

2018

ASSESSING THE  
HUMAN RIGHTS IMPACT  
OF FACEBOOK'S PLATFORMS  
IN INDONESIA

ARTICLE ONE

EXECUTIVE SUMMARY FOR FACEBOOK INC.

PHOTO BY BAGIR-BAHANA



## EXECUTIVE SUMMARY

Facebook's platforms have broken down barriers across the world. It has made neighbors of strangers and has, as its mission states, "*brought the world closer together.*" It has fundamentally altered the ability for people to freely express themselves by democratizing access to powerful channels of communication.

At the same time, Facebook's platforms, in some cases, have been misused by bad actors to infringe on human rights. This includes the use of Facebook's platforms to amplify hate speech, spread misinformation and disinformation, target and harass vulnerable groups, and infringe on the right to privacy. To ensure that human rights are respected on Facebook's platforms, the company has recognized the need to conduct country-level human rights impact assessments (HRIAs), prioritizing a set of "at-risk" countries.

Indonesia represents one of the most critical countries when it comes to potential human rights infringements on Facebook's platforms. Indonesia has struggled with ongoing limitations on the right to free expression, especially targeted against non-Muslims, on the one hand, and the spread of disinformation and misinformation (or "hoaxes") on the other hand. In addition, ongoing risks related to the right to privacy and human rights impacts on vulnerable groups, including women, LGBTQ+ users, and children, continue to be salient for Facebook in Indonesia.

To determine the degree to which Facebook's platform may or may not have contributed to adverse human rights impacts and to mitigate the risk of further impacts, Facebook partnered with Article One in 2018 to conduct a country-level HRIA of its platforms in Indonesia.

**The HRIA is designed to pursue the following objectives:**

1. Assess the role that Facebook's platforms play in Indonesia through a human rights lens.<sup>1</sup>
2. Proactively address risks to avoid harm to rightsholders, including the platform's users.
3. Determine how best to evolve and apply Facebook's global policies and standards in high-risk contexts.
4. Enable Facebook to maximize opportunities for positive human rights impacts.
5. Inform internal risk assessments moving forward.

This Executive Summary outlines the findings of the HRIA and presents recommendations for Facebook to mitigate actual and potential impacts that are in line with the expectations of the UN Guiding Principles on Business and Human Rights (UNGPs).

It is important to note that this assessment was conducted in December 2018, after Article One completed its country level engagements. As such, findings from this assessment do not include potential impacts after December 2018, including the April 2019 election. Nor does it incorporate any Facebook interventions that may have taken place, on or off-platform, since December 2018.

<sup>1</sup> Informed by the [United Nations Guiding Principles on Business and Human Rights \(UNGPs\)](#) and the [Global Network Initiative \(GNI\) Principles](#)

## METHODOLOGY

The HRIA methodology was informed by guidance from the UNGPs and the GNI Principles as well as Article One's award-winning methodology for, and experience in, conducting human rights impact assessments around the world. The assessment included five key steps, as shown on the right.

The assessment scope included Facebook, Facebook Messenger, WhatsApp, and Instagram. The methodology emphasized the voices of rightsholders potentially impacted by Facebook and their legitimate representatives. As such, special attention was paid to ensuring direct engagement with Indonesian civil society organizations and international experts. In-country engagements were conducted during the week of December 3, 2018 and included interviews with 35 civil society organizations and other experts.

Article One applied the approach outlined in the UNGPs to determine the saliency of and Facebook's responsibility for the potential impacts that surfaced during the assessment. To determine the relative priority of salient human rights impacts, Article One assessed the scale, scope, and remediability of impacts. Facebook's relationship to impacts was assessed using guidance from UN Human Rights, including whether the company: a) incentivized harm, b) facilitated harm, c) failed to conduct adequate human rights due diligence, and d) the extent to which it knew or should have known about adverse impacts.<sup>2</sup>

Article One then developed a series of recommendations to support Facebook in maximizing its positive human rights impacts and mitigating its adverse impacts in Indonesia.

## CONTEXTUAL ANALYSIS

Indonesia, the world's fourth most populous country and most populous Muslim-majority country, is a constitutional republic with a president, parliament, and judiciary.<sup>3</sup> Indonesia was established as a sovereign nation by the 1945 Constitution of the Republic of Indonesia. Section XA of the Constitution identifies the "fundamental human rights" recognized and protected by the government in the Constitution. Despite this, human rights organizations outline that Indonesian citizens have unequal access to rights and face ongoing human rights challenges present across the country.<sup>4</sup>

In 2009, both national legislative and presidential elections were held that were peaceful and considered to be free and fair, promising an embrace of democratic ideals. Five years later, the 2014 election of President Joko "Jokowi" Widodo promised to help bring an end to the country's long history of human rights abuses. However, human rights groups allege that his government's inability to craft meaningful policy or condemn the abuses targeting religious minorities and LGBTQ+ individuals has since proven otherwise.<sup>5</sup>

Today, Indonesia has a mixed record on human rights. The country has adopted a comprehensive human rights law, Law No. 39/1999 on Human Rights.<sup>6</sup> However, despite a robust legal framework securing the right to free expression, the Indonesian government has adopted other laws that, both in theory and in practice, undermine the exercise of this right and bear significantly on the use of social media in Indonesia. These laws fall into two general categories: those criminalizing blasphemy and those criminalizing defamation.<sup>7</sup> Both have been used to restrict free expression, both online and offline.



**Step 1: Desk Review**



**Step 2: Stakeholder Mapping**



**Step 3: In-Country Engagement**



**Step 4: Facebook & International Expert Engagement**



**Step 5: Analysis & Internal Report**

<sup>2</sup> OHCHR (2018) "[OHCHR response to request from BankTrack for advice regarding the application of the UN Guiding Principles on Business and Human Rights in the context of the banking sector](#)" and OECD (2018) "[OECD Due Diligence Guidance for Responsible Business Conduct](#)" <sup>3</sup> The 1945 Constitution of the Republic of Indonesia ("The 1945 Constitution")

<sup>4</sup> Human Rights Watch (2018) "[Indonesia](#)" <sup>5</sup> Human Rights Watch (2018) "[Indonesia](#)" <sup>6</sup> Republic of Indonesia Legislation (1999) "[Indonesia: Law No. 39 of 1999 on Human Rights](#)"

<sup>7</sup> It is important to note that international law does recognize that the right to free expression may be subject to certain restrictions. Article 19 of the ICCPR sets forth two conditions for such restrictions. First, they must be "provided by law" (i.e., written into law). Second, they must be necessary "for respect of the rights or reputations of others" or "for the protection of national security or of public order (ordre public), or of public health or morals." As the blasphemy and defamation cases discussed below demonstrate, however, restrictions in Indonesia have far exceeded the limited circumstances envisaged by the ICCPR.

## POSITIVE HUMAN RIGHTS IMPACTS

Facebook's economic contribution to Indonesia has been significant. Its platforms have provided opportunities for small businesses to access new markets, both domestically and internationally. It has provided opportunities for groups who have traditionally been excluded from formal employment to develop and market small businesses from their homes. For historically disadvantaged groups, these opportunities are essential to realizing their human right to work and to an adequate standard of living.

Stakeholders in Indonesia have also praised Facebook for promoting free expression, for allowing vulnerable groups to connect with each other in a safe way, and for supporting civic engagement. One clear benefit raised by stakeholders is the use of Facebook's platform to shine a light on human rights issues including, for example, the direct upload feature allowing women to share instances of harassment online.

Finally, Facebook's efforts around digital literacy and emergency response were cited as important contributions in the country.

## SALIENT HUMAN RIGHTS RISKS

Salient issues are informed by the relevant articles in human rights instruments, including the Universal Declaration of Human Rights (UDHR) and the Convention on the Rights of the Child (CRC).<sup>8</sup> Salient human rights risks related to Facebook's presence in Indonesia impacted both the general population and vulnerable groups. This assessment outlines societal risks and risks specific to vulnerable groups.

## 1. SOCIETAL RISKS

Two primary risks that have the ability to affect Indonesian society as a whole surfaced during the impact assessment: a) disinformation & misinformation and b) free expression & privacy.

### A. DISINFORMATION & MISINFORMATION

The proliferation of disinformation and misinformation—or “hoaxes,” as they are referred to in Indonesia—across Facebook's platforms, including Facebook, WhatsApp, and to a lesser extent, Instagram, have the ability to adversely impact human rights. Organized “hoax factories,” including by the Muslim Cyber Army, have been used to target political figures and promote politically motivated disinformation in the hopes of impacting the outcomes of national and local elections.<sup>9</sup> Other hoaxes, including those related to kidnappings, have stoked fear in communities including in relation to individuals with mental health needs who have been the target of hoaxes. According to one study, 92.4% of respondents said they received hoaxes from social media platforms like Facebook, Twitter, Instagram, and YouTube. This study also found that 62.8% of Indonesians online reported receiving hoaxes from chat apps like WhatsApp.<sup>10</sup>

The actions of Facebook users may infringe upon the right to:

- non-discrimination (UDHR 2);
- safety and security of person (UDHR 3) if hoaxes result in offline harms;
- free expression and to seek and impart information (UDHR 19), and;
- take part in government (UDHR 21).

### B. FREE EXPRESSION & PRIVACY

Another key source of salient human rights risk relates to overly broad laws regarding blasphemy and defamation that have been used against individuals based on their social media usage. Stakeholders largely reported that the blasphemy law is used against individuals critical of Islam. Several blasphemy convictions have resulted directly from the posting of material on Facebook. Indonesia's defamation law has also been used to chill free expression. According to the Southeast Asia Freedom of Expression Network (SAFENet), of the 245 cases linked to the ITE Law they have monitored, 174 were related to defamation.<sup>11</sup>

The application of these laws can infringe on the right to:

- non-discrimination (UDHR 2);
- freedom of religion (UDHR 18), and;
- freedom of expression (UDHR 19).

The final category of societal risks relates to the right to privacy. This includes concerns regarding illegitimate government requests for user data; Facebook's involvement in the Cambridge Analytica scandal; and the practice of doxing which has been used against individuals critical of Islam. In all three cases the right to privacy (UDHR 12) may be infringed. In the case of doxing, additional risk exists related to the right to security of person (UDHR 3) and the right to freedom of religion (UDHR 18).

## 2. IMPACTS ON VULNERABLE GROUPS

Article One found that vulnerable groups faced additional risks as well as societal risks. These include risks facing women, LGBTQ+ individuals and children. It is important to note that intersectionality presents heightened challenges for vulnerable groups.

<sup>8</sup> United Nations (1948) [Universal Declaration of Human Rights](#) and OHCHR (1989) [The Convention on the Rights of the Child](#). <sup>9</sup> The Guardian (2018) [“Muslim Cyber Army: a ‘fake news’ operation designed to derail Indonesia’s leader”](#). <sup>10</sup> Masyarakat Telematika Indonesia (2017) [“Infografis Hasil Survey MASTEL Tentang Wabah HOAX Nasional”](#). <sup>11</sup> PRI (2018) [“An Indonesian defamation law landed this teacher 6 months in jail for documenting her abuser”](#).



### A. IMPACTS ON WOMEN

Feminist activists reported cases of cyberbullying and harassment of women who were outspoken online. Civil society organizations raised concerns regarding the non-consensual sharing of images in public and the sexual exploitation of women on Facebook's platforms. Sharing of non-consensual images can have harmful impacts on women and infringe on many of their human rights. In some cases, women are blackmailed or even forced into abusive relationships or into situations of rape to avoid the embarrassment of nude photos being made public on Facebook's platform. In other cases, Facebook's platforms have been used to connect customers to sex workers, some of whom may be trafficked.

The actions of Facebook users may infringe upon a woman's right to:

- be treated with dignity (UDHR 1);
- non-discrimination (UDHR 2);
- security of person (UDHR 3);
- be free from slavery (UDHR 4);
- privacy (UDHR 12);
- free expression (UDHR 19), and;
- work (UDHR 23) and to an adequate standard of living (UDHR 25) as follow-on impacts if images shared on the platform impact the ability to maintain or secure employment.

### B. IMPACTS ON THE LGBTQ+ COMMUNITY

The Facebook platform simultaneously provides a safe space in which LGBTQ+ individuals can communicate and organize around LGBTQ+ rights, and also a space in which anti-LGBTQ+ hate groups can form and spread viral and vicious campaigns against both individuals and groups. LGBTQ+ Facebook users in Indonesia have experienced harassment and bullying, as well as being "outed" on the platform.

The actions of Facebook users may infringe upon an LGBTQ+ individual's right to:

- be treated with dignity (UDHR 1);
- non-discrimination (UDHR 2);

- security of person (UDHR 3) if online harassment leads to offline harm;
- privacy (UDHR 12) if individuals are "outed" by other users;
- free expression (UDHR 19) if harassment leads to self-censorship or a reduction in online engagement;
- free assembly (UDHR 20) if surveillance by state actors cause LGBTQ+ users to opt out of online association, and;
- work (UDHR 23) and an adequate standard of living (UDHR 25) as follow-on impacts if being outed impacts the ability to maintain or secure employment.

### C. IMPACTS ON CHILDREN

Children face unique vulnerabilities online, including on Facebook's platforms. In Indonesia, Article One found evidence of online bullying and child sexual exploitation, including online grooming of children. Cyberbullying remains a challenge for large number of youths in Indonesia: 80% of students in a 2016 survey reported being victims of cyberbullying.<sup>12</sup>

When it comes to child sexual exploitation, stakeholders reported that Facebook's platforms could be misused to share sexually exploitative content and as a space for online grooming of children for sexual exploitation, which can result in offline harm. Statistics from 2012 reveal that 27 of the 129 children reported missing to Indonesia's National Commission for Child Protection were abducted after meeting predators on Facebook.<sup>13</sup>

The actions of Facebook users may infringe upon a child's right to:

- be treated with dignity (UDHR 1) and the right to health (UDHR 25) if cyberbullying results in mental health impacts;
- security of person (UDHR 3);
- privacy (UDHR 12);
- education (UDHR 26) if cyberbullying affects school attendance and/or performance;
- be free from attacks on a child's reputation (CRC 6), and;
- be protected from sexual exploitation and abuse (CRC 34).

### FACEBOOK'S RESPONSE & RECOMMENDATIONS

Article One's assessment found that Facebook's response was slow and, at times, insufficient – potentially exacerbating impacts. Indeed, Facebook's lack of formal human rights due diligence in Indonesia before this assessment in December 2018 and its slow response to concerns from civil society organizations may have contributed to adverse human rights impacts. This was potentially exacerbated by now phased out algorithms designed to drive engagement on the platform, regardless of the veracity or intention of the content.

In advance of the 2019 election, Facebook instituted a number of mitigation measures, including:

- hired a public policy lead for the region;
- addressed algorithm ranking concerns;
- placed limits on forwarding through WhatsApp;
- onboarded five fact-checking organizations in Indonesia;
- onboarded two trusted partners, and;
- provided grants to researchers to better understand digital literacy among Indonesian women.

At the time of writing this report, Article One encouraged Facebook to implement key recommendations, all summarized in the following table.

<sup>12</sup> The Turkish Online Journal of Educational Technology (2016) "Prevalence and Impact of Cyberbullying in a Sample of Indonesian Junior High School Students"

<sup>13</sup> USA Today (2012) "Facebook used to kidnap, traffic Indonesian girls"

## RECOMMENDATIONS

**IMPROVE CORPORATE-LEVEL  
ACCOUNTABILITY**

- Develop and operationalize a Human Rights Policy
- Formalize approach to developing “At-Risk Country” list
- Explore opportunities for remediation, including for example a public apology for impacts the company may have contributed to
- Increase accountability on human rights through an independent board member responsible for human rights
- Respect user’s right to privacy by following guidance from Ranking Digital Rights to “*clearly disclose that targeted advertising is on by default,*” and improve mechanisms for user control over their information<sup>14</sup>

**EVOLVE COMMUNITY STANDARDS**

- Fill content gaps in Community Standards
- Make Community Standards sufficiently accessible and understandable
- Develop processes to apply cultural context to content moderation
- Train Facebook’s Indonesian policy team on Community Standards

**INVEST IN CHANGES TO PLATFORM  
ARCHITECTURE**

- Promote content from verified news sources
- Create friction to sharing problematic content that does not violate Community Standards
- Ensure that typeahead suggestions on the Facebook search function do not surface sexualized content, especially as it relates to children
- Assess the ability of emerging technologies to address priority human rights risks
- Raise awareness among users of privacy settings
- Consider developing additional tools to empower users
- Assess the ability and risks associated with raising awareness of Indonesia’s defamation and blasphemy laws

**ADDRESS CHALLENGES TO THE  
PLATFORM-LEVEL GRIEVANCE  
MECHANISM**

- Increase awareness and understanding of reporting mechanisms
- Improve ease of reporting
- Crowdsourc tactics used by bad actors to avoid detection
- Audit content moderators
- Assess risks of reliance on automation for content moderation
- Explore harsher penalties for bad actors
- Expand appeals process in line with the Santa Clara Principles
- Expand Trusted Partner Network in Indonesia

<sup>14</sup> Ranking Digital Rights (2018) “[Privacy Failures](#)”

**ONGOING DUE DILIGENCE**

- Increase due diligence efforts in advance of elections
- Expand country-level HRIAs to other at-risk countries
- Conduct product and policy-level assessments
- Develop AI to predict when online hate speech and misinformation may trigger offline unrest and violence

**TRANSPARENCY**

- Alert platform users when chatbots are used
- Increase transparency for content decisions
- Disaggregate data based on the source of flagging, including governments, users, trusted flaggers, and automated systems
- Provide users with the ability to opt out of Facebook-driven curation through an easily accessible function on the platform
- Publish data on content moderators, disaggregated by language expertise, country of origin, age, gender, and location
- Develop and publish criteria for determining which organizations would qualify as a Trusted Partner, their responsibilities and steps the company will take to ensure they continue to serve the role effectively

**USE LEVERAGE TO ADDRESS  
ROOT CAUSE CHALLENGES**

- Support civil society through financial or in-kind support
- Promote Indonesia's alignment with international human rights norms
- Engage in industry and multi-stakeholder forums to share lessons learned on combating misinformation, disinformation and online harassment



## ABOUT ARTICLE ONE

Article One is a specialized ethics and human rights consulting firm. We envision a world in which business succeeds and all people are free and equal in dignity and rights.

In support of that vision, Article One works with companies and institutions to implement strategies to promote corporate respect for human rights, responsible innovation and ethical management.

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