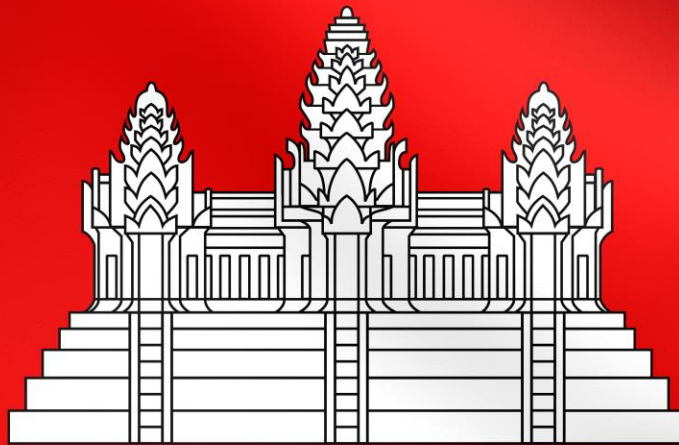


DECEMBER 2019

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# Human Rights Impact Assessment

Facebook in Cambodia | Executive Summary



## About This Executive Summary

Facebook commissioned BSR to undertake a human rights impact assessment (HRIA) of the company's presence in Cambodia. This document is an executive summary of that assessment, which consists of a longer report with additional explanatory detail, supporting evidence, and context.

BSR undertook this HRIA between October 2018 and December 2019, using a methodology based on the UN Guiding Principles on Business and Human Rights (UNGPs). The majority of the primary research was conducted during October and December 2018, and as such this assessment principally reflects the human rights context, insights, and rightsholder experiences gathered at that time. This assessment identifies and prioritizes actual and potential human rights impacts, reaches conclusions about those impacts, and makes recommendations for how they should be addressed. 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.

### **SUGGESTED CITATION**

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# Executive Summary

## PROJECT OVERVIEW AND METHODOLOGY

Facebook commissioned BSR to undertake a human rights impact assessment (HRIA) of the company's presence in Cambodia. 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 by avoiding, preventing, or mitigating risks, and by maximizing opportunities.
- » Build capacity of relevant staff to lead constructive dialogue with rightsholders and stakeholders and to improve the management of human rights.

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## HUMAN RIGHTS CONTEXT

The Cambodian legal, social, and political context is challenging for Facebook. As described in independent human rights reports, recent legislative reform has negatively impacted freedom of expression,<sup>1</sup> the free press has been systematically dismantled,<sup>2</sup> and elections are not free or fair.<sup>3</sup> Civic space and political freedoms are actively being constrained,<sup>4</sup> and there is a trend towards the use of social media content as evidence in court cases.<sup>5</sup> Digital literacy in Cambodia is low.<sup>6</sup>

In this context, Facebook in Cambodia is generally recognized by in-country stakeholders to be an important space for freedom of information and expression, political participation, and government accountability. As a platform with extensive Khmer language content, Facebook also provides an important source of independent news for the general Cambodian population and a critical space for human rights activists, organizations, and broadcasters to stimulate transparency and expose corruption. Increasingly, it is providing opportunities for economic inclusion.

These two contrasting realities exist side-by-side: while Facebook is widely used as a platform for free speech, many users also exercise a significant degree of self-censorship; while Facebook is an essential outlet for media organizations, it is also home to increasingly sophisticated disinformation efforts; while Facebook provides a place for civil society to organize, rightsholders have been arrested for content they have posted, liked, or shared on Facebook.

<sup>1</sup> Freedom House, Freedom on the Net 2019. <https://freedomhouse.org/country/cambodia/freedom-net/2019>

<sup>2</sup> Freedom House, Freedom on the Net 2019. <https://freedomhouse.org/country/cambodia/freedom-net/2019>

<sup>3</sup> U.S. Department of State. 2018 Country Reports on Human Rights Practices for 2018: Cambodia. <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/cambodia/>

<sup>4</sup> OHCHR. Accessed December 2019. Cambodia. <https://www.ohchr.org/EN/countries/AsiaRegion/Pages/KHIndex.aspx>

<sup>5</sup> OHCHR. Accessed December 2019. Cambodia. <https://www.ohchr.org/EN/countries/AsiaRegion/Pages/KHIndex.aspx>

<sup>6</sup> Freedom House, Freedom on the Net 2019. <https://freedomhouse.org/country/cambodia/freedom-net/2019>

It was also clear when BSR conducted the primary research in 2018 that many stakeholders in Cambodia are concerned about political stability and national security, and urge human rights proponents to work within the system to support long-term, sustainable change. This picture suggests that Facebook should act carefully, engage actively with local stakeholders, and be attentive to its potential to promote the protection of human rights in Cambodia.

## ACTUAL AND POTENTIAL HUMAN RIGHTS IMPACTS

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 may include arrests and prosecution of users for content posted on Facebook, even if that content does not violate Facebook's Community Standards.
- » **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 may include data requests from law enforcement agencies, content that violates the privacy rights of users (such as personal photos, passwords, and bank details) being posted on Facebook, or the hacking of private information by malicious actors.
- » **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. This may include users exercising self-censorship, content not violating Community Standards occasionally being removed in error, or the potential for government restrictions on content or access.
- » **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. 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. This may include content intended to harass or lead to discrimination against women, LGBTQ users, activists, and supporters of the opposition.
- » **Child 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. 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. This may include 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.

- » **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 or herself 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. 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.
- » **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. This covers opportunities such as promoting quality content on Facebook and supporting digital literacy.

## 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. The implementation timeline will need careful consideration.

Area	Key Recommendations
<p><b>Community Standards Enforcement</b>, especially as it relates to resourcing, partnerships, and use of AI.</p>	<ul style="list-style-type: none"> <li>» Continue to invest in ensuring that the Facebook Community Operations team has culturally sensitive and localized implementation guidelines, and that these are used to guide proactive detection.</li> <li>» Continue to invest in ensuring that the Facebook Community Operations team is fully aware of trends as they relate to anti-Chinese, anti-Vietnamese, and anti-Islamic speech in Cambodia.</li> <li>» Create accessible, clear, and succinct content to be shared on the Facebook platform setting out the basics of how to use Facebook safely in Cambodia for Khmer users.</li> </ul>
<p><b>Civic Space</b>, especially as it relates to advocating for greater freedoms for civil society organizations, political activism, and other non-state actors.</p>	<ul style="list-style-type: none"> <li>» Develop and implement a Facebook policy setting out the circumstances in which it will voice an opinion on so-called “Facebook arrests”.</li> <li>» Take a public position on the legal and regulatory framework in Cambodia as it relates to social media platforms.</li> <li>» Make public statements about the government’s surveillance and law enforcement capabilities that demystify this issue for users.</li> </ul>

<p><b>Engagement, Trust, and Transparency,</b> especially as it relates to public reporting and engagement with local stakeholders.</p>	<ul style="list-style-type: none"> <li>» Develop and deepen relationships with Cambodian civil society.</li> <li>» Convene Cambodian stakeholders for an update on an annual basis.</li> <li>» Publish a local Cambodia-specific version of the Community Standards Enforcement Report.</li> </ul>
<p><b>Systemwide Change,</b> especially as it relates to digital literacy, capacity building, and counter-hate speech narrative efforts.</p>	<ul style="list-style-type: none"> <li>» Support local partners seeking to advance digital and media literacy skills in Cambodia.</li> <li>» As a digital literacy initiative, introduce visual differentiators (i.e. not text based) to indicate whether content has been paid for, promoted, or boosted.</li> <li>» Bring the third-party fact checking program to Cambodia.</li> </ul>
<p><b>Risk Mitigation and Opportunity Enhancement,</b> especially as it relates to preparing for future developments and undertaking deeper-dive investigations into specific human rights risks and opportunities.</p>	<ul style="list-style-type: none"> <li>» Prepare for the Cambodia Communal Elections in 2022 and General Elections in 2023.</li> <li>» Promote the use of non-SMS two-factor verification and account recovery options with high risk users.</li> <li>» Consider other platform fixes to protect users from security flaws that are unique to the Cambodia Context.</li> <li>» Allow user anonymity in specific situations.</li> <li>» Bring #SheMeansBusiness to Cambodia.</li> </ul>
<p><b>Global Recommendations,</b> which are applicable for all of Facebook’s markets.</p>	<ul style="list-style-type: none"> <li>» Establish a human rights defender fund or program.</li> <li>» Synergize funding and support for civil society organizations with existing efforts on a regional or global basis.</li> <li>» Establish a more discerning “know your customer” due diligence process for ads and boosted content.</li> <li>» Consider disallowing political advertising in a subset of countries where there are not free and fair elections.</li> <li>» Undertake a Child Rights Impact Assessment at the global level.</li> </ul>

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## About BSR

BSR™ is a global nonprofit organization that works with its network of more than 250 member companies and other partners to build a just and sustainable world. From its offices in Asia, Europe, and North America, BSR™ develops sustainable business strategies and solutions through consulting, research, and cross-sector collaboration. Visit [www.bsr.org](http://www.bsr.org) for more information about BSR's 25 years of leadership in sustainability.