



Oversight Board

Q4 2021

transparency report



Glossary of terms

Annual report – A report published by the Oversight Board that provides a summary of the cases it selects and reviews, as well as an overview of its operations.

Bylaws – These specify the Oversight Board’s operational procedures.

Case Management Tool (CMT) – The platform created by Meta and used by the Oversight Board to receive and review case submissions, and collect and store case files.

Case Selection Committee – A sub-committee of the Board, comprised of at least five Oversight Board Members with membership rotating every three months, formed to address case selection.

Case Selection Team – A team within the Oversight Board Administration that assists the Case Selection Committee with identifying cases for panel review.

Longlist – An initial list of cases drawn up by the Case Selection Team. This is based on selection criteria set out by the Case Selection Committee.

Meta-referred case – A case submitted to the Oversight Board by Meta. Meta has the ability to refer cases to the board both on an ongoing basis and under emergency circumstances, with the latter being heard under the process for expedited review.

Meta’s content policies – Facebook and Instagram’s content policies and procedures that govern content on the platforms (e.g. Community Standards or Community Guidelines).

Meta’s legal review – Step in case selection process where Meta may exclude cases from the shortlist which are ineligible for review by the Board in accordance with the Bylaws. More detail about this stage can be found in the [Rulebook for Case Review and Policy Guidance](#) (page 8).

Oversight Board Administration – The full-time professional staff that support Board Members and the day-to-day operations of the Board.

Panel – Five Members of the Oversight Board assigned to review a case.

Policy advisory statement – A statement appended to an Oversight Board decision on a specific case that reflects policy considerations beyond the binding content decision.

Shortlist – A small number of cases chosen from the longlist by the Case Selection Committee to be considered for selection.

User appeal – An appeal submitted by a Facebook or Instagram user to the Oversight Board for review.



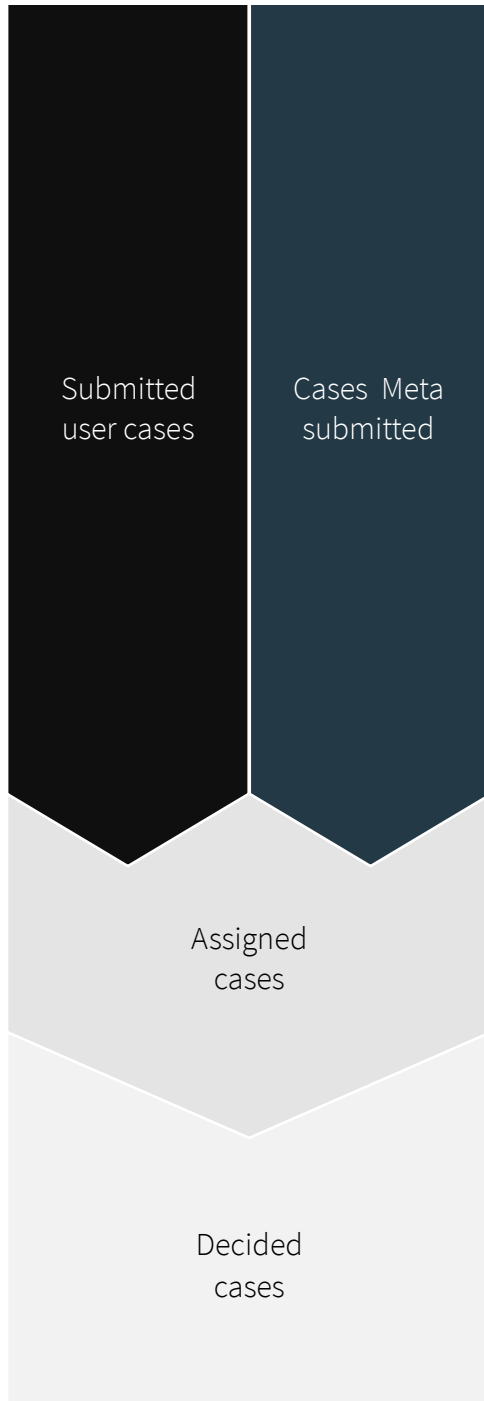
Transparency Report for fourth quarter of 2021

This transparency report for the fourth quarter of 2021 (October 1 –December 31, 2021) outlines key statistics on cases the Board selected, as well as the decisions and recommendations it made in this period.

In this period, the Board decided three cases related to Ethiopia, Brazil and the US & Canada. A further three cases were assigned to panel during this quarter.



Key Findings – Fourth quarter 2021¹



~288,444 cases submitted to the Oversight Board, of which four were submitted by Meta

Three cases assigned to panel, two submitted by users and one referred by Meta.

Three cases decided, with nine recommendations for Meta.

¹ Cases may pass through stages of the review process in multiple reporting periods. The data presented reflect the number of cases that are within each stage of the review process during the reporting period in question.



Q4 Submitted User Cases

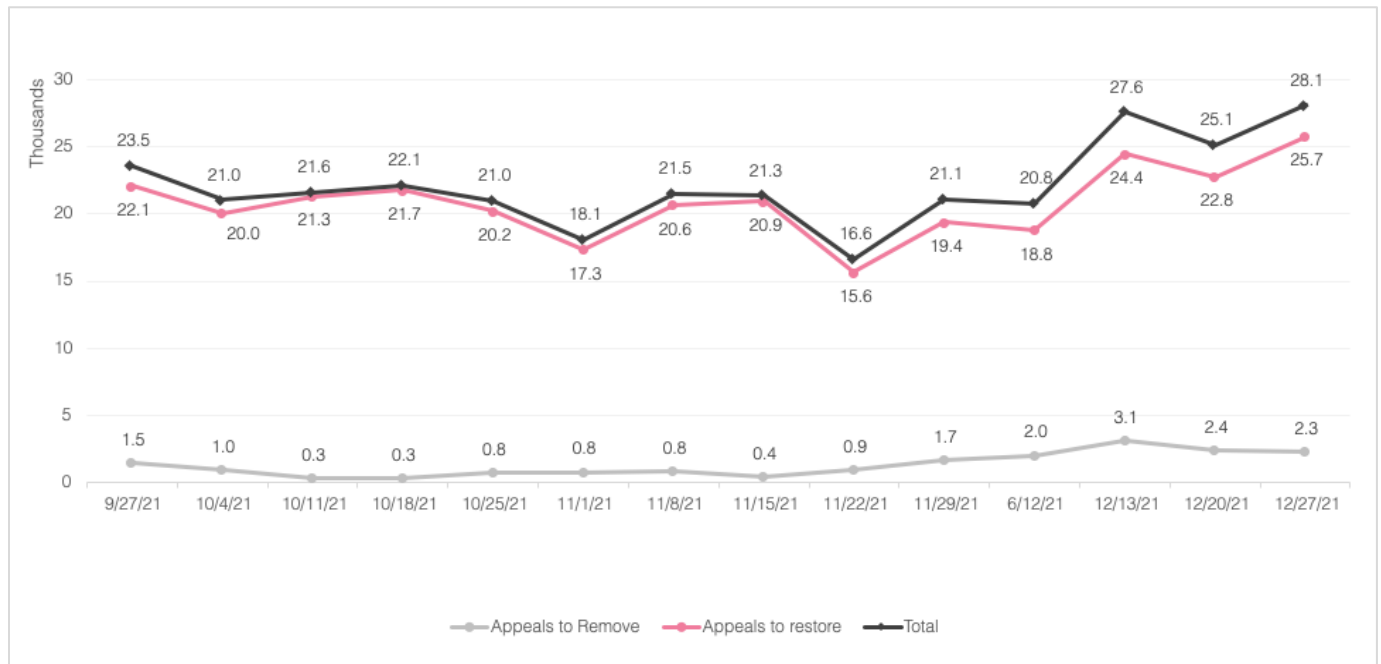
Where users have exhausted Meta’s appeals process, they can appeal eligible content to the Oversight Board, thereby challenging the company’s decision.

In Q4 2021, because of limitations in the functionality of the Case Management Tool (CMT), submitted cases have been counted manually by the Case Selection Team as they were seen in CMT at the time. Given that, these numbers should be taken as an estimate and preliminary.

In Q4 2021, users submitted an estimated **288,440 cases**. This represents a decrease of around 15% from the 339,317 cases users submitted in Q3 2021.

Estimated number of cases submitted to Oversight Board by week

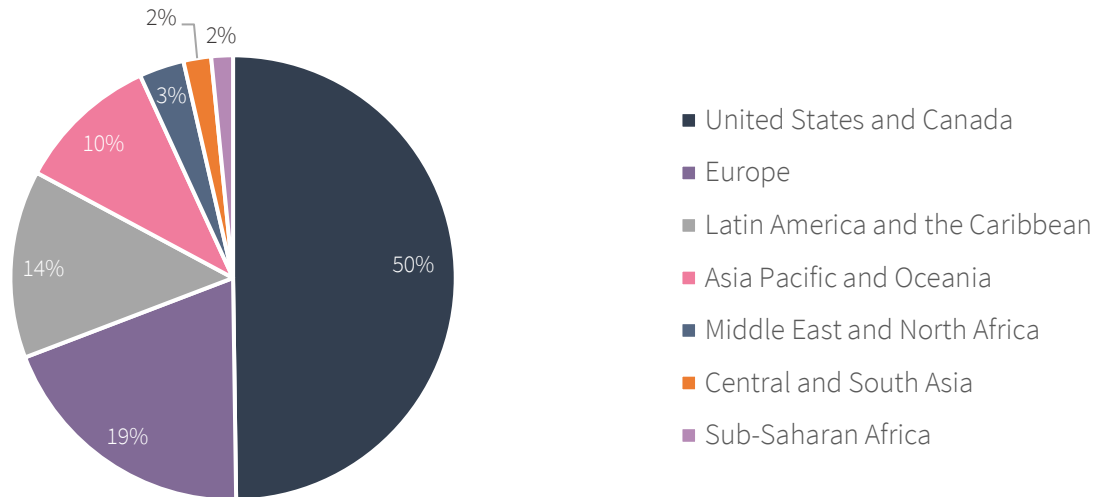
Number of cases, thousands





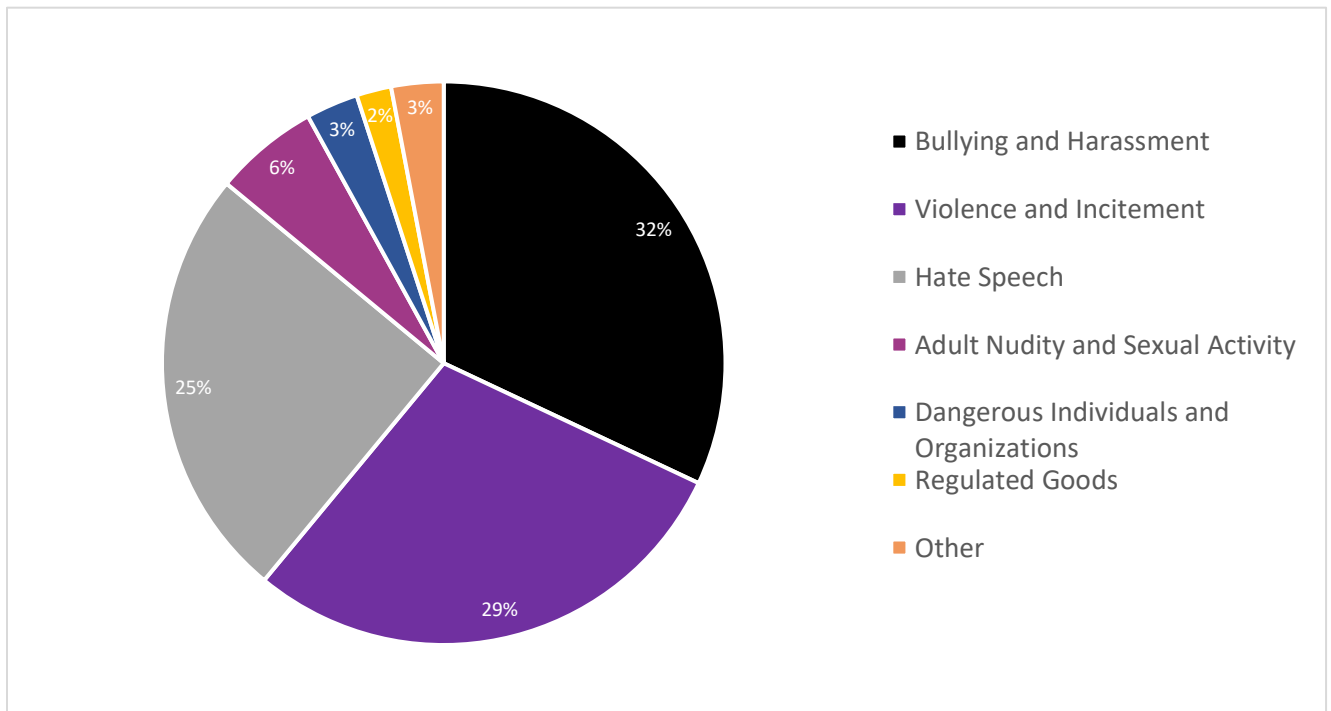
The majority of submitted cases were from the United States & Canada (49.78%) and Europe (19.41%).

Estimated cases submitted by user-selected region (Percent)



Users primarily submitted cases about Facebook’s Bullying and Harassment (32.35%), Violence and Incitement (28.89%) and Hate Speech (24.82%) policies. The chart below only covers cases related to content that has been removed from Facebook and Instagram, and not content that remains on the platforms, because it supposedly does not violate a Community Standard.

Estimated cases submitted by Community Standard (Percent)





Almost all cases users submitted (99.1%) concerned content shared on Facebook, with only 0.9% of cases concerning content shared on Instagram.

Cases submitted by platform

Percent

Facebook	99.1%
Instagram	0.9%

Q4 Cases Meta submitted

In addition to appeals from users, Meta can also refer significant and difficult cases to the Board for consideration.

Meta submitted four cases to the Oversight Board during this period.

Meta ultimately took down the content at issue in two cases, which were related to Child Nudity and Sexual Exploitation and Hate Speech. The remaining two cases concerned content that the company had left up on Facebook or Instagram.

Meta referrals submitted²

<i>Case ID</i>	<i>Name</i>	<i>Meta's decision</i>	<i>Platform</i>	<i>Language</i>	<i>Community Standard</i>	<i>Countries</i>
2022-002-FB-MR	Sudan graphic video	Keep up	FB	Arabic	N/A	Sudan
N/A	N/A	Take down	FB	N/A	Child Nudity and Sexual Exploitation	Mexico, Haiti, United States
N/A	N/A	Take down	FB	Spanish	Hate Speech	Afghanistan, Cuba
N/A	N/A	Keep up	FB	Portuguese	N/A	Brazil

² Cases which are not selected for assignment do not have a Case ID.



Q4 Assigned Cases

The Case Selection Committee assigns cases to panels. In this period, the Case Selection Committee assigned three cases to panels.

Cases assigned

<i>Case ID</i>	<i>Name</i>	<i>Date</i>	<i>Platform</i>	<i>Source</i>	<i>Community Standard</i>	<i>Countries</i>
2021-015-FB-UA	Asking for Adderall®	10/15/21	FB	User (appeal to restore)	Regulated Goods	United States
2021-016-FB-FBR	Swedish journalist reporting sexual violence against minors	10/19/21	FB	Meta referral	Child Nudity and Sexual Exploitation	Sweden
2021-017-FB-UA	Afghan journalist post about the Taliban	10/19/21	FB	User (appeal to restore)	Dangerous Individuals and Organizations	Afghanistan

Policy advisory opinions accepted

On October 21, 2021, the Board also accepted a policy advisory opinion to review Meta’s cross-check system (policy advisory opinion 2021-02). Through policy advisory opinions, the Board reviews Meta’s wider policies and makes proposals for how they should be changed.



Q4 Decided Cases

After the Oversight Board selects cases, it assigns each of them to five-member panels. Panel members include at least one member from the region implicated in the content and represent a mix of genders. The panel looks at whether Meta’s decision on whether to leave the content in question up or take it down is consistent with the company’s content policies and values, as well as its international human rights responsibilities. The Board’s decisions are binding, and Meta must implement them within seven days of publication.

In this period, the Oversight Board **decided three cases**, overturning Meta’s decision twice and upholding the company’s decision once.

Cases decided

<i>Case ID</i>	<i>Name</i>	<i>Platform</i>	<i>Source</i>	<i>Language of content</i>	<i>Community standard</i>	<i>Countries³</i>	<i>Outcome</i>
2021-012-FB-UA	Wampum Belt	FB	User	English	Hate Speech	United States, Canada	Overturned
2021-013-IG-UA	Ayahuasca Brew	IG	User	Portuguese	Regulated Goods	Brazil	Overturned
2021-014-FB-UA	Alleged crimes in Raya Kobo	FB	User	Amharic	Hate Speech	Ethiopia	Upheld

³ Countries listed do not necessarily align with countries assigned in longlisted cases above as a more thorough review is done at this stage of the appeals process to identify the principal countries concerned.



Human Rights standards referenced in decisions

In making its decisions, the Board considers international human rights standards. The table below shows which human rights standards the Oversight Board has referenced in decisions published this quarter.

Human rights standards referenced

Source	2021-012-FB-UA	2021-013-IG-UA	2021-014-FB-UA
UN Treaties			
ICCPR⁴			
Non-Discrimination (Art. 2, para 1)	✓		
Derogation during Public Emergencies (Art. 4).			✓
Life (Art. 6)			✓
Freedom of religion and belief (Art. 18)		✓	
Expression (Art. 19)	✓	✓	✓
Equality (Art. 26)	✓		
Cultural Rights (Art. 27)	✓		
ICERD⁵			
Elimination of Discrimination (Art. 2)	✓		
Freedom of Expression (Art. 5)	✓	✓	
ICESCR⁶			
Participation in Cultural Life (Art. 15)	✓		
UN Treaty Bodies: Guidance & Recommendations			
Human Rights Committee			
General Comment 21 on the right of everyone to take part in cultural life (E/C/12/GC/21)		✓	
General Comment 22 on the right to Freedom of Religion and Belief (CCPR/C/21/Rev.1/Add.4)		✓	
General Comment 34 on Freedom of Opinion and Expression (CCPR/C/GC/34)	✓	✓	✓
General Comment 36 on the Right to Life (CCPR/C/GC/36)			✓
Committee on the Elimination of Racial Discrimination			
General Recommendation 35 on combating racist hate speech (CERD/C/GC/35)	✓		

⁴ International Covenant on Civil and Political Rights

⁵ International Convention on the Elimination of All Forms of Racial Discrimination

⁶ International Covenant on Economic, Social and Cultural Rights



Other UN Human Rights Standards

Responsibilities of Businesses

Guiding Principles on Business and Human Rights (UNGPs)	✓	✓	✓
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Business, human rights and conflict-affected regions: towards heightened action report (A/75/212), UN Working Group on the issue of human rights and transnational corporations and other business enterprises			✓
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UN Set of Principles to Combat Impunity	✓		
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UNESCO 2005 Convention		✓	
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UN Special Rapporteur on freedom of opinion and expression (A/HRC/17/27)		✓	
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Freedom of Expression

Online Hate Speech (A/74/486)	✓		
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Online Content Regulation (A/HRC/38/35)	✓		✓
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Importance of Enjoyment of Other Human Rights (A/HRC/40/58)		✓	
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Cultural Rights

Artistic Freedom and Creativity (A/HRC/23/34)	✓		
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UN Declaration on Human Rights Defenders

(Art. 6) (A/RES/53/144)	✓		
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UN Declaration on the Rights of Indigenous Peoples

Right to Not Be Subjected to Genocide and Violence (Art. 7, para. 2)	✓		
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Right to Not Be Subjected to Forced Assimilation (Art. 8, para. 1)	✓		
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Right to Free, Prior and Informed Consent (Art. 19)	✓		
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Decision timelines

The Bylaws that applied to these cases specified that, apart from exceptional circumstances, decisions and implementation will occur a maximum of 90 days from the date the Case Selection Committee selects the case for review.

<i>Case ID</i>	<i>Name</i>	<i>Beginning of 90-day period</i>	<i>Board's decision published</i>	<i>Meta implements decision</i>	<i>Number of days taken out of 90 days⁷</i>
2021-012-FB-UA	Wampum Belt	9/1/2021	12/9/2021	N/A (content already restored as enforcement error)	99
2021-013-IG-UA	Ayahuasca Brew	9/1/2021	12/9/2021	12/9/2021	99
2021-014-FB-UA	Alleged crimes in Raya Kobo	9/1/2021	12/14/2021	12/14/2021	104 ⁸

Questions for Meta

To assist with making its decisions, the Oversight Board sends questions to Meta. Of the 54 questions the Oversight Board sent to Meta about decisions published in this quarter, Meta answered 51 questions, and partially answered three questions. None of Meta's responses fell into the 'did not answer' category.

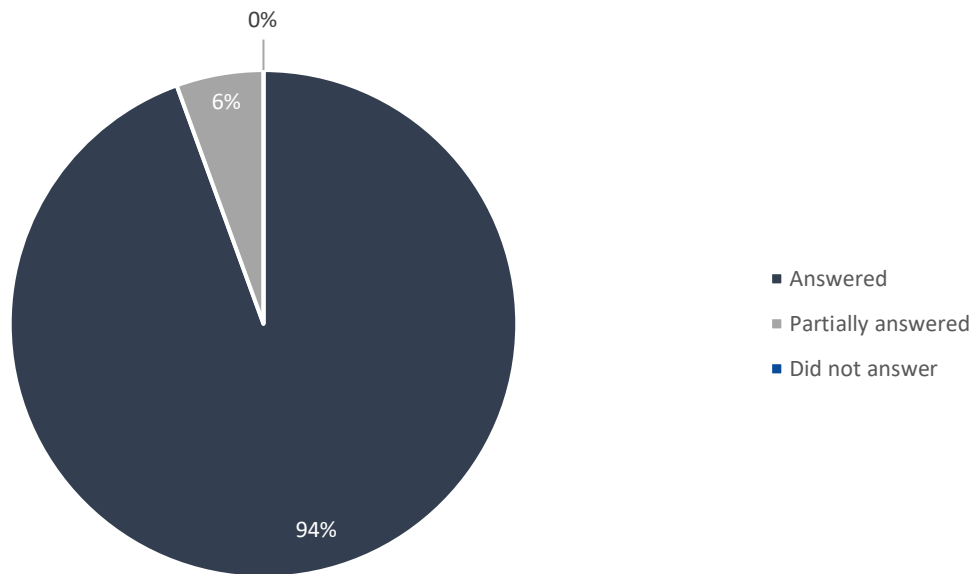
Number of questions					
<i>Case ID</i>	<i>Name</i>	<i>Answered</i>	<i>Partially answered</i>	<i>Did not answer</i>	<i>Total</i>
2021-012-FB-UA	Wampum Belt	12	2	0	14
2021-013-IG-UA	Ayahuasca Brew	17	0	0	17
2021-014-FB-UA	Alleged crimes in Raya Kobo	22	1	0	23
Total		51	3	0	54

⁷ For this quarter, all three case decisions experienced delays resulting in decision publication and implementation going beyond the regular 90-day period. These delays were caused by availability issues both within Meta and the Oversight Board due to seasonal holidays.

⁸ There was an additional delay in the Ethiopia case due to translation issues.



Oversight Board questions Meta answered



Public Comments

The Oversight Board conducts a public comment process to assist it in its decision making. For the three decisions published in Q4 2021, the Oversight Board received 38 comments, 28 of which were published.

Public comments received by publication status

Number of comments

<i>Case ID</i>	<i>Name</i>	<i>Comments published</i>	<i>Comments not published (no consent)</i>	<i>Comments not published (violated terms)</i>	<i>Total</i>	<i>Comments unattributed⁹</i>
2021-012-FB-UA	Wampum Belt	5	1	2	8	1
2021-013-IG-UA	Ayahuasca Brew	4	1	2	7	2
2021-014-FB-UA	Alleged crimes in Raya Kobo	19	3	1	23	5
Total		28	5	5	38	8

⁹ Unattributed comments are published comments with the author's name redacted by request.



The majority of public comments (74%) came from individuals, while a minority came from organizations (26%).

Public comments received by commenter type

Number of comments

<i>Case ID</i>	<i>Name</i>	<i>Individual comments</i>	<i>Organizational comments</i>	<i>Total</i>
2021-012-FB-UA	Wampus Belt	4	4	8
2021-013-IG-UA	Ayahuasca Brew	3	4	7
2021-014-FB-UA	Alleged crimes in Raya Kobo	21	2	23
Total		28	10	38

Over half (~53%) of the public comments received for decisions published in this quarter came from the US and Canada, followed by both Europe (~18%) and Sub-Saharan Africa (~18%).

Public comments received by region

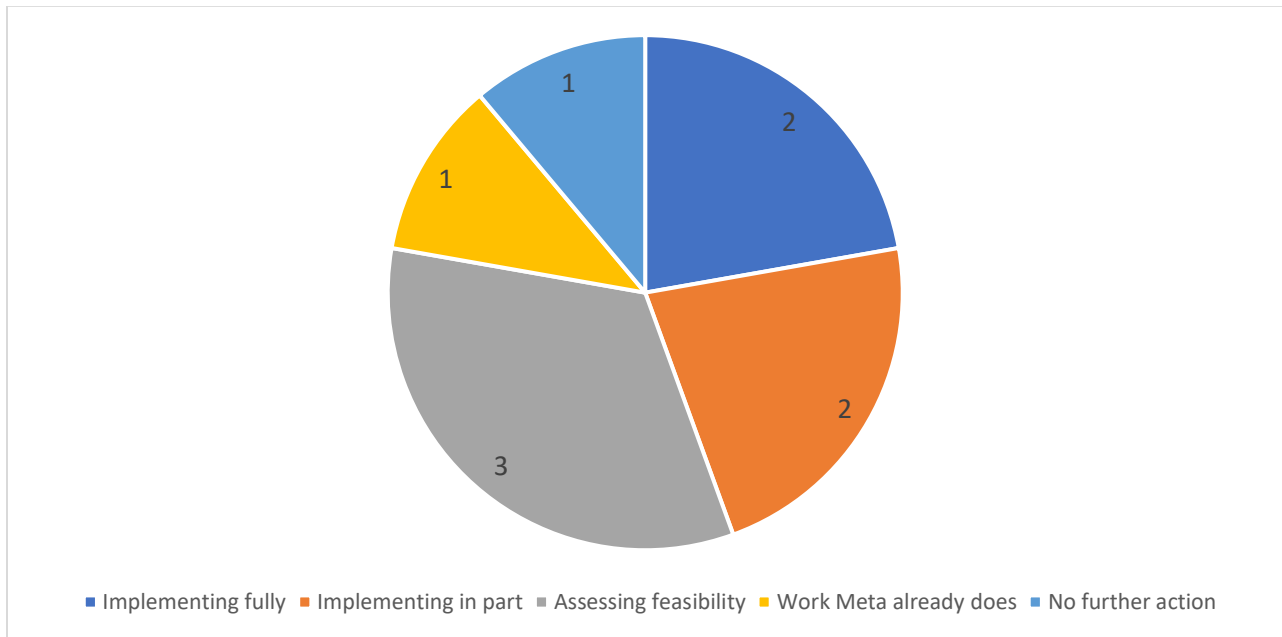
Number of comments

<i>Region</i>	<i>2021-012-FB-UA</i>	<i>2021-013-IG-UA</i>	<i>2021-014-FB-UA</i>	<i>Total</i>
United States & Canada	4	6	10	20
Europe	2	0	5	7
Asia Pacific & Oceania	1	0	1	2
Latin America & Caribbean	0	1	0	1
Sub-Saharan Africa	1	0	6	7
Middle East & North Africa	0	0	1	1
Central & South Asia	0	0	0	0
Total	8	7	23	38



Recommendations

In addition to providing decisions on appealed content, the Oversight Board also provided nine policy recommendations to Meta, which the company responded to publicly within 30 days. Of these recommendations, Meta said it was “implementing fully” or “implementing in part” almost half (four) of our recommendations. Meta said it was “assessing feasibility” on three recommendations, and claimed one recommendation represented “work Meta already does.” The company said it would take “no further action” on one recommendation.



In this quarter, the Oversight Board made recommendations on content policy (clarification or changes to rules), enforcement (clarification or changes to how rules are applied), and transparency (on disclosure of information to the public). Of the nine recommendations the Board made in decisions published in Q4 2021, five were about enforcement, three were about content policy and one was about transparency.

The numbers in the pie chart above reflect Meta’s initial commitments made within the 30-day response window which applied to these recommendations. This window has since been extended to 60-days. Meta continues to update the Board on its ongoing progress to implement the recommendations.

Oversight Board recommendations to Meta

Number of recommendations

Case ID	Name	Content policy	Enforcement	Transparency	Total
2021-012-FB-UA	Wampum Belt	0	3	0	3
2021-013-IG-UA	Ayahuasca Brew	1	2	0	3
2021-014-FB-UA	Alleged crimes in Raya Kobo	2	0	1	3
Total		3	5	1	9



Assessment of Meta's responses to and implementation of recommendations made in Q4 2021

This report contains new analysis by the Board on Meta's responses to and implementation of recommendations made in Q4 2021.

Our 'response' measurement assesses whether Meta provided a comprehensive response to the Board's recommendation. In assessing each response, we asked three questions: (1) Does it address all parts of our recommendation? (2) Does it provide a commitment to action? (3) Does it provide a timeline? Where Meta met one of these criteria we deemed it to have provided a 'somewhat comprehensive' response, and where it met at least two we deemed it to have provided a 'comprehensive' response.

To measure Meta's progress on implementation, we looked at whether certain criteria for a given recommendation have been met. These vary depending on the recommendation. For example, if we proposed that Meta add extra detail to its public-facing Community Standards or issue a human rights due diligence report on a certain topic, then publishing these externally would demonstrate implementation. For other recommendations, Meta would need to provide data which isn't publicly available to demonstrate implementation. This could mean providing user notification data to prove that it is telling users which specific rule they broke. Going forward, we will measure Meta's implementation of our recommendations according to four categories, updating our assessments on a quarterly basis:

- 'Implementation demonstrated' – Meta has provided sufficient data for us to say that this recommendation has been completed.
- 'Progress reported' – Meta has made a commitment to implementing this recommendation but has not yet completed all necessary actions.
- 'Meta reported implementation or described as work Meta already does but did not publish information to demonstrate implementation' – Meta says it has implemented this recommendation but has not provided sufficient evidence for us to verify this.
- 'Recommendation omitted, declined or reframed' – Meta will not take any further action on our proposal.

This new, data-driven approach means that our assessment of whether Meta has implemented a recommendation may at times differ from the company's reports. We believe, however, that this kind of independent validation is crucial to hold Meta to account and ensure that users feel the impact of our recommendations. As shown in the table below, for the nine recommendations made in decisions published in Q4 2021, we assessed Meta's response to be 'comprehensive' for four recommendations, 'somewhat comprehensive' for four recommendations, and 'not comprehensive' for one recommendation. In terms of implementation, the vast majority (eight out of nine) recommendations fell into the 'progress reported' category, with one recommendation falling into the 'Recommendation omitted, declined, or reframed' category.



Recommendation identifier	Oversight Board Recommendation	Category	Board's assessment of Meta's response	Board's assessment of implementation
Wampum Belt 1	Provide users with timely and accurate notice of any company action being taken on the content their appeal relates to. Where applicable, including in enforcement error cases like this one, the notice to the user should acknowledge that the action was a result of the Oversight Board's review process. Meta should share the user messaging sent when Board actions impact content decisions appealed by users, to demonstrate it has complied with this recommendation. These actions should be taken with respect to all cases that are corrected at the eligibility stage of the Board's process.	Enforcement	Comprehensive	Progress reported
Wampum Belt 2	Study the impacts of modified approaches to secondary review on reviewer accuracy and throughput. In particular, the Board requests an evaluation of accuracy rates when content moderators are informed that they are engaged in secondary review, so they know the initial determination was contested. This experiment should ideally include an opportunity for users to provide relevant context that may help reviewers evaluate their content, in line with the Board's previous recommendations. Meta should share the results of these accuracy assessments with the Board and summarize the results in its quarterly Board transparency report to demonstrate it has complied with this recommendation.	Enforcement	Comprehensive	Progress reported
Wampum Belt 3	Conduct accuracy assessments focused on Hate Speech policy allowances that cover artistic expression and expression about human rights violations (e.g., condemnation, awareness raising, self-referential use, empowering use). This assessment should also specifically investigate how the location of a reviewer impacts the ability of moderators to accurately assess hate speech and counter speech from the same or different regions. The Board understands this analysis likely requires the development of appropriate and accurately labelled samples of relevant content. Meta should share the results of this assessment with the Board, including how these results will inform improvements to enforcement operations and policy development and whether it plans to run regular reviewer accuracy assessments on these allowances, and summarize the results in its quarterly Board transparency report to demonstrate it has complied with this recommendation.	Enforcement	Somewhat Comprehensive	Progress reported
Ayahuasca Brew 1	The Board reiterates its recommendation from case decision 2020-004-IG-UA and case decision 2021-006-IG-UA that Meta should explain to users that it enforces the Facebook Community Standards on Instagram, with several specific exceptions. The Board notes Meta's response to these recommendations. While Meta may be taking other actions to comply with the recommendations, the Board recommends Meta update the introduction to the Instagram Community Guidelines ("The Short" Community Guidelines) within 90 days to inform users that if content is considered violating on Facebook, it is also considered violating on Instagram, as stated in the company's Transparency Center, with some exceptions.	Enforcement	Somewhat Comprehensive	Progress reported
Ayahuasca Brew 2	The Board reiterates its recommendation from case decision 2021-005-FB-UA and case decision 2020-005-FB-UA that Meta should explain to users precisely what rule in a content policy they have violated.	Enforcement	Somewhat Comprehensive	Progress reported



Ayahuasca Brew 3	To respect diverse traditional and religious expressions and practices, the Board recommends that Meta modify the Instagram Community Guidelines and Facebook Regulated Goods Community Standard to allow positive discussion of traditional and religious uses of non-medical drugs where there is historic evidence of such use. The Board also recommends that Meta make public all allowances, including existing allowances.	Content Policy	Comprehensive	Progress reported
Alleged crimes in Raya Kobo 1	Meta should rewrite Meta’s value of “Safety” to reflect that online speech may pose risk to the physical security of persons and the right to life, in addition to the risks of intimidation, exclusion and silencing.	Content Policy	Comprehensive	Progress reported
Alleged crimes in Raya Kobo 2	Facebook’s Community Standards should reflect that in the contexts of war and violent conflict, unverified rumors pose higher risk to the rights of life and security of persons. This should be reflected at all levels of the moderation process.	Content Policy	Not Comprehensive	Recommendation omitted, declined, or reframed
Alleged crimes in Raya Kobo 3	Meta should commission an independent human rights due diligence assessment on how Facebook and Instagram have been used to spread hate speech and unverified rumors that heighten the risk of violence in Ethiopia. The assessment should review the success of measures Meta took to prevent the misuse of its products and services in Ethiopia. The assessment should also review the success of measures Meta took to allow for corroborated and public interest reporting on human rights atrocities in Ethiopia. The assessment should review Meta’s language capabilities in Ethiopia and if they are adequate to protect the rights of its users. The assessment should cover a period from June 1, 2020, to the present. The company should complete the assessment within six months from the moment it responds to these recommendations. The assessment should be published in full.	Transparency	Somewhat Comprehensive	Progress reported