

Iranian Make-Up Video for a Child Marriage

(2024-037-IG-MR)

Summary

In the case of a video in which a beautician from Iran prepares a 14-year-old girl for her wedding, the Board agrees with Meta that the content should have been taken down under the Human Exploitation policy. However, the Board does not agree with Meta's reason for removal, which was to use the spirit of the policy allowance. Rather, the Board finds the content clearly violated the Human Exploitation Community Standard rule for facilitation of child marriage by materially aiding this harmful practice. Child marriage, which disproportionately affects girls, is a form of forced marriage and gender-based violence and discrimination. The Board's recommendations seek to clarify Meta's public language and internal guidance to ensure such content is removed, and to specify that forced marriages include child marriage and involve children aged under 18 years.

About the Case

In January 2024, an Instagram user posted a short video on their account, which gives details of beauty salon services in Iran. In the video, a beautician gives a child a make-up session in preparation for the child's marriage. Speaking in Farsi, the child confirms her age is 14 years and when asked by the beautician, she reveals the groom's family made persistent requests before her father "gave her to them." The beautician and child talk about prioritizing marriage over education and admire the results of the make-up transformation. Text overlay states the child is the youngest bride of the year, while the post's caption includes details of the beautician's services for brides. The content was viewed about 10.9 million times.

Background research commissioned by the Board suggests the girl in the video may be acting in the role of a child about to get married, although this is not clear.

A total of 203 users reported the content over a month. Following rounds of human review, Meta concluded it did not violate any policies so the video should stay up. The

content was also initially flagged by Meta’s High Risk Early Review Operations system based on the high likelihood of it going viral, and it was escalated to Meta through the Trusted Partners program, which involves expert stakeholders reporting potentially violating content. Following a new round of escalated review by Meta’s policy and subject matter experts, Meta overturned its initial decision and removed the post for violating its Human Exploitation policy. Meta then referred the case to the Board.

Child marriage, which the UN High Commissioner for Human Rights defines as “any formal marriage or informal union between a child under the age of 18 and an adult or another child,” is considered a form of forced marriage, and as a human rights violation by international and regional bodies.

Iranian law allows for child marriage, with legal ages set for 13 for girls and 15 for boys, although marriage is permitted in Iran before these ages in certain circumstances.

Key Findings

The Board finds the content explicitly broke the rules of the Human Exploitation Community Standard for facilitating forced marriages because the video clearly showed a beautician providing material aid to a 14-year-old girl, therefore facilitating child marriage. While Meta removed the video, it did so for another reason: a spirit of the policy allowance under the Human Exploitation policy. This policy does not specifically prohibit support for child marriage, but its rationale states the policy’s goal is to remove all forms of “exploitation of humans,” which Meta believed should include “support” for child marriage. In this case, Meta used the spirit of the policy allowance, which it can apply when a strict application of a Community Standard produces inconsistent results with the policy’s rationale and objectives. The Board disagrees with Meta on the reason for removal because the beautician’s actions were a form of facilitation, with the post advertising beauty services for girls getting married, aiding the practice.

There is no public definition of “facilitation” given by Meta although its internal guidance to reviewers has the following: “content that coordinates the transportation, transfer, harboring of victims before or during the exploitation.” The Board finds this

definition is too narrow. Given the policy’s purpose, the Board’s own interpretation of “facilitation” – to include the provision of any type of material aid (which includes “services”) to enable exploitation – should be applied to this case as well as to Meta’s internal guidance. This would mean Meta could remove similar content without relying on the spirit of the policy allowance.

The Human Exploitation policy does not explicitly state that forced marriages include child marriage. Additionally, while Meta’s internal definition for reviewers states that minors cannot consent and there is additional guidance around consent signs and human trafficking, neither the internal nor the public language are clear enough. Meta should therefore specify in the public language of the policy that child marriage is a form of forced marriage and update its internal guidance to explain that children are people under 18 who cannot fully consent to marriage or informal unions.

The Board believes the spirit of the policy should be applied rarely because there are legality concerns over the allowance. Reiterating a previous recommendation, the Board urges Meta to complete its implementation of a public explanation of this allowance.

The Oversight Board’s Decision

The Oversight Board upholds Meta’s decision to take down the content.

The Board recommends that Meta:

- Modify the Human Exploitation policy to explicitly state that forced marriages include child marriage.
- Additionally, modify the policy to define child marriage in line with international human rights standards to include marriage and informal unions of children under 18 years of age.
- Provide explicit guidance to human reviewers about child marriage being included in the definition of forced marriages.
- Expand the definition of “facilitation” in internal guidelines to include the provision of any type of material aid (which includes “services”) to enable exploitation.

* Case summaries provide an overview of cases and do not have precedential value.

Full Case Decision

1. Case Description and Background

In January 2024, an Instagram user posted a one-minute video in Farsi on their account. The account shares information about beauty salon services and a beauty school in Iran. In the video, a beautician prepares a 14-year-old girl for her wedding, with clips showing the child before and after her make-up session. The child, whose face is clearly shown, also confirms her age in the video.

The beautician and the child talk about education, age, marriage arrangements and the results of the make-up session. The beautician asks the child about prioritizing marriage over education, to which she replies that she would like to pursue both. When asked about the groom, the child explains that after persistent requests from his family, her father “gave her to them.” They both then admire the results of the make-up transformation and the beautician extends best wishes for the child’s future. Additional background research commissioned by the Board has suggested the girl in the video may be acting in the role of a child about to get married. However, the content does not make this clear.

Text overlaying the video, also in Farsi, states the child is the youngest bride of the year. The post’s caption sends best wishes to all girls in Iran and provides information on the beautician’s services for brides.

The content was viewed about 10.9 million times, received about 200,000 reactions – the majority “likes” – and 19,000 comments, and was shared less than 1,000 times.

Between January and February 2024, 203 users reported the content 206 times, most frequently for “child exploitation images.” Out of those, 79 users reported the content for violating Child Exploitation Images, 40 users reported the content for Hate Speech and 30 users reported the content for Terrorism. Following multiple human reviews during that period, Meta concluded the content did not violate any of its policies and

kept it up. During the same month, the content was also detected by Meta’s High Risk Early Review Operations (HERO) system, designed to identify potentially violating content that is predicted to have a high likelihood of going viral. Once detected and prioritized, content is sent for human review by specialists with language, market and policy expertise. The content in this case was detected due to high virality signals, but the report was later closed because the virality was not high enough for it to proceed to review stage.

In February 2024, the content was escalated by one of Meta’s Trusted Partners for additional human review. Through the [Trusted Partners Program](#), Meta partners with different stakeholders that provide expertise on the diverse communities in which Meta operates, report content and provide feedback on Meta’s content policies and enforcement.

Following review by policy and subject matter experts, Meta overturned its original decision to keep up the content and removed the post for violating its [Human Exploitation](#) policy. However, Meta did not apply a strike against the user who posted the video because the company decided to remove the post based on the spirit of the policy allowance rather than the letter of the policy. In this instance, Meta stated that the decision was made that the removal was sufficient and did not warrant additional penalization in the form of a strike.

Meta referred the case to the Board because it represents tension in its values of voice and safety relating to child marriages. Meta considers this case significant and difficult because “it highlights the issue of promotion or glorification of human exploitation (including child marriage), which is not explicitly covered under [Meta’s] policies ... and because child marriages are legal in certain jurisdictions but criticized as a violation of human rights law by others.”

The Board notes the following context in reaching its decision in this case.

Child marriage is considered a human rights violation by international and regional bodies (e.g. [United Nations](#), [Organization of American States](#), [African Union](#)) and [civil society organizations](#), and affects millions of children worldwide. According to the

Office of the [UN](#) High Commissioner for Human Rights, “child marriage refers to any formal marriage or informal union between a child under the age of 18 and an adult or another child. Forced marriage is a marriage in which one and/or both parties have not personally expressed their full and free consent to the union. A child marriage is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent.” The Convention on the Elimination of All Forms of Discrimination against Women ([Article 16, para. 2](#)), provides that “the betrothal and the marriage of a child shall have no legal effect.”

Child marriage includes both formal marriages and informal unions. According to UNICEF, an informal union is one “in which a girl or boy lives with a partner as if married before the age of 18 [... and] in which a couple live together for some time, intending to have a lasting relationship, but do not have a formal civil or religious ceremony.” Informal unions raise the same [human rights concerns](#) as marriage (e.g. health risks, disruption to education), and in [some regions](#), they are more prevalent than formal marriages.

Girls are [disproportionately affected](#) and face [additional risks](#) due to biological and social differences. Globally, the [prevalence of child marriage](#) among boys is only one sixth of the prevalence among girls. The Report of the UN Secretary-General on the Issue of Child, Early and Forced Marriage ([A/77/282](#), para. 4) has recognized that child marriage is rooted in gender inequalities and discriminatory social and cultural norms that consider women and girls to be inferior to men and boys. It is considered a form of [gender-based violence](#) and [discrimination](#) against women and girls.

Long-standing customs are frequently used to justify child marriage, disregarding the discrimination and gender-based violence associated with it, as well as the threats to a child’s wellbeing and other human rights violations. [UNICEF](#), the [Committee](#) on the Elimination of Discrimination Against Women (CEDAW), [Committee](#) on the Rights of the Child (CRC) and [other UN human right experts](#) have stated that girls who marry before 18 are more likely to experience domestic violence and abuse, and less likely to remain in school. They have worse economic and health outcomes than unmarried children, which are eventually passed down to their own children. Child marriage is often accompanied by early and frequent pregnancy and childbirth, affecting girls’

mental and physical health, and resulting in above average maternal mortality rates. Child forced marriage may also lead to girls attempting to flee their communities or [commit suicide](#). As children cannot express full, free and informed consent to marry or enter informal unions, decisions are often made by parents or guardians, which takes away the child's agency, autonomy and ability to make critical decisions (Article 12, [Convention on the Rights of the Child](#), CRC).

[UNICEF](#) has also stated that boys who marry or engage in an informal union in childhood are forced to take on adult responsibilities for which they may not be prepared. Marriage may bring early fatherhood and additional economic pressure to provide for the household, which, in turn, could limit the boy's access to education and opportunities for career advancement.

The United Nations High Commissioner for Human Rights noted that child marriage is rooted in factors such as socioeconomic issues (poverty and education), customs, tradition, cultural values, politics, economic interests, honor and religious beliefs ([A/HRC/26/22](#), paras. 17-20). There is also a higher incidence during conflicts and humanitarian crises ([A/HRC/41/19](#), para. 51).

According to UNICEF, [every three seconds](#) a girl gets married somewhere in the world. [UNICEF](#) and [Girls Not Brides](#) have data identifying the regions with the highest occurrences of child marriage. Sub-Saharan Africa is the region with the highest prevalence of child marriage, with 31% of women married before the age of 18, followed by Central and Southern Asia at 25%, Latin America and the Caribbean at 21%, and the Middle East and North Africa at 17%.

International human rights standards provide that the minimum legal age of marriage for girls and boys, with or without parental consent, is [18 years](#) (2019 CEDAW and CRC [Joint General Recommendation No. 31/18](#), paras. 20 and 55.f; 2018 UN General Assembly Resolution, [A/RES/73/153](#); 2023 UN Human Rights Council Resolution on Child, Early and Forced Marriage, [A/HRC/RES/53/23](#); Report of the Office of the United Nations High Commissioner for Human Rights, Preventing and Eliminating Child, Early and Forced Marriage, [A/HRC/26/22](#)).

The CRC and CEDAW revised their [Joint General Recommendation No. 18/31](#) in 2019 to state that the minimum legal age for marriage should be 18 years, with no exceptions (paras. 20 and 55(f)). Raising the legal age of marriage to 18 years has been supported by many civil society organizations, for example, with the slogan “[18, no exceptions](#),” as mentioned in the public comment from Project Soar (see [PC-29623](#)). This has led to some States [modifying](#) their domestic legislation in recent years (2022 Report of the OHCHR, [A/HRC/50/44](#), para. 22).

Countries adopt [different legal approaches](#) to child marriage. While many countries set the minimum age at 18 and significant progress has been made in reducing the prevalence of child marriage, others establish [lower ages](#) or allow exceptions (e.g. some states in the [United States](#), [Brazil](#)). These exceptions, such as parental consent, court authorization, or customary and religious laws, undermine legal protections for girls and have been criticized for hindering the goal of ending child marriage by 2030 as outlined in the Sustainable Development Goals.

Many countries also have varied customary and religious laws, and tribal practices, which are often open to interpretation by chiefs and community or traditional tribunals. For example, according to experts consulted by the Board, as part of tribal practices like *Khoon bas* (“cease blood”) in Iran, young girls are legally married into rival families to avoid bloodshed.

Child Marriage in Iran

Iranian law currently allows for child marriages. According to experts consulted by the Board, the legal age for marriage is 13 for girls and 15 for boys. However, marriage before these ages is permitted under Article 1041 of the [2007 Civil Code](#), which establishes that “marriage of girls before the age of 13 and boys before the age of 15 is contingent upon the permission of the guardian and upon the condition of the child’s interest as determined by a competent court.”

In 2020, Iran [adopted](#) the Law on the Protection of Children and Adolescents, which imposes new penalties for acts that harm a child’s safety and wellbeing, but fails to address child marriage (see also [PC 29268](#) from [Equality Now](#)).

According to [Girls Not Brides](#), child marriage in Iran is driven by poverty, religion, harmful traditional practices, family honor and displacement. Research commissioned by the Board identified notable spikes in interactions on social media platforms over the past year, discussing the deaths and suicides of women and girls forced into marriage as children.

An expert also noted that data from Iran’s National Statistics Center (NSC) indicated that 33,240 girls and 19 boys were married before the age of 15 between 2021 and 2022. A public comment from Equality Now (see [PC 29268](#)) explained that figures could be higher given that the official numbers only reflect registered marriages and the NSC does not release disaggregated data for marriage registrations of girls aged 15 to 17 (only for ages 15-18 inclusive).

The CRC has urged the state to increase the minimum age of marriage for both girls and boys to 18 years ([A/HRC/WG.6/34/IRN/2](#), para. 70). Other human rights bodies and experts have raised similar concerns, including in the 2024 report of the UN Special Rapporteur on Iran ([A/HRC/55/62](#), para. 75).

While Iran initially agreed to review recommendations to raise the minimum age of marriage to 18 years without exception, [little progress](#) has been reported. According to experts consulted by the Board, in recent years, the political discourse on marriage has drastically changed in Iran, even to encourage women to marry early to increase [birth rates](#), which for girls often translates into [marriage by force](#) and has resulted in the [increase](#) of child marriage in certain regions of the country. In 2021, Iran submitted a periodic state report to the Human Rights Committee indicating that it will not consider increasing the minimum age of marriage from 13 and 15 “due to the importance of the family in Iranian society,” and “the general indecency of illegitimate sexual acts outside the marriage,” ([CCPR/C/IRN/4](#), para. 148).

2. User Submissions

Following Meta’s referral and the Board’s decision to accept the case, the user was notified and provided with an opportunity to submit a statement. No response was received.

3. Meta's Content Policies and Submissions

I. Meta's Content Policies

Instagram's Community Guidelines

Instagram's Community Guidelines do not specify any prohibition of content under the Human Exploitation policy and do not directly link to the [Human Exploitation Community Standard](#). Meta's [Community Standards Enforcement Report for Q1 2024](#) states that "Facebook and Instagram share content policies. Content that is considered violating on Facebook is also considered violating on Instagram."

Human Exploitation Policy

According to the Human Exploitation policy's rationale, Meta "remove[s] content that facilitates or coordinates the exploitation of humans, including human trafficking." The Community Standards prohibits: "Content that recruits people for, facilitates or exploits people through any of the following forms of human trafficking: ... Forced marriages."

Meta's internal guidelines define forced marriage as "an institution or practice where individuals don't have the option to refuse or are promised and married to another by their parents, guardians, relatives or other people and groups. This does not include arranged marriages, where the individuals getting married have the option to refuse." The Board notes that Meta is considering updates to this definition, and it may change in the relatively near future. The company informed the Board that it considers child marriage to be forced marriage based on the recognition that minors (people under the age of 18) cannot fully consent, in line with international human rights standards.

The policy includes exceptions to these rules and states that Meta "allow[s] content that is otherwise covered by this policy when posted in condemnation, educational, awareness raising, or news reporting contexts."

Spirit of the Policy Allowance

According to Meta, it may apply a “spirit of the policy” allowance to content when the policy rationale (the text introducing each Community Standard) and Meta’s values demand a different outcome than a strict reading of the rules on prohibited content. Meta uses the spirit of the policy allowance when a strict application of the relevant Community Standard is producing results that are inconsistent with its rationale and objectives. The spirit of the policy is a general policy allowance, applicable to all Community Standards, and can only be issued by Meta’s internal teams on escalation and not by human moderators at-scale.

In previous decisions, the Board has recommended that Meta provide a public explanation of the spirit of the policy allowance ([Sri Lanka Pharmaceuticals](#) decision, recommendation no. 1, reiterated in [Communal Violence in the State of Odisha](#)). This recommendation was accepted by Meta and is currently in the process of being implemented, according to the latest assessment by the Board.

II. Meta’s Submissions

According to Meta, the content removal in this case was the result of a spirit of the policy decision under the Human Exploitation policy.

While the Human Exploitation policy does not specifically prohibit support for child marriage, its policy rationale states the goal of the policy is to remove all forms of “exploitation of humans.” Meta believes this encompasses support for child marriage, particularly when the post may create a financial benefit for the user, as in this case. Based on this and the policy rationale, Meta argued that it does not want to allow content, like the post in this case, in which a person is seeking financial benefit from and encouraging child marriage.

Meta considered that the value of safety outweighed the potential expressive value of this speech (voice). The company considered the harm associated with child marriage and balanced the risks of allowing the post to remain on the platform, which could encourage further support for child marriage, and the expressive value of the content as well as the potential monetary gain for the user. Meta explained that even though

monetary gain was not a decisive factor in its assessment, the company did consider it as a factor in its holistic evaluation of the post on escalation, in alignment with the role that monetary gain plays in Meta's definition of "exploitation of humans."

When asked by the Board, the company stated that content would be assessed differently if it supported child marriage but did not seek to financially benefit from it, although the company would consider the overall context of content before making a decision. Meta said it does not define "support" in the context of child marriage and that its approach to content that supports (but does not facilitate) child marriage is addressed on a case-by-case basis on escalation.

The company noted that while "support" for child marriage is addressed on escalation, the other actions (facilitates, recruits, exploits) are enforced at-scale, and human reviewers are trained to remove all content that seeks to facilitate forced marriage. Meta said that its instructions that minors cannot consent, and the definition of forced marriage, clarify that reviewers should remove content seeking to facilitate child marriage.

Meta explained the company did not apply a strike against the user who posted the video because the company decided to remove the post based on the spirit of the policy allowance rather than the letter of the policy. In this instance the decision was made that the removal was sufficient and did not warrant additional penalization in the form of a strike.

Meta did not notify the user about its decision to withhold a strike in this case. The company said that it does not notify users regarding application or withholding of strikes due to the risk that this exposes enforcement thresholds that can then be exploited by adversarial actors to circumvent the company's systems by creating new accounts or staying just under the strike limit. However, Meta notifies users regarding feature limits applied to their accounts, including why the restrictions were applied.

The Board asked Meta questions about the application of the spirit of the policy allowance, the reasons for content removal, Meta's internal instructions for content moderators regarding prohibitions in the Human Exploitation policy and the

enforcement of content that “supports” child marriage, and information about the company’s notifications to users and reporters. Meta responded to all the questions.

4. Public Comments

The Oversight Board received seven public comments that met [the terms for submission](#). Four of the comments were submitted from the Middle East and North Africa, two from the United States and Canada, and one from Asia Pacific and Oceania. To read public comments submitted with consent to publish, click [here](#).

The submissions covered the following themes: child marriage as a violation of human rights; the impact of this harmful practice; how it disproportionately affects girls; the international human rights standards applicable to child marriage; and child marriage in Iran and other parts of the world.

5. Oversight Board Analysis

The Board selected this case to assess, for the first time, the impact of Meta’s Human Exploitation Community Standard on the rights of children, particularly girls involved in child marriages. This case highlights the tension between Meta’s values of protecting voice and ensuring the safety of children.

The Board analyzed Meta’s decision in this case against Meta’s content policies, values and human rights responsibilities. The Board also assessed the implications of this case for Meta’s broader approach to content governance.

5.1 Compliance With Meta’s Content Policies

1. Content Rules

The Board agrees with Meta that the content in this case should be removed, but for a different reason. The Board finds the content violated the explicit rules of the Human Exploitation Community Standard for facilitating forced marriage, rather than under the spirit of the policy for “support.” The video clearly depicted the beautician

providing beauty services (material services or material aid) to a girl to facilitate child marriage and seek financial benefit.

The Board, unlike Meta, considers that the beautician's actions were not simply support for child marriage but a form of facilitation involving a concrete action. In the post, beauty services were advertised, with girls encouraged to come and receive those services in the facilitation of child marriage, thereby aiding the practice and potentially receiving economic benefits from it.

The Board notes that Meta does not provide a public-facing definition of "facilitation." Given the purpose of the policy, the Board interprets "facilitation" as to include the provision of any type of material aid (which include "services") to enable exploitation.

The Board notes that Meta defines "facilitation" in its internal guidance to reviewers as "content that coordinates the transportation, transfer, harboring of victims before or during the exploitation." The Board finds that this internal guidance to reviewers is overly narrow, and that the public-facing language provides for the term to be reasonably understood by users as to encompass the Board's broader interpretation as to what content is not allowed on the platform. Nonetheless, to provide greater clarity, Meta should modify its internal guidelines to expand the definition of facilitation to also include the provision of any kind of material aid (which includes "services") to enable exploitation. This will allow Meta to remove similar content in the future without relying on the spirit of the policy allowance.

II. Enforcement Action

Despite over 10 million views of this content, it was not prioritized for review by Meta's HERO system, which seeks to identify high virality content for human review. Meta stated that in this case, virality was not high enough for this content to proceed to the review stage. The Board is concerned that Meta's systems fail to address content such as the post in this case, which received over 10 million views. However, without further information and investigation of the prioritization system and what content was prioritized above this, the Board is not in a position to assess whether this content

should have been given a higher priority in comparison to the other content in the queue.

5.2 Compliance With Meta’s Human Rights Responsibilities

The Board finds that removing the content from the platform was consistent with Meta’s human rights responsibilities, though Meta must address concerns about the clarity of its rules and spirit of the policy allowance.

Freedom of Expression (Article 19 ICCPR)

Article 19 of the ICCPR provides for broad protection of expression, including “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other [means].” When restrictions on expression are imposed by a state, they must meet the requirements of legality, legitimate aim, and necessity and proportionality (Article 19, para. 3, ICCPR). These requirements are often referred to as the “three-part test.” The Board uses this framework to interpret Meta’s human rights responsibilities in line with the UN Guiding Principles on Business and Human Rights, which Meta itself has committed to in its Corporate Human Rights Policy. The Board does this both in relation to the individual content decision under review and what this says about Meta’s broader approach to content governance. As the UN Special Rapporteur on freedom of expression has stated, although “companies do not have the obligations of Governments, their impact is of a sort that requires them to assess the same kind of questions about protecting their users’ right to freedom of expression,” ([A/74/486](#), para. 41).

I. Legality (Clarity and Accessibility of the Rules)

The principle of legality requires rules limiting expression to be accessible and clear, formulated with sufficient precision to enable an individual to regulate their conduct accordingly ([General Comment No. 34](#), para. 25). Additionally, these rules “may not confer unfettered discretion for the restriction of freedom of expression on those

charged with [their] execution” and must “provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not” (Ibid). The UN Special Rapporteur on freedom of expression has stated that when applied to private actors’ governance of online speech, rules should be clear and specific ([A/HRC/38/35](#), para. 46). People using Meta’s platforms should be able to access and understand the rules and content reviewers should have clear guidance regarding their enforcement.

The Board finds that the content violated the prohibition in the Human Exploitation policy on content that facilitates forced marriages, rather than the spirit of the policy. While the Board finds that the prohibition on facilitation included in the Community Standard was sufficiently clear as applied to this post, the policy’s public-facing language is not sufficiently clear on the general interpretation of the term “facilitation.” As discussed above, the Board interprets the term to encompass a broader definition than is provided for in Meta’s internal guidelines. Therefore, the Board recommends amending the guidance to encompass this broader definition.

Meta removed the post based on the spirit of the policy allowance because the Human Exploitation policy does not specifically prohibit content that “supports” child marriage, which in the company’s opinion was the action that should be prohibited in this case. As mentioned above, the Board disagrees with Meta’s reasoning, and considers that the beautician’s actions were not simply “support” for child marriage but were in fact a form of “facilitation” involving a concrete action, which is prohibited.

In previous decisions, the Board has noted that the spirit of the policy allowance may “fall short of the standard of legality” under the three-part test. While in previous cases, the Board has allowed use of “spirit of the policy” to both allow content ([Sri Lanka Pharmaceuticals](#) decision) and remove it ([Communal Violence in Indian State of Odisha](#) decision), the use of this allowance to remove content should be exceptional as it raises serious concerns under the legality test. Without providing clear guidance, users cannot be expected to regulate their conduct accordingly. The Board considers that the application of spirit of the policy, particularly to remove content, should be exceptional.

In the Sri Lanka Pharmaceuticals decision, the spirit of the policy allowance was used to permit content that violated the explicit terms of the Community Standard but did not violate the underlying purposes of those Standards. In this decision, the Board acknowledged that when moderating vast amounts of content on a global scale, it is necessary to have a “catch-all” allowance that can be applied to prevent clear injustices. At the same time, the Board noted that this type of discretionary exemption to Meta’s policies is in serious tension with the legality standard. To avoid arbitrary restrictions on speech, the Board reiterates its prior recommendation that Meta provide a public explanation of the spirit of the policy allowance and disclose the criteria used to assess when such an allowance is applied. Without a publicly available explanation, users have no way of knowing about the spirit of the policy allowance or its application across all Community Standards. Meta has already [committed](#) to fully implementing this recommendation. Further, if such an allowance is repeatedly used in the same way, the company should carefully assess whether or not this should be specifically provided for in the relevant policy.

Discretionary departures from the letter of the rules are more concerning in the context of removing content than when permitting it. Where application of the strict rules may lead to disproportionate restrictions on speech that should be permitted on Meta’s platforms, the goal of using the spirit of the policy allowance is to increase protection for the right to expression. Conversely, using the allowance to restrict speech that is not clearly prohibited by Meta’s rules significantly impacts users’ ability to effectively regulate their conduct on the platform by reference to the rules.

The public-facing language of the Human Exploitation policy does not explicitly state that forced marriages include child marriage. Meta informed the Board that it considers child marriage to be a form of forced marriage based on the recognition that minors (people under the age of 18) cannot fully consent, in alignment with international human right standards.

Meta provides an internal definition of forced marriages and, according to the company, human reviewers are provided with instructions that minors cannot consent. In evaluating content under Meta’s Human Exploitation policy, the company

instructs reviewers not to consider purported evidence of a minor's consent because minors lack capacity to provide lawful consent. According to Meta, when interpreted together, both instructions provide clarity for reviewers that content seeking to “facilitate” child marriage should be removed. No internal guidelines are provided in relation to content that supports child marriage. The company noted that “support” for child marriage is addressed upon escalation.

To provide clarity and sufficient precision about the rules to users, the Board urges Meta to specify in the public-facing Human Exploitation policy that child marriage is to be understood as a form of forced marriage, based on the recognition that minors (people under the age of 18) cannot fully consent. The company should also update its internal guidelines accordingly. The Board finds that while the internal guidelines to reviewers provide some guidance around children’s signs of consent and human trafficking, Meta should clearly explain that children are people under 18 and cannot fully consent to marriage or informal unions.

II. Legitimate Aim

Any restriction on freedom of expression should also pursue one or more of the legitimate aims listed in the ICCPR, which includes protecting the rights of others.

As applied to the facts of this case, Meta’s Human Exploitation policy seeks to pursue the legitimate aims of protecting the rights of children. In seeking to “disrupt and prevent harm” by removing content “that facilitates or coordinates the exploitation of humans” through child marriage, the Human Exploitation Community Standard serves the legitimate aims of protecting a wide range of children’s rights, particularly girls’ human rights, in line with the best interests of the child (Article 3, CRC). The policy seeks to shield them from the negative impacts associated with child marriage. The Board has previously found that protecting children’s rights is a legitimate aim (see [Swedish Journalist Reporting Sexual Violence Against Minors](#) and [News Documentary on Child Abuse in Pakistan](#) decisions).

Meta’s policy seeks to protect children’s rights to: physical and mental health (Article 12 ICESCR, Article 19, CRC); privacy (Article 17, ICCPR, Article 16, CRC); education

(Article 13, ICESCR, Article 28, CRC); development (Article 12, ICESCR, Article 6, CRC); family and to consent to marriage (Article 10, ICESCR, Article 23, ICCPR); and freedom from sexual exploitation and abuse (Article 34, CRC).

III. Necessity and Proportionality

Necessity and proportionality require that restrictions on expression “must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected” (ICCPR Article 19(3), [General Comment No. 34](#), para. 34).

The Board finds that removing the content was necessary to protect children’s rights to physical and mental health, privacy, education and freedom from all forms of discrimination. The content facilitated the practice of child marriage, which, as discussed above, is associated with significant negative impacts, particularly for girls. Given that the content sought to provide material aid to enable this harmful practice, removal was the least restrictive way to protect children’s rights. No less restrictive measures such as labeling would have been sufficient to prevent users from accessing the services being promoted.

Meta’s decision to remove speech in order to protect children’s rights was proportionate. The post in this case facilitates child marriage by advertising beauty services that encourage girls to come and receive those services in preparation for their weddings, thereby materially aiding child marriage. The expressive value of this post was primarily focused on advertising beauty services that facilitate the practice of child marriage.

While the post violated the prohibition on “facilitation” of child marriage, the Board also considered whether Meta should expand this policy to explicitly prohibit content that more generally supports child marriage.

This presents a tension between two issues: on one hand, the problematic consequences of allowing content on platforms that more generally supports child

marriage; on the other hand, the potential negative consequences of expanding the Human Exploitation policy to prohibit such content.

For a majority of Board Members, allowing content on platforms that more generally supports child marriage can contribute to the normalization of this extremely harmful practice. Speaking positively about the practice, implying that child marriage should be permitted or celebrated, or legitimizing or defending the practice by claiming it has a moral, political, logical or other justification, could all contribute to this normalization, to the detriment of the child's best interest. According to Article 3 of the [Convention on the Rights of the Child](#), "in all actions concerning children, ... the best interests of the child shall be a primary consideration."

A public comment from Equality Now ([PC 29268](#)) noted that "the normalization of child marriage perpetuates a cycle of human rights violations that deeply affects young girls and denies them their basic human rights. This normalization is entrenched in cultural and religious beliefs."

In the [Image of Gender-Based Violence](#) decision, the Board expressed concern that Meta's existing policies do not adequately address content that normalizes gender-based violence by praising it or implying it is deserved. Child marriage, which primarily impacts girls, is a form of gender-based violence. In response to the Board's recommendation in that case, Meta modified its Violence and Incitement policy to prohibit "glorification of gender-based violence that is either intimate partner violence or honor-based violence."

The majority of Board Members emphasize that the digital environment can exacerbate the risks of normalization of child marriage and the spread of harmful content. The CRC has also called on states for measures to prevent the online spread of materials and services that may damage children's mental or physical health, while ensuring respect for freedom of expression ([General Comment No. 25](#), paras. 14, 54, 96). While the internet and social media can also be valuable tools for providing information and opportunities for debate among children, the CRC and the CEDAW have noted that harmful practices such as child marriage may be increasing "as a result of technological developments such as the widespread use of social media,"

([CEDAW/C/GC/31/Rev.1](#), para. 18). The UN Human Rights Council has also urged states to take “comprehensive, multisectoral and human rights-based measures to prevent and eliminate forced marriage, and to address its structural and underlying root causes and risk factors ([A/HRC/RES/53/23](#), para. 3).” Meta is in a unique position to contribute to the eradication of child marriage on its platforms, following its commitment to respecting human rights standards in accordance with the UN Guiding Principles on Business and Human Rights.

The majority acknowledge that while a prohibition on support of child marriage could assist in strengthening protection for children’s rights, these terms may be too vague. In the context of prohibitions on content related to terrorism, the UN Special Rapporteur on freedom of expression has described social media platforms prohibitions on “support” as “excessively vague” ([A/HRC/38/35](#), para. 26; see also: [General Comment No. 34](#), para. 46). If Meta were to prohibit speech in support of child marriage, it should clearly define this term for its application in the specific context of child marriage. Additionally, to avoid the over-enforcement of expressions and opinions that constitute protected speech, and to prevent silencing critical discussions and counter-speech that could contribute to protecting children's rights, the company should provide its content reviewers with adequate internal guidance and sufficient opportunities and resources to accurately enforce the exceptions established in the Human Exploitation policy (e.g., posted in condemnation, educational, awareness raising, or news reporting contexts).

For a minority of Board Members, a prohibition on speech in support of child marriage would be inherently too vague, even if specified in the ways that the majority suggests. In addition, while child marriage itself clearly causes significant harm and violates a number of rights, there is insufficient evidence that speech in support of it causes actual harm or that removing such posts would help to solve the problem more expeditiously than allowing reactions and a public debate on the matter. Experts consulted by the Board noted that there are limited studies or evidence on how depictions of child marriage on social media affect social perceptions of the issue. These Board Members also consider that the term "normalization" is too vague and amorphous, and the causal connection between speech "supporting" child marriage and the harm of "normalization" is too remote in terms of causation of real-world

harm. Moreover, for these Board Members, an assessment of less intrusive means (e.g., labeling and directing users to authoritative information about child marriage harms, preventing sharing a post, demoting the post, etc.) would also be required before determining that removal of “support” for child marriage is the least intrusive measure.

While there may be situations where speech in support of child marriage causes actual harm, blanket bans on content deemed to support the practice could lead to the removal of expression and opinions that do not cause harm and therefore constitute protected speech. Risks of “normalization” of the practice should be addressed through education (e.g., labeling that directs users to the harms of child marriage) and counter-speech rather than censorship. The UN Special Rapporteur on Freedom of Expression has noted that “counterspeech has been a successful response strategy [when] exposing hate speech,” ([A/78/288](#), para. 109,) and has highlighted the importance of “expanding access to information and ideas that counter hateful messages,” ([A/74/486](#), para. 18). These Members consider that this conclusion is equally applicable in the context of child marriage.

For the minority, expanding the Human Exploitation policy to prohibit content that supports child marriage could have unintended and counterproductive consequences for efforts to combat it, by suppressing debate and counter-speech that may in fact help challenge prevalent social norms and attitudes towards child marriage and contribute to its eradication. These Board Members consider that a Community Standard that suppresses all speech that “supports” child marriage, especially when enforced at scale, will inevitably result in the removal of a disproportionate amount of speech beyond what is permissible in line with international human standards.

Overall, the Board was divided on the advantages and disadvantages of a prohibition on “support” and did not reach a definitive conclusion on that question. As this particular case was focused on “facilitation”, the Board had no occasion to consider in sufficient detail the many potential implications of how a ban on “support” would be implemented by Meta in practice. For instance, the Board lacks sufficient information on the feasibility of Meta clearly identifying and distinguishing “support” from neutral

statements or on the potential error rates. Consequently, the Board believes that this issue should be revisited in a future case.

Finally, on the proportionality of Meta's response, the Board welcomes the fact that the company did not apply a strike against the user who posted the content because it removed the post based on the spirit of the policy allowance rather than the letter of the policy, and determined that removal was sufficient with no need for additional penalization in the form of a strike. The Board emphasizes the value of separating Meta's enforcement actions on content from the penalties given to users.

6. The Oversight Board's Decision

The Oversight Board upholds Meta's decision to take down the content.

7. Recommendations

Content Policy

1. To ensure clarity for users, Meta should modify the Human Exploitation policy to explicitly state that forced marriages include child marriage.

The Board will consider this recommendation implemented when Meta updates its public-facing Human Exploitation Community Standard to reflect the change.

2. To ensure clarity for users, Meta should modify the Human Exploitation policy to define child marriage in line with international human rights standards to include marriage and informal unions of children under 18 years of age.

The Board will consider this recommendation implemented when Meta updates its public-facing Human Exploitation Community Standard to reflect the change.

Enforcement

3. Meta should provide explicit guidance to human reviewers about child marriage being included in the definition of forced marriages.

The Board will consider this recommendation implemented when Meta provides updated internal documents demonstrating that the change was implemented.

4. To protect children’s rights and to avoid Meta’s reliance on the spirit of the policy allowance, the company should expand the definition of facilitation in its internal guidelines to include the provision of any type of material aid (which include “services”) to enable exploitation.

The Board will consider this recommendation implemented when Meta provides updated internal documents demonstrating that the change was implemented.

The Oversight Board also reiterates the importance of its previous recommendations calling for a public explanation of the spirit of the policy allowance to be provided ([Sri Lanka Pharmaceuticals](#) decision, recommendation no. 1, reiterated in [Communal Violence in the State of Odisha](#) decision). In our [Sri Lanka Pharmaceuticals](#) decision, the Board made a recommendation urging Meta to explain in the landing page of the Community Standards that allowances may be made when their rationale, and Meta’s values, demand a different outcome than a strict reading of the rules. Additionally, the Board asked Meta to include a link to a Transparency Center page providing information about the “spirit of the policy” allowance. The Board will be monitoring implementation of this recommendation, which Meta has already [committed](#) to.

***Procedural Note:**

- The Oversight Board’s decisions are made by panels of five Members and approved by a majority vote of the full Board. Board decisions do not necessarily represent the views of all Members.

- Under its [Charter](#), the Oversight Board may review appeals from users whose content Meta removed, appeals from users who reported content that Meta left up, and decisions that Meta refers to it (Charter Article 2, Section 1). The Board has binding authority to uphold or overturn Meta’s content decisions (Charter Article 3, Section 5; Charter Article 4). The Board may issue non-binding recommendations that Meta is required to respond to (Charter Article 3, Section 4; Article 4). Where Meta commits to act on recommendations, the Board monitors their implementation.
- For this case decision, independent research was commissioned on behalf of the Board. The Board was assisted by Duco Advisors, an advisory firm focusing on the intersection of geopolitics, trust and safety, and technology. Memetica, a digital investigations group providing risk advisory and threat intelligence services to mitigate online harms, also provided research.