

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Email: hrwnyc@hrw.org

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May 10, 2011

Mr. Mark Zuckerberg
Chairman and Chief Executive Officer
Facebook
156 University Avenue
Palo Alto, CA 94301-1605

Dear Mr. Zuckerberg,

We are writing to express our concern about the human rights implications of Facebook's possible entry into the Chinese market, particularly in light of Adam Conner's quote in the Wall Street Journal stating that the company may be allowing "too much...free speech." We urge that, as you work to define the terms of your entry, you do not collude with Chinese authorities in censoring political speech or helping them retaliate against Facebook users who want to benefit from the openness and connectivity that Facebook promotes.

Facebook has enabled tremendous growth in independent social networking and communications worldwide. The exchange of political views and ideas is inextricably intertwined with the availability of Facebook in scores of countries. Most recently, access to Facebook has allowed millions of users in places like Egypt or Tunisia to organize online and exercise their rights. Without effective policies and procedures to safeguard the human rights of users in China, however, Facebook will become complicit in the Chinese government's efforts to censor political speech, thwart virtual organizing, or to obtain the identities of the government's critics online.

The Chinese government has made a concerted effort to crush dissent. It regularly censors content, jails cyberdissidents, and recently passed amendments to the overly broad state secrets legislation that require companies operating in China to report on suspicious activities. It continues to require state media and internet search firms to censor references to issues ranging from the June 1989 Tiananmen massacres to details of the 2010 Nobel Peace Prize, and deploys personnel from at least a dozen different government agencies to monitor on-line activity. Just this month, the creation of a new "State Internet Information Office" was announced, and although its precise jurisdiction remains unclear, it apparently will have the authority to investigate and punish those who violate content restrictions.

In recent years the Chinese government has responded to unrest in parts of the country by cutting off all access to the Internet for months at a time, as was the case in Xinjiang following protests there in July 2009. Yu Jianrong, the chairman of the Social Issues Research Center of the Rural Development

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Institute of the China Academy of Social Sciences, said in a December 26, 2009 speech to the Beijing Law Association that the Chinese government was determined to ensure that the internet in China serve the government's purposes and not become a forum for free expression: "Do we have an open media? No. Don't think that the Internet of today [was meant to] provide us with a space [for free expression]. The reason we have the Internet is because [the government] didn't have a choice. If they did, they would hope that we couldn't even have the Internet."

This is a particularly perilous time for human rights activists in China. Since mid-February, the government has arrested, detained, "disappeared," put under house arrest, summoned for interrogation, or threatened with arrest over two hundred people who were merely engaged in peaceful dissent or social activism. The government has also significantly increased its censorship of internet, forced several newspaper editors to step down, and imposed new restrictions on foreign media reporting in Beijing. We believe that these efforts are partly motivated by the government's desire to prevent the type of networking and organizing that the availability of Facebook helped to facilitate in the Middle East.

We have long believed that the internet has an enormous potential to advance human rights, but only if corporations safeguard the ability of people to use it freely. That is why we stand behind the Global Network Initiative and call for regulation where voluntary measures are inadequate.

We would welcome information on any human rights policies or procedures that Facebook has implemented or will implement to protect users in China or globally. In addition, we have specific questions about your company's possible operations in China, including:

- **Real name registration.** We understand that Facebook requires its users to register in their real names, ostensibly to ensure the integrity of the user experience in a country where the government respects freedom of expression. However, the Chinese government insists on real-name registration so that it can easily identify—and punish-- critics. GoDaddy.com announced in March 2010 that it would no longer register websites in China in response to these demands because of the human rights risks to its customers. In a country, such as China, where freedom of expression is under sustained assault and authorities have a history of identifying and jailing internet users for political speech, real-name registration will endanger many users and have a chilling effect on speech. In such circumstances, an option for some form of online anonymity is essential if Facebook is to truly empower the openness and social networking that are at the core of its corporate mission. To date, Facebook's policies do not appear to accommodate this human rights objective. We understand that Facebook cancelled the account of "Michael Anti," a well known Chinese cyberactivist, because he did not register under his real name. How is Facebook going to protect users from reprisal for political speech, and what were the circumstances under which Facebook closed Anti's account?
- **Partnership with Baidu.com.** The press has reported that Facebook may enter into a partnership with Baidu.com in order to facilitate its entry into China. We understand that Baidu's search engine is considered to be the most censored of China's major search engines and that the company has not articulated standards to protect freedom of

expression and privacy online. How would Facebook ensure respect for the rights of its users in such partnerships?

- **Censorship of Facebook content.** The press has reported that Facebook may either offer a purely domestic Chinese version of Facebook or a service that is global but available domestically . The latter could be very valuable if it connects Chinese users to the rest of the world. However, the Chinese government will likely act to censor domestic and global content on Facebook, just as it does with other information online. If that happens, what safeguards will Facebook put in place to ensure that Chinese government censors cannot implement global censorship on Facebook? For example, if a user outside of China posts information critical of the Chinese government, what will Facebook do to ensure that efforts by Chinese censors to remove the posts in China do not end up affecting access to the posts by users globally?

The entry of Facebook could be a chance for millions of Chinese users to enjoy freedom of information and expression, but it could also be an engine for yet new and severe human rights violations if no safeguards are in place. We hope that it will be the former and look forward to your responses to our inquiries. We would also welcome the opportunity to discuss these issues with you in person.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Roth', with a stylized flourish at the end.

Kenneth Roth