



Public Comment Appendix for

2023-006-FB-UA

Case number

Case description

In May 2021, a Facebook user in Iraq posted a photo with a caption in Arabic. The photo shows a woman with visible marks of a physical attack, including bruises on her face and body. The caption begins by warning women about writing letters to their husbands. The caption states that the woman in the photo wrote a letter to her husband which the husband misunderstood, resulting in the physical attack on the woman. According to different preliminary translations, the post states the husband thought that the woman called him a “donkey” or that she asked him to bring her a “donkey.” It then says that in fact, she was asking him for a “veil.” In Arabic, the words for “donkey” and “veil” are similar. There are several laughing and smiling emojis throughout the post. The caption does not name the woman in the photo, but her face is clearly visible. The post has about 20,000 views, and under 1,000 reactions.

In February 2023, a Facebook user reported the content three times for violating the [Violence and Incitement Community Standard](#). The reports were not prioritized for human review and were automatically closed by Meta, leaving the content on the platform. Meta has told the Board that it prioritizes appeals for human review based on certain criteria, including the severity of the violation and virality of the content. Appeals that are not prioritized for review within a certain time frame are automatically closed with no further action. The user who reported the content then appealed Meta’s decision to the Oversight Board. As a result of the Board selecting this case, Meta determined that its previous decision to leave the content on the platform was in error and removed the post.

Meta removed the content from Facebook under its [Bullying and Harassment Community Standard](#). The Bullying and Harassment Community Standard prohibits “content that further degrades individuals who are depicted being physically bullied” or “content that praises, celebrates, or mocks their death or serious physical injury” when it targets private individuals or limited scope public figures. The policy provides the following examples of limited scope public figures: “individuals whose primary fame is limited to their activism, journalism, or those who become famous through involuntary means.” In conducting its review, Meta learned the woman depicted in the photograph is an activist in the region whose image had been shared on social media in the past.

The Board selected this case to explore Meta’s policies and practices in moderating content describing and joking about gender-based violence and its impact on the rights of users on and off Meta’s platforms. This case falls within the Board’s ‘Gender’ priority which is one of [the Board’s seven strategic priorities](#).

The Board would appreciate public comments that address:

- Meta’s policy and enforcement choices about content joking about or mocking gender-based violence.
- The relationship between Facebook and Instagram content that jokes about or mocks gender-based violence and its effect on people who may be impacted by this content and their ability to use these platforms.
- The relationship between Facebook and Instagram content that jokes about or mocks gender-based violence and its effect on off-platform gender-based violence.
- How depictions of gender-based violence may be used to target public figures, human rights defenders, and activists.
- Insights into the socio-political context in Iraq (and the region), regarding gender-based violence and its depiction on social media.

In its decisions, the Board can issue policy recommendations to Meta. While recommendations are not binding, Meta must respond to them within 60 days. As such, the Board welcomes public comments proposing recommendations that are relevant to these cases.



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The Oversight Board is committed to bringing diverse perspectives from third parties into the case review process. To that end, the Oversight Board has established a public comment process.

Public comments respond to case descriptions based on the information provided to the Board by users and Facebook as part of the appeals process. These case descriptions are posted before panels begin deliberation to provide time for public comment. As such, case descriptions reflect neither the Board's assessment of a case, nor the full array of policy issues that a panel might consider to be implicated by each case.

To protect the privacy and security of commenters, comments are only viewed by the Oversight Board and as detailed in the [Operational Privacy Notice](#). All commenters included in this appendix gave consent to the Oversight Board to publish their comments. For commenters who did not consent to attribute their comments publicly, names have been redacted. To withdraw your comment, please email contact@osbadmin.com.

To reflect the wide range of views on cases, the Oversight Board has included all comments received except those clearly irrelevant, abusive or disrespectful of the human and fundamental rights of any person or group of persons and therefore violating the [Terms for Public Comment](#). Inclusion of a comment in this appendix is not an endorsement by the Oversight Board of the views expressed in the comment. The Oversight Board is committed to transparency and this appendix is meant to accurately reflect the input we received.



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Case number

19

Number of Comments

Regional Breakdown

2	2	3	1
Asia Pacific & Oceania	Central & South Asia	Europe	Latin America & Caribbean
3	0	8	
Middle East and North Africa	Sub-Saharan Africa	United States & Canada	

2023-006-FB-UA

Case number

PC-11226

Public comment number

Central and South Asia

Region

Noor

Commenter's first name

Waheed

Commenter's last name

English

Commenter's preferred language

Digital Rights Foundation

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

When determining whether or not a satirical post about GBV should be allowed to stay on its platforms, Meta should consider the following criteria: (1) the intent of the post (i.e. is it genuine satire, raising awareness, artistic license) (2) the potential to do harm (i.e. does it demean or diminish the severity of GBV and undermine victims of GBV). Additionally, not only should Meta's Bullying and Harassment policy apply to this case, but so should its Misinformation policy.

Full Comment

When determining whether or not a satirical post about GBV should be allowed to stay on its platforms, Meta should consider the following criteria: (1) the intent of the post (i.e. is it genuine satire, raising awareness, artistic license) (2) the potential to do harm (i.e. does it demean or diminish the severity of GBV and undermine victims of GBV). The prevalence of gender based violence (GBV) globally is alarming enough to be deemed a “public health emergency” according to the United Nations. The United Nations Office for the Coordination of Humanitarian Affairs estimates that 1 in 3 women worldwide will experience physical or sexual abuse in their lifetime. In Iraq, of the 1.32 million people that are estimated to be at risk of different forms of GBV, more than 75% of them are women and adolescent girls. 77% of GBV incidents are linked to domestic violence. In light of these statistics, Meta should consider posts diminishing the severity of GBV the way it would treat other endemic public health crises. In determining whether or not a post joking or mocking GBV is against community standards, Meta should not only apply the Bullying and Harassment Community Standard but also its standards regarding Misinformation. Especially in cases such as this one, where an image of a notable activist was used as an accompaniment to a “joke” that both normalizes and

trivializes GBV. The image may have been misappropriated from either a GBV campaign, taken out of its original context completely or even digitally altered. Misappropriation of an image in this context can perpetuate misinformation, false narratives and can perpetuate destructive stereotypes such as “if your wife accidentally insults you it is totally normal and okay to beat her” or that GBV is “deserved” by the victim. However, not all forms of satire and joking regarding GBV fall within this category. For example, survivors of GBV may turn to satire or joke online about their own experiences as a coping mechanism. Or people may say things sarcastically or ironically that appear to make light of GBV but to the opposite intended effect. Whether or not something meant as a joke or satire, especially when it comes to serious issues, and be removed should be assessed by its potential to do harm online and offline. In Iraq, where a humanitarian crisis exacerbates an already bleak GBV situation, normalizing/trivializing GBV poses harms that transcend the post itself. It can also have the intended or unintended consequence of survivors of GBV being treated non-seriously, especially in a cultural context where violence against women is already considered the norm. Additionally, the perpetuation of anti-women narratives on online spaces also leads to other non-tangible harms like increased bullying and harassment online especially against women and activists. Amongst those harms such as in this case is making jeering comments, that are forms of harassment in the guise of “humor” or “jokes”. Depiction of notable figures in this context may also be abused and used as a form of intimidation. It would also make it more difficult for survivors of GBV to share their experiences online in fear of backlash disguised as humor. In the interest of freedom of expression and safety in online spaces any post joking or mocking GBV that gets reported should be subject to human review for a contextual harm assessment. Insofar as making Meta’s platforms safer spaces for survivors of GBV, all content which depicts GBV particularly of graphic nature should have a warning screen so that users have discretion on whether they want to view and engage with the content or not. Furthermore, if such a post is to remain on the platform after being flagged, users should be directed to information regarding GBV awareness and prevention in their region/country to provide greater context to interpret the post with.

Link to Attachment

[PC-11226](#)

2023-006-FB-UA

Case number

PC-11232

Public comment number

Latin America and Caribbean

Region

Juanita

Commenter's first name

Castro

Commenter's last name

English

Commenter's preferred language

Fundacion karisma

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

In conclusion, jokes about gender-based violence can have an impact in digital spaces and beyond. However, given the particularities of humor, protection of this expression is the rule. To address cases of moderation of this type of jokes, it is relevant to make a contextual analysis, set resources for victims of harassment and bullying (including jokes about gender-based violence) and establish proportional measures for moderation.

Full Comment

We consider it crucial for Meta to develop proportional, contextual and detailed responses to acknowledge jokes regarding gender-based violence. As previously indicated, the effects of this content are far-reaching for the woman who is the direct victim (emotional and physical effects) and for society (in which stereotypes and validation of violent behavior are maintained). This raises the following questions: how can jokes about gender-based violence be addressed? Where to draw the line between what should be considered as bullying and harassment with respect to jokes about gender-based violence? At this point, rather than entering into narrow definitions of harassment and bullying, three tools may be useful: (i) contextual analysis, (ii) quick recourse/appeal that can be employed by victims of harassment or bullying involving jokes about gender-based violence, and (iii) proportionality analysis in content moderation, with the use of tools that are less harmful to freedom of expression. In line with the United Nations (UN) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on

Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information recommendation on Online sexual and gender-based violence: "e. Social media platforms have an obligation to ensure that online spaces are safe for all women and free from discrimination, violence, hatred and disinformation. Companies should improve their transparency and content governance, provide users with safety tools, make it easier to report online violence and create direct, easily accessible routes for the escalation of complaints. They should ensure that the relevant teams have the necessary expertise on gender-based violence and the cultural context." Therefore, the solution is not absolute moderation when jokes about gender based violence are made, since it may be disproportionate to freedom of expression. Therefore, Meta is called upon to approach its rules on bullying and harassment under parameters of legality and proportionality, as already required by human rights law and the Oversight Board in previous cases. For example, Meta's intervention should not be limited to takedowns and user bans, but other remedies such as sexism, bullying and harassment literacy resources, labels and victim of gender based violence support channels can appear with the posts. These types of measures are not new, since during the Covid-19 emergency, Meta used labels to promote information about the global health situation. Thus, the tools that can be considered in cases of gender-based violence jokes are: Contextual analysis and gender approach. This approach demands that Meta includes women in the development of its risk analysis and creation of community rules on jokes related to gender-based violence. In addition, it is important that Meta's study take into account context and structural factors regarding sexism and the harmful impact of jokes (i.e., not to ignore the fact that due to structural differences, some jokes that may not be harmful in one country could be in another). For example, in the case of Pro-Navalny protests in Russia, the Oversight Board established about bullying and harassment: "Bullying and harassment is always highly context specific and can have severe impacts on the safety and dignity of those targeted (...). The consequences of and harm caused by different manifestations of online violence are specifically gendered, given that women and girls suffer from particular stigma in the context of structural inequality, discrimination and patriarchy". Easy and accessible routes for the victim of harassment and bullying: This resource allows the direct victim of harassment or bullying (including gender based violence jokes) to report and request human review of the content. This evaluation must be done considering the specific context of the reported content. This measure is consistent not only with the current functioning of Meta (where human review is already used for specific cases), but also with international provisions such as the Joint Declaration On Freedom Of Expression And Gender Justice which states that social platforms should provide "users with safety tools, make it easier to report online violence and create direct, easily accessible routes for the escalation of complaints". Proportionality analysis in content moderation: If jokes about gender-based violence constitute harassment or

bullying, under the contextual analysis, Meta's response should be proportional. So Meta should analyze the various tools that can be offered to respond to this content. In cases where the jokes constitute harassment or bullying due to the context, it may be appropriate to remove the content. However, it is crucial that in cases that raise doubt or cannot be classified as harassment or bullying by context, other moderation tools such as tagging or gender-based violence information literacy are prioritized. However, whatever moderation tool is used, it must be done under a due process so that the user generating the content understands the rationale for moderation.

Link to Attachment

[PC-11232](#)

2023-006-FB-UA

Case number

PC-11233

Public comment number

Middle East and North Africa

Region

Jurgen

Commenter's first name

Schurr

Commenter's last name

English

Commenter's preferred language

Lawyers for Justice in Libya

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

Online violence against women (OVAW) is a form of gender-based violence (GBV) that is widespread throughout the MENA region. A socio-political assessment of OVAW requires an intersectional approach to identify multiple vulnerabilities and corresponding needs and risks, and an understanding of regional, linguistic and cultural meanings of abuse directed against women. OVAW is always harmful and can cause serious individual psychological and societal harm. Regulating and moderating online content that may amount or lead to OVAW is crucial to prevent harm, and to contribute to ending OVAW. Meta should apply a human rights based, victim-centred approach in developing a gender policy and regulations aimed at addressing OVAW.

Full Comment

For the full comment, please see the attachment. 1.OVAW is a continuation of GBV in the digital space, representing “the long pre-existing forms of violence against women (VAW) with the same root causes such as unequal gender relations, structural inequalities, patriarchal and gender stereotypes as well as the societal normalisation and acceptance of the ‘everyday’ nature of VAW.” 2.GBV, including OVAW, remains a significant threat to women globally, and in particular in the Middle-East and North-Africa (MENA) region. A 2020 study conducted by UN Women found that online harassment was the highest reported type of violence against women in all nine countries in the Arab region. 3.When looking at the socio-political context in which OVAW occurs in the region, it is important to examine and assess OVAW within an intersectional framework that takes into account multiple vulnerabilities and associated risks for specific groups of women and girls,

including women with disabilities, Black and other women of color, migrant women and LGBTQI+ people. This is necessary to identify and respond appropriately to potential risks and needs. 4.OVAW may also be viewed differently depending on the country or region where it is perpetrated, or on the language used, as well as the socio-cultural context. 5.Acts of OVAW have a profound, wide ranging, and long-lasting impact on women and girls, including social, economic, psychological, reputational and participatory harms. This can lead to anxiety, panic attacks, a sense of powerlessness and loss of self-confidence. These harms are often wrongly perceived as less serious than those caused by offline violence, and as such, played down. 6.That said, there are clear indicators that online violence against women leads to offline violence against women, causing additional harm. UN Women's 2021 report on online violence against women in Arab states found that, for 33% of women, violence committed in the digital space was followed by violence offline. The propensity for online violence to result in offline violence is particularly severe for women activists and human rights defenders, who have experienced a "continuum between online and offline" violence against women and girls. 7. While OVAW is used against women even if they are not prominent in the public sphere it is frequently used to silencing public figures, including human rights defenders, journalists, and women politicians, with a view to preventing them from speaking out, to shame them or to discredit their views and opinions before the general public. According to the UN Special Rapporteur on violence against women and girls, the violent nature of these targeted attacks often "leads to self-censorship, and ultimately to a society where women no longer feel safe either online or offline." 8.Protection from OVAW is therefore a pre-requisite for achieving gender equality, for facilitating women's right to freedom of expression, and their participation in civic space. Removing relevant content amounting to or leading OVAW is not an infringement of the right to freedom of expression, which does not exist without gender equality. Facilitating acts amounting to OVAW, including through leaving GBV content online and making it publicly available, silences women, and can contribute to condoning, or even promoting further violence against women as it sends a signal of approval of this type of language and behaviour. 9. Under international human rights law, failure to ensure the prompt removal of such content may amount to a failure to act with due diligence to prevent violence, as it "provides tacit permission or encouragement to perpetrate acts of GBV against women." Internet platforms such as Meta have a responsibility to respect human rights, requiring them to "prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts." 10.Joking about or mocking gender-based violence fails to consider the harmful effects of OVAW on its victims and broader society, provides for a continued imbalance of power between the perpetrator and the victim, and contributes to condoning and promoting OVAW. 11.Regulating and moderating online content that may amount

or lead to OVAW is crucial to prevent harm, and to contribute to ending OVAW. This is true for content that is illegal, but also broader categories of speech that lead to OVAW and that may cause harm, such as the use of misogynistic language, where algorithmic configurations will amplify such content towards young boys and men. Such gender harmful content should not be approached purely within Meta's bullying and harassment policy, but explicitly form part of a devised gender policy that recognises OVAW for what it is, and where it comes from and that takes into account online promotion of harmful content, even if it may not per se be illegal. This can help to address the root causes of OVAW and pave the way towards equal participation in online spaces. It can serve to protect women's right to freedom of expression as also recognised by the UN Special Rapporteur on violence against women and the UN Special Rapporteur for freedom of expression in their joint 2017 statement. 12. The universal prohibition of GBV, and its impact on women's human rights requires a human-rights based and victim-centred approach to regulating relevant content. This should include the development of a gender policy and regulations aimed at addressing GBV and putting in place gender-appropriate reporting mechanisms and trained content moderators, including moderators familiar with relevant regional dialects and cultures to be able to identify violent abuse and comments in a given region and country. Data evidencing OVAW should be made available, and an annual audit containing gender disaggregated data on responses to reports of OVAW.

Link to Attachment

[PC-11233](#)



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Case number

End of public comments