rights risks and opportunities.

The tables below list the specific BSR recommendations for each priority. Each recommendation is accompanied by an explanation based on the insights gained during this assessment and the expectations of the UNGPs and GNI commitments.

BSR notes that some of these recommendations build on activities already well underway at Facebook, while others would be new activities for the company. Facebook's recent activities in Myanmar are well-described in two blogs posted in August 2018: "Update on Myanmar" [72] and "Removing Myanmar Military Officials From Facebook." [73]

BSR also notes that the recent action to remove senior military officials from Facebook has a material impact on Facebook's ability to implement some of BSR's recommendations, especially those that relate to activities undertaken inside Myanmar. The implementation timeline will need careful consideration.

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[72] Facebook, 2018(a).
[73] Facebook, 2018(b).

COMMUNITY STANDARDS ENFORCEMENT

Recommendation	Explanation
Continue building a cross-functional team that understands the local context to lead the implementation of Community Standards in Myanmar. This team would provide insights into the local context (i.e., cultural, political, conflict, ethnic, religious, and language factors) that influence effective enforcement of the Community standards. This team would develop and apply more detailed guidance on Community Standards implementation and stay well-informed of emerging risks by engaging extensively with local civil society organizations, government entities, and other influential stakeholders. Some key considerations when hiring this team include: hiring a diversity of staff with a mix of ethnicities, languages, and perspectives; ensuring capability for both policy and product/engineering disciplines; ability to understand different Burmese dialects; ensuring 24/7 coverage for responsiveness; and undertaking spot checks for potential bias. BSR recommends that—as a long-term ideal, rather than a short-term measure—Facebook locate a small portion of this team in Myanmar, with the remainder located in other Facebook locations (such as Singapore, the U.S., and Ireland). The former will help ensure connectivity with the local context, while the latter will help ensure integration into important company decision-making processes and effective collaboration with other Facebook teams. There are risks associated with a Myanmar presence, such as increased government leverage over content restrictions and data requests, less room to take strong action against powerful military figures, or staff safety and security. For this reason, we recommend that various risk-mitigating approaches are taken (such as hiring expats able to leave the country at short notice) and that the Myanmar presence is reviewed periodically. The recent removal of senior military officials from Facebook will significantly delay the assignment of in-country staff.	The creation of a dedicated in-country team was a near-uniform recommendation of almost every stakeholder BSR engaged with. This step is viewed as an essential precondition to a real understanding of the local context and the effective mitigation of human rights risk in Myanmar. However, it would be wrong to assume that an in-country team alone is sufficient, and there is a strong case for staff to be located in other Facebook locations as well. Moreover, risks associated with an in-country team are significant, and for this reason BSR is recommending a balanced approach that is reviewed periodically. We also believe that the in-country element of this recommendation should be delayed for some time following the removal of military officials from Facebook. BSR recognizes that Facebook has a virtual presence in nearly 200 countries and that this recommendation is not necessarily scalable globally. For this reason, BSR recommends taking a human rights-risk approach, where the creation of local teams is informed by criteria such as the severity of the local human rights risks, Facebook's market share in the country, and the leverage the company may have to address human rights. These factors point toward the creation of a local team in Myanmar. Principle 19 of the UNGPs states that companies should "integrate the findings from their impact assessments across relevant internal functions and processes," that "responsibility for addressing impacts is assigned to the appropriate level and function within the business enterprise," and that "Internal decision-making, budget allocations and oversight processes enable effective responses to such impacts."
Implement a stricter interpretation of Facebook's credible violence policy as it relates to misinformation. Community Standards enforcement often requires challenging judgements, and some so-called "edge cases" can create difficult dilemmas and nuanced choices for Facebook. BSR recommends that, in consultation with local civil society organizations, Facebook lower the threshold for misinformation that	The majority of rightsholders and stakeholders that BSR engaged emphasized that too much harmful content was being allowed to remain on the platform. They emphasized the significant evidence that exists about the link between deliberate misinformation online and offline harms. This link was emphasized, for example, in the UN Human Rights Council Fact-Finding Mission on Myanmar.

may exacerbate violence or cause offline harm, especially in the lead-up to the 2020 elections.	Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it."
Proactively draw upon local stakeholder insights to improve Community Standards enforcement. Facebook can secure detailed insights directly from local stakeholders (especially vulnerable groups and those most at risk from hate speech, harassment, and other Community Standards violations) on how to improve Community Standards enforcement. In addition to the desire for detailed insights, BSR also encountered a strong desire among local stakeholders to be engaged in questions of longer-term strategy, especially on matters that raise major policy questions. Stakeholders emphasized that it will be important to engage with a diverse range of real users, including outside Yangon and Mandalay, and those not represented by major civil society organizations. Stakeholders also emphasized the importance of systematic, rather than ad hoc, consultation efforts.	A theme throughout BSR's discussions with stakeholders is that the victims of online hate speech and harassment, as well as those organizations that work with them, can provide very important insights into the Community Standards enforcement process. Several scenarios were shared with BSR where detailed changes to the enforcement system could make a big difference for at-risk rightsholders in Myanmar. Examples surfaced with BSR during this engagement were: content reviewers being able to view the whole post and comment thread for full context, rather than isolated comments; the prevalence of copy/paste sharing techniques; understanding how best to increase the profile of reporting mechanisms; and understanding what content is most likely to contribute to, or exacerbate, violence and harm. Facebook is already very well aware of these issues. Nevertheless, the detail and specificity of these recommendations suggests that Facebook has an opportunity to continue identifying improvements to its Community Standards enforcement process by engaging directly with those impacted most by them. Principle 18 of the UNGPs states that human rights due diligence should "involve meaningful consultation with potentially affected groups and other relevant stakeholders."
Continue investing in AI-based and other machine-based approaches to Community Standards enforcement to improve accuracy, responsiveness, and timeliness, and share insights with stakeholders. Stakeholders raised with BSR a few scenarios where machine-based approaches or other technology-based methods (such as IP/VPN mapping) may assist with Community Standards enforcement, including repeated fake accounts, reposted identical content that has previously been removed, and automated warnings related to key words or text patterns.	There was considerable interest from stakeholders in Facebook exploring how innovative technologies could be deployed proactively to increase user privacy, security, and protection. While still at the early stages, evidence is growing that AI can be deployed in ways that improve the accuracy, responsiveness, and timeliness of Community Standards enforcement. However, some stakeholders emphasized that moves beyond passive notice and takedown approaches toward more proactive content removal methods would need to be done in ways that don't put the right to freedom of expression at undue risk, or set a precedent for overbroad restrictions in other markets. Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it."

Research the distribution characteristics of hate speech in Myanmar, and act upon relevant findings. Stakeholders were very interested in Facebook using its own data to map user networks and relationships to better understand the distribution dynamics of hate speech, misinformation, and disinformation—and for Facebook to share these insights with those seeking to tackle hate speech.	Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it."
Fund relevant organizations and initiatives that provide support to the Facebook Community Standards Enforcement Team. By funding local organizations with a shared interest in Community Standards enforcement, Facebook can build the capacity of the local human rights network and help ensure that the most urgent cases with the biggest potential for offline harm gain prompt attention. To maintain independence, Facebook can consider funding models that utilize third-party organizations to distribute funds.	During the assessment, BSR found many organizations very keen to assist with the enforcement of Community Standards but struggling for the resources, time, and funding to do so effectively. Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it. Leverage may be increased by, for example, offering capacity-building or other incentives to the related entity, or collaborating with other actors."
Explore the co-creation of a system to preserve removed content for use as evidence later. By creating a secure storage space—inside Facebook, or a mechanism overseen by an appropriate third party—Facebook can help ensure that content exposing human rights violations is available for use by relevant international, regional, or United Nations bodies. However, there are several legal, privacy, and practical considerations to be overcome that merit further exploration.	Several international human rights organizations emphasized this recommendation in their communications with BSR. Social media content is being used today in relation to investigating and prosecuting human rights violations in Syria, and similar use cases may apply to Myanmar in the future. Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it. Leverage may be increased by, for example, offering capacity-building or other incentives to the related entity, or collaborating with other actors."
Align Facebook's definition of a terrorist organization with international standards. Facebook should narrow its existing definition of terrorist organizations ("Any non-governmental organization that engages in premeditated acts of violence against persons or property to intimidate a civilian population, government …") to exclude organizations considered to be legitimate combatants in conflict, such as officially recognized ethnic armed organizations (EAOs). Facebook can use the work of the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism as the foundation of its terrorism definition.	BSR's recommendation is consistent with recent communications from the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, as well as the Geneva Conventions. Implementing this recommendation would reduce the risk of Facebook removing content that is intended to expose human rights violations, rather than encourage them, or legitimate expressions of opposition or dissent. This recommendation is particularly relevant in a context like Myanmar, where there is a history of toxic nationalism and state-mandated violent oppression of ethnic groups, as well as the presence of multiple legitimate secession movements. BSR notes that content shared on Facebook by legitimate combatants may violate other elements of Facebook's Community Standards and be appropriately removed—but these posts would not need to violate the existing definition of terrorism to be removed.

ENGAGEMENT, TRUST, AND TRANSPARENCY

Recommendation	Explanation
Publish a local Myanmar-specific version of the Community Standards Enforcement Report. This report would include the same metrics as in the global Community Standards Enforcement Report (i.e., prevalence, volume, detection, timeliness) but segmented to show country-level data for Myanmar and/or for the Burmese language. In addition, stakeholders expressed interest in other disclosures, such as: the number of Burmese-language content reviewers; the nature/content of government relationships; country-specific enforcement guidance (e.g., list of slurs/flagged words/cases); response times; and the extent to which the Myanmar Government makes use of the Facebook Community Standards process, rather than formal law enforcement relationship channels. We recommend a reporting format that balances both numbers and narrative; both are needed for a decision-useful understanding of Facebook's human rights approach in Myanmar. BSR notes the dilemma that exists in relation to increasing transparency on Community Standards enforcement, such as the risk that publishing country-specific enforcement guidance could provide a road map for bad actors. BSR's instinct is to err on the side of increased transparency as a contribution to longer-term and systemwide change—for example, by increasing digital literacy and the capacity of local civil society organizations. Similarly, publishing response times may increase awareness of how the most challenging edge cases are outliers. This report could be a pilot for other country-specific reports (and/or language-specific), or a country-by-country (or language-by-language) segmentation could form part of the global Community Standards Enforcement Report.	It is BSR's observation, generated across HRIAs undertaken for many companies in many countries, that in-country stakeholders are often more diligent readers of company disclosures than international stakeholders. We view transparency as a significant opportunity to increase trust, mutual understanding, and shared awareness of Facebook's existing Community Standards enforcement efforts among both international and local stakeholders. It would continue the trajectory of increased transparency from Facebook and other social media companies. BSR recognizes that country segmentation of data can be challenging in some instances (e.g., a post uploaded in one country by a user of a different nationality may be flagged by a user in a third country), and that language segmentation of some types of data (such as response times) may be needed instead. That said, other information (such as a description of how Facebook manages relationships with government, and key interactions during the reporting period) can be disclosed in a country-specific manner. Principle 21 of the UNGPs states that "In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them." This Principle also states that companies should "provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved."
Conduct an annual (or every six months) "public briefing" on Facebook's human rights strategy and actions in Myanmar. These communications can take place alongside the publication of a Myanmar-specific Community Standards Enforcement Report (or equivalent) and be modeled on similar and well-received "sustainability briefings" undertaken by Telenor. For example, they may include an in-person presentation by a senior Facebook representative, audience questions, and/or a webinar.	Several stakeholders that BSR interviewed referred to the Telenor briefings as a very helpful practice that enabled informed dialogue and built trust. Principle 21 of the UNGPs states that "In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders." Communications should "be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences;" this latter point is noteworthy, given the number of stakeholders

In addition, high-profile or material announcements (such as the recent action against key military officials) should be made in Burmese, as well as English.	that referenced Telenor's sustainability briefings as a model to follow.
Engage external organizations and users to better understand misinformation and disinformation tactics deployed in Myanmar. To stay ahead of evolving tactics and understand emerging new risks—such as those associated with the 2020 elections—Facebook should engage with those closest to the risk to better understand user behavior and vulnerability. This should include users and organizations from rural and low-income areas outside Yangon and Mandalay. Among other things, these insights could inform attempts to boost trustworthy content (for example, by waiving boosting fees for certain trusted organizations and reducing the profile of misinformation/disinformation.)	A theme throughout BSR's discussions with stakeholders is that the victims of online misinformation and disinformation, as well as those organizations that work with them, can provide very important insights into how Facebook can address undesirable content. Several stakeholders emphasized the need to engage outside Yangon and Mandalay, especially in rural areas. Principle 18 of the UNGPs states that human rights due diligence should "involve meaningful consultation with potentially affected groups and other relevant stakeholders."
If established, provide evidence to international mechanisms created to investigate violations of international human rights. The report of the UN Human Rights Council Independent International Fact-Finding Mission on Myanmar recommended an investigation by the International Criminal Court into crimes under international law, which requires unanimous agreement by the UN Security Council. In the absence of Security Council action, the report recommended that the UN General Assembly—or alternatively, the Human Rights Council—"create an independent, impartial mechanism to collect, consolidate, preserve and analyses evidence of violations of international humanitarian law and human rights violations and abuses and to prepare files to facilitate and expedite fair and independent criminal proceedings in national, regional or international courts or tribunals." BSR recommends that Facebook provide full cooperation, such as the collection, preservation, and sharing of evidence. We note Facebook has already stated that it has started "preserving data, including content, on the accounts and Pages we have removed."	Principle 22 of the UNGPs states that "Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes." Of relevance to the case, Principle 22 of the UNGPs further states that "Where adverse impacts have occurred that the business enterprise has not caused or contributed to, but which are directly linked to its operations, products or services by a business relationship, the responsibility to respect human rights does not require that the enterprise itself provide for remediation, though it may take a role in doing so. Some situations, in particular where crimes are alleged, typically will require cooperation with judicial mechanisms."
Assist civil society organizations in raising awareness of opportunities for victims to access remedy. In addition to cooperating with any investigation or criminal proceedings, Facebook can support access to remedy for victims of genocide and crimes against humanity by raising awareness about access to justice or by providing support to civil society organizations seeking to share and promote relevant content.	Principle 25 of the UNGPs states that "as part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy." State-based mechanisms, in turn, can be supplemented or enhanced by international and regional human rights mechanisms.

| | BSR is not recommending that Facebook itself provide access to remedy; rather, we are recommending that Facebook use its profile and reach in Myanmar to raise awareness of access to remedy, if/when that becomes available. |

SYSTEMWIDE CHANGE

Recommendation	Explanation
Integrate human rights considerations into advocacy efforts aimed at policy, legal, and regulatory reform in Myanmar and the ASEAN region. Facebook can develop a position on policy, legal, and regulatory reform in Myanmar and proactively pursue it via advocacy, especially through face-to-face meetings and relationship-building. This position would likely cover items such as laws and regulations on cybercrime, telecommunications, and hate speech. BSR recognizes the challenges of advocacy efforts in Myanmar, especially given the lack of due process. For this reason, Facebook could also offer technical assistance and legal expertise to local stakeholders with shared policy, legal, and regulatory objectives. Specific opportunities may exist to collaborate with other private sector actors, both inside and outside the technology sector, or for coalition-building and joint efforts with stakeholders. Special attention should be paid to policy, legal, and regulatory developments of greatest relevance to Facebook, such as the emerging proposals for a government "social media monitoring team."	During BSR's assessment, several stakeholders emphasized the importance of companies, including Facebook, advocating proactively for policy, legal, and regulatory reform. On issues of greatest relevance to this assessment—security, privacy, and freedom of expression—several experts referred to the desire to see greater alignment of policy frameworks across the ASEAN region and said that a focus on ASEAN could have positive long-term consequences for Myanmar. Many also emphasized that the government's desire to see economic success, including the development of a digital economy, strengthens the influence that companies have. The GNI Principles state that "individually and collectively, participants will engage governments and international institutions to promote the rule of law and the adoption of laws, policies and practices that protect, respect and fulfil freedom of expression and privacy." Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it. Leverage may be increased by, for example, offering capacity-building or other incentives to the related entity, or collaborating with other actors."
Continue to participate in the Unicode transition campaign. Facebook has a critical and decisive role to play in the transition to Unicode, such as removing Zawgyi as an option for new Facebook users and improving font converters for existing users.	Unicode is the global industry standard to encode and display fonts, including for Burmese and other local Myanmar languages. However, over 90 percent of phones in Myanmar use Zawgyi, which is only used to display Burmese. This means that someone with a Zawgyi phone can't read instructions written in Unicode properly. The transition to Unicode will have a positive impact on human rights (such as improving freedom of expression, making it easier for users to report harmful content, and enhancing efforts to address hate speech, harassment, and misinformation), but it is important that Facebook work with other entities for a smooth transition. BSR notes that, as part of efforts towards this transition, Facebook has recently disabled Unicode for new users and expanded Zawgi / Unicode conversion functionality.
Introduce innovations on the Facebook platform that increase the digital and media literacy of users in Myanmar. There are several actions that Facebook can take directly—some of them already underway—that can increase user awareness of the reliability of content in	BSR interviews both inside and outside Facebook suggested that new innovations, such as text providing further context about the news source, would be especially important and effective in Myanmar, given the low level of digital and media literacy and the relatively young nature of local news sources. This

its News Feed. This can include icons or text that provide information about the news source, or that suggest credible alternatives, alongside a strategy to make these innovations well-understood.

would make use of Facebook's most significant resource—its own platform.

Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it. Leverage may be increased by, for example, offering capacity-building or other incentives to the related entity, or collaborating with other actors."

Continue to invest in partnerships aimed at improving digital and media literacy in Myanmar.

Facebook should identify the most promising intervention points, such as government efforts (especially by the Ministry of Information and including local governments), phone shops (for example, free material when new devices are purchased), and real estate on its own platform.

The BSR assessment surfaced specific interest in Facebook "boosting" digital- and media-literacy content created by others on its platform, and running its own high-profile campaign, using its own valuable platform real estate.

Stakeholders emphasized to BSR the importance of supporting existing efforts on digital and media literacy, rather than "starting another group."

Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it. Leverage may be increased by, for example, offering capacity-building or other incentives to the related entity, or collaborating with other actors."

The GNI Principles state that "The development of collaborative strategies involving business, industry associations, civil society organizations, investors and academics will be critical to the achievement of these Principles."

Continue to invest in partnerships aimed at creating and disseminating "counter hate speech" content in Myanmar.

Facebook should identify the most promising intervention points, such as celebrities, political and religious leaders, the government (especially the Ministry of Information and including local governments), and the use of Facebook's own platform. Stakeholders also emphasized to BSR the potential for Facebook to bring together a cross-sector group of actors that don't normally gather in the same venue.

The BSR assessment surfaced specific interest in Facebook "boosting" digital- and media-literacy content created by others on its platform and/or running its own high-profile campaign, as well as exploring ways to "break the echo chamber" by deliberately promoting diverse content, content that promotes peace, and content that bridges different community groups in the news feed.

Direct counter-hate speech techniques recommended by stakeholders include hate speech monitoring and response, rumor mitigation, social media campaigns, and the production of peace and counter-hate speech media.

Many BSR interviewees in this assessment—both inside and outside Facebook—emphasized the importance of counter-narrative as a long-term solution to hate speech and incitement to violence in Myanmar. Further, these interviewees all emphasized the importance of building counter-narrative content locally.

Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it. Leverage may be increased by, for example, offering capacity-building or other incentives to the related entity, or collaborating with other actors."

The GNI Principles state that "The development of collaborative strategies involving business, industry associations, civil society organizations, investors and academics will be critical to the achievement of these Principles."

Article 26 of the UDHR states that "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall

Indirect counter-hate speech narrative techniques recommended by stakeholders and which are proven to be effective at addressing the root causes of inter-communal conflict also include supporting responsible journalism, civic and citizenship education, peace and multicultural education, and the facilitation of interfaith activities and shared experiences. Stakeholders emphasized the importance of targeting high-risk groups and of creating content in minority languages such as Ta'ang, Karen, Shan, and Mon.	further the activities of the United Nations for the maintenance of peace."
Continue to invest in partnerships aimed at improving the capacity of human rights organizations. Facebook could provide or fund capacity-building and skills training for trusted civil society organizations on how to engage in effective social media campaigns and how to post content with appropriate content so that it is not removed. These efforts could also include cybersecurity and defense against cyberattacks.	Many human rights defenders and activists have been victims of cyberattacks, and there is a need to empower the individuals who assist with the enforcement of Community Standards with an understanding of cybersecurity so that they can protect themselves against attack. Facebook's leverage to "boost" positive content will be enhanced if trusted organizations can run more effective social media campaigns. Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it. Leverage may be increased by, for example, offering capacity-building or other incentives to the related entity, or collaborating with other actors."
Bring the Facebook Journalism Project and Fact Checking Initiative to Myanmar. Facebook can contribute to long-term change by supporting journalism, news literacy, and transparency in Myanmar via the Facebook Journalism Project. This could include activities such as building capacity, promoting media diversity, and helping to develop sustainable business models. Facebook can help address misinformation and disinformation by bringing the Fact Checking Initiative to Myanmar. BSR notes that there are currently no organizations in Myanmar certified against the Poynter standards. An important role for Facebook could be to help local organizations achieve certification, such as through funding, advice, or other assistance, or—short of certification, which can be challenging—to be more capable of meeting reliable standards of fact-checking.	Many BSR interviewees in this assessment—both inside and outside Facebook—emphasized the opportunity to continue supporting the development of a thriving news industry in Myanmar and to address systemic challenges; for example, while Facebook has enabled the rapid growth of diverse news outlets, few have yet been able to develop sustainable business models. Principle 19 of the UNGPs states that "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it. And if it lacks leverage there may be ways for the enterprise to increase it. Leverage may be increased by, for example, offering capacity-building or other incentives to the related entity, or collaborating with other actors."

RISK MITIGATION AND OPPORTUNITY ENHANCEMENT

Recommendation	Explanation
Create multiple scenarios for how the human rights context may evolve in Myanmar and generate approaches capable of addressing multiple scenarios. These scenarios could be used by Facebook's local and regional staff to identify signals of change in the human rights context that may impact the company's risk profile and adjust priorities accordingly.	The next decade of social, political, and economic development in Myanmar could take many different directions. For example: Elections may be smooth or may not be; the military may relinquish power, or seek to increase it; legal reform that advances the rule of law may be implemented, or today's legal framework could be retained; efforts at conflict resolution may succeed or fail. Companies operating in Myanmar are well-advised to understand and prepare for multiple different human rights scenarios that might unfold in the future. Principle 17(c) of the UNGPs states that human rights due diligence "should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve."
Prepare for the possibility that WhatsApp will be more commonly used in Myanmar. Facebook should consider how to address concerns about the use of WhatsApp to spread hate speech and misinformation intended to accentuate violence or cause harm, but in ways that do not undermine the ability of users to benefit from encrypted communications. Strategies could include limiting the number of times messages can be forwarded or using metadata to identify the likely spread of hate speech, misinformation, and disinformation.	At present, WhatsApp has a far lower user base than other Facebook products in Myanmar. However, owing to its ease of use, there is a realistic scenario where WhatsApp becomes more widely used, including to spread hate speech and misinformation intended to accentuate violence or cause harm. In this scenario, it would become more challenging to implement Facebook's Community Standards and act against bad content, owing to the encrypted nature of communications content. Principle 17 of the UNGPs states that "business enterprises should identify general areas where the risk of adverse human rights impacts is most significant … and prioritize these for human rights due diligence."
Develop a risk-mitigation plan for Myanmar's 2020 parliamentary elections. This mitigation plan should include intelligence-gathering from users, civil society organizations, and relevant government entities. Examples of items to consider for the mitigation plan include digital- and media-literacy efforts in the months leading up to the election, identification of key red flags and "warning signs," exploration into how the Facebook platform could be used at election time, the deployment of fact-checking organizations, and the role of so-called "yellow media" (publications that present little or no legitimate, well-researched news but instead use eye-catching headlines). Ownership of this plan could be held by the new Facebook Global Elections Integrity Operations Team. Several international organizations and governments will be deeply involved in providing election-related	Article 21 of the UDHR states that "everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives; Everyone has the right of equal access to public service in his or her country; and the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

support, and Facebook should actively coordinate with these groups. BSR notes that the timing for the Myanmar elections could be very similar to that of the U.S. 2020 elections, and it will be important that attention is paid to Myanmar in addition to the U.S.	
Explore opportunities to develop new Facebook products and services that accelerate the development of the digital economy in Myanmar. Opportunities to explore could include enabling users to download Apps from Facebook App pages, bringing Facebook Marketplace to Myanmar, enabling digital payments, and supporting mobile financial services. These products and services would need to be appropriate for Myanmar's user base, such as the prevalence of users without an email address. To ensure this approach, Facebook can take a human-centered design approach and be open to new business models that might be replicable in other emerging markets.	Several stakeholders BSR spoke with emphasized the economic development opportunities made possible by the widespread use of Facebook in Myanmar—and that the company had a unique opportunity, compared to other internet companies. Supporting the development of a digital economy in Myanmar can increase the realization of human rights, such as rights to a decent standard of living (Article 25 of the UDHR), education (Article 26 of the UDHR), and health (Article 12 of the ICESCR). The UNGPs state that "Business enterprises may undertake other commitments or activities to support and promote human rights, which may contribute to the enjoyment of rights."
Bring #SheMeansBusiness to Myanmar. #SheMeansBusiness is a space for entrepreneurial women to make valuable connections and share advice. Bringing the platform to Myanmar would support the growth of economic opportunities and independence for women.	Several stakeholders BSR spoke with emphasize the economic development opportunities made possible by the widespread use of Facebook in Myanmar—and that the company has a unique opportunity, compared to other internet companies. Supporting the development of a digital economy in Myanmar can increase the realization of human rights, such as rights to a decent standard of living (Article 25 of the UDHR), education (Article 26 of the UDHR), and health (Article 12 of the ICESCR). The UNGPs state that "Business enterprises may undertake other commitments or activities to support and promote human rights, which may contribute to the enjoyment of rights."

8. Resources

» Asian Legal Information Institute. 2015. Unofficial Translation of the Population Control Healthcare Law. http://www.asianlii.org/mm/legis/laws/pchl2015h592.pdf.

» Amnesty International and the International Commission of Jurists. 2015. Joint Statement: Myanmar Parliament must reject discriminatory 'race and religion' laws. https://www.amnesty.org/download/Documents/ASA1611072015ENGLISH.pdf.

» Article 19. 2017(a). Myanmar Interfaith Harmonious Coexistence Bill Analysis. https://www.article19.org/resources/myanmar-draft-interfaith-harmonious-coexistence-bill-continues-to-endanger-fundamental-rights/.

» Article 19. 2017(b). Myanmar Telecommunications Law Analysis. https://www.article19.org/resources/myanmar-telecommunications-law/.

» Burma Library. 2015(a). Unofficial Translation of the Myanmar Buddhist Women's Special Marriage Law (draft). http://www.burmalibrary.org/docs21/2015-Myanmar_Buddhist_Women_Special_Marriage_Bill.pdf.

» Burma Library. 2015(b). Unofficial Translation of the Monogamy Bill (draft). http://www.burmalibrary.org/docs21/2015-Monogamy_Bill.pdf.

» Chin Human Rights Organization. 2014. Unofficial Translation of the Religious Conversion Law. http://www.burmalibrary.org/docs18/2014-Draft_Religious_Conversion_Law-en.pdf.

» Centre for Law and Democracy. 2017. Report on Cybercrime Laws and Digital Content Restrictions in Myanmar. https://www.law-democracy.org/live/wp-content/uploads/2017/01/Digital-Content.Jan17.rev_.pdf.

» CIA. 2018. World Factbook: Burma. https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html.

» CNN. 2018. Reuters journalists investigating Rohingya killings sentenced to 7 years in prison. https://edition.cnn.com/2018/09/03/asia/reuters-journalists-myanmar-trial-verdict-intl/index.html.

» Conflict Prevention and Peace Forum. 2015. New Religious Legislation in Myanmar. http://www.burmalibrary.org/docs21/Horsey-2015-02-New_Religious_Legislation_in_Myanmar-en.pdf.

» Facebook (a). Community Standards. https://www.facebook.com/communitystandards/. Accessed on August 9, 2018.

» Facebook (b). Community Standards—Credible Violence. https://www.facebook.com/communitystandards/credible_violence. Accessed on September 7, 2018.

» Facebook (c). Facebook Transparency Report. https://transparency.facebook.com/. Accessed on August 9, 2018.

» Facebook. 2018(a). Update on Myanmar. https://newsroom.fb.com/news/2018/08/update-on-myanmar/.

» Facebook. 2018(b). Removing Myanmar Military Officials From Facebook. https://newsroom.fb.com/news/2018/08/removing-myanmar-officials/.

» Freedom House. 2017. Freedom on the Net 2017. https://freedomhouse.org/report/freedom-net/freedom-net-2017.

» Freedom House. 2018. Freedom in the World 2018. https://freedomhouse.org/report/freedom-world/freedom-world-2018.

» Free Expression Myanmar. 2017(a). Peaceful Assembly and Peaceful Procession Law Analysis. http://freeexpressionmyanmar.org/peaceful-assembly-and-peaceful-procession-law/.

» Free Expression Myanmar. 2017(b). Unofficial Translation of the Media Law. http://freeexpressionmyanmar.org/wp-content/uploads/2017/07/News-Media-Law-EN.pdf.

» GAN Business Anti-Corruption Portal. Myanmar Corruption Report. https://www.business-anti-corruption.com/country-profiles/myanmar/. Accessed on August 9, 2018.

» Global Information Society Watch. 2017. Unshackling expression: A study on law criminalising expression online in Asia. http://giswatch.org/country/myanmar.

» Global Network Initiative. The GNI Principles. https://globalnetworkinitiative.org/gni-principles/. Accessed on August 9, 2018.

» Global Network Initiative. 2016. GNI Principles Implementation Guidelines. https://globalnetworkinitiative.org/implementation-guidelines/. Accessed on August 9, 2018.

» Global Network Initiative. 2015/2016 Company Assessments. https://globalnetworkinitiative.org/2015-2016-company-assessments/.

» Government of the Republic of the Union of Myanmar. 2004. The Electronic Transactions Law. http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan041197.pdf.

» Government of the Republic of the Union of Myanmar. 2008. The Constitution of the Republic of the Union of Myanmar. http://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf.

» Government of the Republic of the Union of Myanmar. 2013. The Telecommunications Law. http://www.burmalibrary.org/docs23/2013-10-08-Telecommunications_Law-en.pdf.

» Human Rights Watch. 2018. World Report 2018. https://www.hrw.org/world-report/2018.

» Human Rights Watch. Burma. https://www.hrw.org/asia/burma. Accessed on August 9, 2018.

» ILO. Eight Core Conventions. http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm.

» ILO. 1989. Convention 169 on Indigenous Peoples. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169.

» Myanmar Centre for Responsible Business. 2015. Myanmar ICT Sector-Wide Impact Assessment. http://www.myanmar-responsiblebusiness.org/swia/ict.html.

» Myanmar Centre for Responsible Business, 2017. Unofficial Translation of the Law Protecting the Privacy and Security of Citizens. http://www.myanmar-responsiblebusiness.org/pdf/Law-Protecting-Privacy-and-Security-of-Citizens_en_unofficial.pdf.

» Myanmar Times. 2018. Social media team will not spy on netizens, official says. https://www.mmtimes.com/news/social-media-team-will-not-spy-netizens-official-says.html.

» OHCR, 1965. International Convention on the Elimination of All Forms of Racial Discrimination. https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx.

» OHCHR. 1966. International Covenant on Economic, Social and Cultural Rights. https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx.

» OHCHR. 1966. International Covenant on Civil and Political Rights. https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx.

» OHCHR. 1979. Convention on the Elimination of All Forms of Discrimination against Women. https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx.

» OHCHR. 1984. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. https://www.ohchr.org/en/professionalinterest/pages/cat.aspx.

» OHCHR. 1989. Convention on the Rights of the Child. https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx.

» OHCHR. 2006. Convention on the Rights of Persons with Disabilities. https://www.ohchr.org/en/hrbodies/crpd/pages/conventionrightspersonswithdisabilities.aspx.

» OHCHR. 2018. Report of the Independent International Fact-Finding Mission on Myanmar. https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf.

» OHCHR. Myanmar. https://www.ohchr.org/EN/countries/AsiaRegion/Pages/MMIndex.aspx. Accessed on August 9, 2018.

» Partners Asia. 2017. Mobilizing Myanmar. https://partnersasia.org/#mobilizing.

» Poynter. Fact-Checking. https://www.poynter.org/channels/fact-checking. Accessed on September 7, 2018.

» PRI. 2014. In a newly liberated Myanmar, hatred spreads on Facebook. https://www.pri.org/stories/2014-08-08/newly-liberated-myanmar-hatred-spreads-facebook.

» Search for Common Ground. 2018. Stakeholder mapping of countering hate speech in Myanmar. https://www.sfcg.org/tag/myanmar-reports/.

» United Nations. 1948. The Universal Declaration of Human Rights. http://www.un.org/en/universal-declaration-human-rights/index.html.

» UNDP. 2016. 2016 Human Development Report. http://hdr.undp.org/en/2016-report.

» UN Special Rapporteur. 2018. Report on the General Situation of Human Rights in Myanmar. http://ap.ohchr.org/documents/dpage_e.aspx?m=89.

» U.S. Department of State. 2017. Country Reports on Human Rights Practices for 2017: Burma. https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dlid=277069#wrapper.

» The World Bank. Individuals using the Internet (% of population). https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=MM. Accessed on August 9, 2018.

» We Are Social. 2018. Digital in 2018. https://wearesocial.com/blog/2018/01/global-digital-report-2018.

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