



## Introduction

As the United States' leading suicide prevention and crisis intervention organization for LGBTQ+ young people, The Trevor Project appreciates the opportunity to offer our perspective on Meta's handling of two videos which implicate issues related to gender identity and the lived experiences of transgender people.

Trevor offers 24/7 crisis services, connecting highly trained counselors with LGBTQ+ young people whenever they need support via telephone, chat, and text. To drive prevention efforts, The Trevor Project also operates robust research, advocacy, education, and peer support programs. Ultimately, the Trevor Project envisions a world where all LGBTQ+ young people feel safe, seen, and accepted exactly as they are.

This comment reflects years of Trevor's research derived from annual surveys of tens of thousands of LGBTQ+ young people from every state, combined with our decades of experience supporting youth in crisis. We will particularly respond to the request for insight into the sociopolitical context in the United States concerning freedom of expression and the rights of transgender people, especially for access to single-sex spaces and participation in sporting events.

## The Impact of Social Media on LGBTQ+ Youth Mental Health

The decision that the Oversight Board makes on this issue has the potential for profound, even life-saving, impact. The evidence on the impact of online spaces on young people's well-being is nuanced. According to the Human Rights Campaign's 2023 report on LGBTQ+ Youth and the Internet, LGBTQ+ youth are "inundated with anti-LGBTQ+ content online," where 96 percent have seen content on social media that was offensive or hurtful toward LGBTQ+ people and 52.9 percent of transgender and gender-expansive youth have experienced cyberbullying based on their identity in the last year. One in seven (15.2 percent) LGBTQ+ youth and 16.7 percent of transgender and gender-expansive youth say they do not feel safe participating in online activities.<sup>1</sup>

While online spaces can pose harm to LGBTQ young people, online spaces have also been found to support the mental health and well-being of LGBTQ young people through the exploration of diverse sexual orientations and gender identities, peer connection, and social support (Berger et al., 2022).

According to Trevor's own research, an overwhelming majority of LGBTQ youth said that social media has both positive (96%) and negative (88%) impacts on their mental health and well-being.<sup>2</sup> LGBTQ young people who reported feeling safe and understood in at least one online space had 20% lower

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<sup>1</sup> Human Rights Campaign (2023). LGBTQ Youth and the Internet. <https://www.hrc.org/resources/2023-lgbtq-youth-report/>

<sup>2</sup> The Trevor Project. (2021). 2021 National Survey on LGBTQ Youth Mental Health. West Hollywood, California: The Trevor Project.

odds of attempting suicide in the past year, and 15% lower odds of recent anxiety.<sup>3</sup> This is particularly true for LGBTQ youth of color - but these beneficial outcomes depend greatly on the choices made by platforms like Meta on questions like the one presented here. A platform which permits rampant misgendering is simply not one where transgender and nonbinary young people will feel safe and affirmed; quite the opposite, to devastating effect.

### The Harm of Misgendering

Put simply, names and pronouns matter to the mental health of transgender and nonbinary people, particularly youth. We consistently see in our research, and from young people who reach out to our counselors, that when they have access to affirming environments, their mental health is better. Conversely, when they are in unsafe, or unsupportive environments - including ones where they are misgendered - their mental health suffers (including higher suicide risk).

Briefly, some specific data related to the importance of respecting pronouns - probably our clearest indication of the impacts of properly gendering vs. misgendering someone:

- Transgender and nonbinary young people [attempt suicide](#) less when their pronouns are respected, when they are allowed to officially change the gender marker on their legal documents, and when they have access to spaces (online, at school, and home) that affirm their gender identity.
- Transgender and nonbinary young people who reported having pronouns respected by all or most people in their lives attempted suicide at [half the rate](#) of those who did not have their pronouns respected.
- A 2022 [peer-reviewed study](#) by The Trevor Project researchers, published in the International Journal of Environmental Research and Public Health, found that transgender and nonbinary young people who had changed their legal documents reported significantly lower rates of attempting suicide in the past year compared to those who had not.

In our work to support LGBTQ+ youth mental health, we regularly provide opportunities for trans and nonbinary young people to tell us what they need to feel accepted, affirmed, welcome, and safe. Consistently, they tell us that having their gender respect, particularly through using their correct names and pronouns, tops the list. "Honestly just calling me by the proper name and pronouns makes me so happy."<sup>4</sup>

Conversely, the fact that people do not take misgendering seriously is deeply hurtful for these young people, a message of disregard for their identity that can feel "like being erased," "invalidated," and "an attack." Persistent, intentional, and malicious misgendering, particularly when it is tolerated by those in authority, is taken as emblematic that a transgender person is not welcome in that space. That

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<sup>3</sup> The Trevor Project (2023). LGBTQ Young People of Color in Online Spaces.

<https://www.thetrevorproject.org/research-briefs/lgbtq-young-people-of-color-in-online-spaces-jul-2023/>

<sup>4</sup> "Research Brief: Affirming Actions and Gender Euphoria Among Transgender and Nonbinary Young People," The Trevor Project, Nov. 21, 2023.

<https://www.thetrevorproject.org/research-briefs/affirming-actions-and-gender-euphoria-among-transgender-and-nonbinary-young-people/>

Meta's existing policy "does not include misgendering as a form of prohibited 'attack'" meriting censure under a rule prohibiting "statements advocating or supporting [exclusion]" contributes to a climate where such disrespect is seen as acceptable and LGBTQ+ young people learn not to expect support from adults when they are bullied or harassed. No wonder "65.5% of LGBTQ+ youth (and 67.3% of transgender and gender-expansive youth) in HRC's report were not confident that, were they to report cyberbullying or hate speech to the social media platform, the platform would take steps to resolve the issue." This needs to change.

### Access to Restrooms

The videos under discussion aren't just online phenomenon - they depict and amplify chilling acts of discrimination in the real world that the transgender youth who contact The Trevor Project know all too well.

A 2020 peer-reviewed study by The Trevor Project's researchers, published in the *Journal of Adolescent Health*, found that transgender and nonbinary youth who experienced bathroom discrimination had more than 1.5 times the odds of attempting suicide in the past year compared to those who did not experience bathroom discrimination. "58% of trans and nonbinary youth reported being prevented or discouraged from using a bathroom that aligns with their gender identity." Of those prevented or discouraged, "60% seriously considered suicide."<sup>5</sup>

The following is an excerpt from an amicus brief The Trevor Project filed in 2021 challenging one of the more than a dozen states restricting transgender people's access to restrooms.

"Many transgender youth who contact The Trevor Project in moments of crisis describe concerns or stresses associated with the lack of safe access to restrooms and other facilities in their schools. Supervisors for The Trevor Project's crisis services, such as TrevorText and TrevorChat, report that access-related issues come up regularly. These impressions are borne out by data collected on TrevorLifeline, TrevorText, and TrevorChat, as many transgender youth have reached out to The Trevor Project with specific concerns about access to restrooms in their high schools. Counselors regularly direct transgender students to a database of gender-inclusive restrooms when they are out in public. From January 1, 2021 to October 31, 2021, terms like "bathroom" and "restroom" have appeared on TrevorText and TrevorChat more than 3,200 times.

While each transgender student might have a different way to describe what it is like for them to use the restroom, the common thread that connects them are that these experiences are uniformly significant and often difficult. For many transgender youth, entering a restroom that is not consistent with their gender identity, including those that are gender neutral, is a source of deep anxiety and dysphoria....

It is deeply important to transgender youth that they are able to safely use restrooms and other school facilities that correspond with their gender identity. These types of facilities, when they can be accessed consistent with someone's gender identity, can be a crucial source of validation for who they are and their most deep-seated personal experiences. When

<sup>5</sup> Price-Feeney, M., Green, A. E., & Dorison, S. H. (2021). Impact of bathroom discrimination on mental health among transgender and nonbinary youth. *Journal of Adolescent Health*, 68(6), 1142-1147.

<https://doi.org/10.1016/j.jadohealth.2020.11.001>

such recognition is denied, the transgender students who contact The Trevor Project sometimes express hopelessness that their identities will ever be accepted and well-founded fears about how that denial will affect their safety and ability to participate in the world.”<sup>6</sup>

By allowing a video of somebody confronting a transgender woman for using the women’s bathroom to stand, Meta risks encouraging more people to challenge transgender people in moments of vulnerability, and to film and post these confrontations, subjecting the target to public shaming, being outed, and being used as a pawn in a culture war. (In a sad irony, transgender and nonbinary people are much more likely to be the victims of violence in restrooms, rather than any kind of threat, whatever the people confronting them in these videos may believe.)

Effectively, the current policy declares open season on anybody who does not conform to stereotypical ideas of femininity (whether they are transgender or not), and incentivizes real-world exclusion with the rewards of online influence. The experience for the person filmed can be humiliating, if not terrifying in a time when anti-LGBTQ hate crimes are on the rise and far too many transgender people, particularly transgender women of color, are murdered; for transgender people who see the post itself (and the hateful comments that surely follow), it can conjure up a horror of being the next target. For all involved, the mental, emotional, and physical harms are anything but virtual.

### **Transgender Youth Access to Sports**

Similarly, the way private individuals, often minors and even children, are plucked out of anonymity to be publicly called out as not male or female enough to play a sport is an act of cruel discrimination, exclusion, and hatred with serious mental health implications.

After years of public debate that 86 percent of LGBTQ young people say has negatively affected their mental health,<sup>7</sup> The Trevor Project hears constantly from youth in crisis who want nothing more than to be recognized for who they are, including the chance to join their peers on the playing field. The ability to take part in sports, like the young person in the video submitted to the Board for review, is more than just fun and games; in our research, LGBTQ athletes reported nearly 20% lower rates of depressive symptoms compared to non-athletes.<sup>8</sup>

While more than half of the general population plays sports, for LGBTQ youth the number is less than 1 in 3. For trans youth, it’s even lower. In The Trevor Project’s 2021 [National Survey on LGBTQ Youth Mental Health](#) a number of LGBTQ youth reported choosing not to participate in sports due to reasons related to discrimination or fear of LGBTQ-based discrimination. One youth explained, “I never hated sports, but I hated how I was treated by kids and adults who played sports. The locker room was always a nightmare, the athletic kids at my school hated me, the coaches at my school hated me, and as

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<sup>6</sup> Trevor Project amicus brief, Adams v. St. John’s County School Board. 11th Circuit Court of Appeals. Filed Nov. 24, 2021. [https://www.thetrevorproject.org/wp-content/uploads/2021/12/Amicus\\_Brief.pdf](https://www.thetrevorproject.org/wp-content/uploads/2021/12/Amicus_Brief.pdf)

<sup>7</sup> The Trevor Project Press Release “New Poll Emphasizes Negative Impacts of Anti-LGBTQ Policies on LGBTQ Youth.” Jan. 19, 2023.

<https://www.thetrevorproject.org/blog/new-poll-emphasizes-negative-impacts-of-anti-lgbtq-policies-on-lgbtq-youth/>

<sup>8</sup> “The Trevor Project Research Brief: The Well-Being of LGBTQ Youth Athletes.” August 2020.

<https://www.thetrevorproject.org/wp-content/uploads/2020/08/LGBTQ-Youth-Sports-and-Well-Being-Research-Brief.pdf>

much as I didn't care for a lot of mainstream sports in general, I avoided athletic activities out of terror, not disinterest."<sup>9</sup>

But many trans youth do want to play. One respondent told us, "I've met some of my closest friends through being an athlete." A number of youth described how participating in sports helped their mental health. One noted that sports "help me cope with gender dysphoria and depression." Another agreed, "I find that sports are a good way to distract me from negative thoughts."<sup>10</sup>

The public debate about this topic also takes its toll on the mental health of transgender and nonbinary youth. When asked about bills that would ban transgender youth from sports teams that fit their gender identity, 64% of transgender youth said it made them feel angry, 44% felt sad, 39% felt stressed, and 1 in 4 felt scared. And for good reason - many youth tell us that this debate has resulted in increased bullying, family rejection, and even physical assault. Much of that debate happens online, fueled by anonymity, impunity, viral misinformation, and the callousness fostered when humanity is distanced by screens.

### Freedom of Expression

Whether transgender people should be able to participate in sports or access restrooms consistent with their gender identity - topics which we acknowledge are a matter of public debate - can be discussed fully and freely without permitting the public victimization of transgender individuals through the viral, non-consensual sharing of their image in settings where they, like any person, should have the expectation of privacy, or at least not to be made a subject of public ridicule. Free speech does not require standing aside while strangers use the power of Meta's platforms to make a spectacle out of anybody they suspect may be transgender, especially not in a way that risks exposing them to violence or the kind of fear and trauma that contributes to LGBTQ+ youth being more than four times as likely to attempt suicide than their straight or cisgender peers.

Freedom of expression is a paramount value, but the manner of that expression can be regulated by Meta to preserve everybody's ability to participate in a healthy, vibrant community. It sorely burdens the ability of transgender people to engage in free expression when doing so can be met with viral victimization.

### Conclusion

Meta has a choice to make. The Trevor Project's experiences and data have demonstrated that the platforms overseen by this Board have the power to heal, or to harm. Young people have called us in crisis, exhausted and despairing after seeing one too many cruel videos that appear to confirm that there is no place for them in this world, nowhere they won't be harassed or rejected. Young people have also named social media as a place they can find relief, hope, and support - Meta's platforms are sometimes invoked by name as part of a young person's safety planning of ways to remember there is something to live for. We hope that the Board will act to create online spaces that represent the best of what social media can be.

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<sup>9</sup> "The Trevor Project Research Brief: LGBTQ Youth Sports Participation." Sept. 15, 2021. <https://www.thetrevorproject.org/research-briefs/lgbtq-youth-sports-participation-2/>

<sup>10</sup> Ibid