

Public Comment Appendix for

2022-009/10-IG-UA

Case number

Case description

These cases concern two content decisions made by Meta which the Oversight Board intends to address together. Two separate images with captions were posted on Instagram by the same account which is jointly maintained by a US-based couple. Both images feature the couple who stated in the posts, and in their submissions to the Board, that they identify as transgender and non-binary. In the first image, posted in 2021, both people are nude from the waist up and have flesh-colored tape over their nipples, which are not visible. In the second image, posted in 2022, one person is clothed while the other person is bare-chested and covering their nipples with their hands. The captions accompanying these images discuss how the person who is bare-chested in both pictures will soon have top-surgery. They state their plans to document the surgery process and discuss trans healthcare issues. They include fundraiser announcements to pay for the surgery.

Meta removed both posts under the Sexual Solicitation Community Standard. In both cases, **Meta's automated systems identified the content as potentially violating.**

- In the first case, the report was automatically closed without being reviewed. Three users then reported the content for pornography and self-harm. These reports were reviewed by human moderators who found the post to be non-violating. When the content was reported for a fourth time, another human reviewer found the post to be violating and removed it.
- In the second case, the post was identified twice as potentially violating by **Meta's automated systems, sent for human review and found to be non-violating.** Two users then reported the content, but each report was closed **automatically without being reviewed.** Finally, **Meta's automated systems** identified the content as potentially violating for a third time and sent it for human review. The reviewer found the post to be violating and removed it.

The account owners appealed both removal decisions to Meta, and the company maintained its decisions to remove both posts.

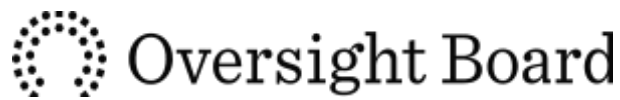
The account owners appealed both removal decisions to the Board. The Board will consider them together. In their statements to the Board, the couple express **confusion about how their content violated Meta’s policies. They explain that the breasts in the photos are not those of women and that it is important that transgender bodies are not censored on the platform especially when trans rights and access to gender-affirming healthcare are being threatened in the United States.**

As a result of the Board selecting these posts, Meta identified the removals as **“enforcement errors” and restored the posts.**

The Board would appreciate public comments that address:

- **Whether Meta’s policies on Nudity and Sexual Solicitation sufficiently respect the rights of trans and non-binary users.**
- **Whether the gender confirmation surgery exception to Meta’s prohibition on female nipples in the nudity policy is effective in practice.**
- Whether Meta has sufficient procedures in place to address reported non-violating content and to mitigate against the risk of mistaken removal.
- **How Meta’s use of automation to detect sexual solicitation and nudity could be improved.**
- Insights on the socio-political context in the United States (and around the world) particularly regarding any challenges or limitations to freedom of expression, including gender expression and expression about trans and non-binary rights and issues of access to gender-affirming healthcare.
- Insights on the role of social media globally as a resource and forum for expression for trans and non-binary users.

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



Public Comment Appendix for

2022-009/10-IG-UA

Case number

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

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

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

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

Public Comment Appendix for  
Gender identity and nudity (2022-009/10-IG-UA)  
Case number

130

Number of Comments

Regional Breakdown

10	1	19	1
Asia Pacific & Oceania	Central & South Asia	Europe	Latin America & Caribbean
1	1	97	
Middle East and North Africa	Sub-Saharan Africa	United States & Canada	

2022-009/10-IG-UA PC-10497

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

As a non-binary person assigned female at birth but on androgens and aligned with a masculine identity, I feel it is discriminatory and disempowering to force me to wear chest coverings to cover my nipples.

Full Comment

As a non-binary person assigned female at birth but on androgens and aligned with a masculine identity, I feel it is discriminatory and disempowering to force me to wear chest coverings to cover my nipples. I make it clear that I am not interested in any sexual overtures in the comments or in personal messages for my Instagram and Facebook accounts, and my art is centered on deconstructing the gender binary and encouraging people to both detach their sexualized ideas of bodies or body parts coded as female, and also disassociate ideas of (binary) gender with individual body parts or secondary sexual characteristics. I cannot do that with policies that distinguish my body as female and police it accordingly, which is problematic in its own right.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10452

United States and Canada

Case number

Public comment number

Region

Carolyn

Thompson

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Posts related to transgender or non-binary individuals will be reported no matter the subject if any part of the body is visible.

Full Comment

There are people who are extremely against anything related to trans or non-binary people, regardless of the posts. This specific post does not appear to be sexualized in anyway but relates to the surgical procedures that are necessary for transgendered people. Showing visible body scars from such surgery should be informative and educational for those who really don't understand this group of people. After all, they are on medical websites for all to see.

There are people who will 'protest' any post concerning trans or non-binary people with or without photos. All LGBTQ+ posts are subject to that kind of negative review simply because some people do not want to acknowledge their rights as individuals or even their existence much less see photos of surgical results. Purposefully going to these sites in order to negatively review them is part of their own bigotry and I am sad to see people feeling so threatened by another person being able to finally be who they are. Sexuality and gender are on a continuum. We should embrace our differences.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10455

Case number

Public comment number

United States and Canada

Region

Audrey

Commenter's first name

Rushing

Commenter's last name

English

Commenter's preferred language

None

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Transgender verse religion and content being reported accounts blocked for no reason

Full Comment

My name is Audrey Rushing a transgender woman and religion has hurt me more **than anyone growing up. Let's face it my personal opinion is religion should be banned period.** Yet I see anti transgender posts and pages on Facebook and I comment people yell at me and I get and comment my opinion and o get banned or **Facebook jail yet you allow the harmful religious post to stay. It's unfair to force me to see them and when I report them they get to stay but I get reported for saying the words republicans are commies I get punished. I think it's unfair for republicans to be able to call me Names on their posts or comments but I can not defend myself**

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10481

Asia Pacific and Oceania

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

I want meta to have a guidance policy specifically designed by Igbtqia+ human rights specialists to protect trans and non binary and other Igbtqia people from being unfairly and irrelivatly censored, or harrassed, or targeted by hate, for sharing about our lives with each other as a celebration, and to prevent invisibility and unethical erasure from public spaces.

Full Comment

Meta has an ethical responsibility to provide a safe public platform.

This means that it is accountable to the same standards of ethics of other areas of public life, including the necessity to be engaged with ethics, and serious consideration of how the platform impacts public and private lives of its users, and the greater public.

By assuming that all Igbtqia+ nudity, body images, or sexual posts, are associated with illegal sex work activity, meta is enacting severe human rights breeches to the detriment of society as a whole, and facilitating the bigotry, harrassment and ongoing prejudice and hate towards anyone in the Igbtqia+ comminities, but especially placing at serious risk of violence of anyone with a trans or non binary body who is invalidated and dehumanised in public in this way.

The ongoing erasure, treatment of trans bodies as invalid, unworthy of being seen in public, and less beautiful or less worthy of pretty photographs shared with friends, participates actively in ongoing messages of hate within contemporary society that its ok to silence, or harm trans and non binary people. This is unacceptable.

It is also unacceptable to claim ignorance in this issue.

These problems have been continuously raised with this platform.



There is plenty of research on why this automated, and unguided, un-uniform, and unethical response to individual posts, and to the harrasment, targetting and false reporting on trans posts by bigots and hate speech, is part of a bigger pattern of violence, which leads to suicide and murder in very real situations, every day. It is utterly unacceptable that this platform has not yet devised a way to automate detection of this problem, and have an ethical guildine for staff to tell the difference between genuine complaints and the targeted hate of bigots and harrassing religious minorities who feel entitled to cause harm to this vulnerable commuity. You would undoubtedly know already, that for many lgbtqiqa+ people around the world, as we are a small percentage of the human population as evidenced by decades of human research, and that means many peope are isolated from real world connections, either when they frist come out, or by nature of isolation because of being unsafe in their local population. This means that we are active users of online platforms, to safely connect with each other, share our culture, learn how to look after our health, share our pride and our hope and our determination. This also means that meta has a moral duty to provide their service in a safe way to this population.

Allowing the unsafe and ongoing harrasment such as trans and non binary people experience every day online, is akin to allowing racist acts of hate, racist words, and inciting hateful and violent acts towards racial minorities. This is not ok. I dont need to remind you that in many cultures and eras around the world trans people have been an integral part of society, and it is without a doubt aslo an act of racism to erase and censor trans bodies from culture too. Especially the celebration of trans lives, trans love, and trans happiness.

It is time for meta to consult with the lgbtqiqa+ community, take some proper ethical and legal advice, and set the tone and the benchmark for this playform that human rights abuses will not be tolerated.

[Link to Attachment](#)

No Attachment

2022-009/10-IG-UA PC-10493

United States and Canada

Case number

Public comment number

Region

Hailey

Harber

English

Commenter's first name

Commenter's last name

Commenter's preferred language

All bikini and boudoir photographers and models

Yes

Organization

Response on behalf of organization

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Short summary provided by the commenter

I am bringing forward more important points regarding Instagram's confusing situation. They allow people to create body tape designs (where the nipple is covered by only tape), but don't allow pasties in many situations and flat out remove the content and deem it to be violating (like the non-binary and transgender individual who had a photo removed where they had on pasties), even though the nipple/nudity is fully covered.

Full Comment

Hello, I have been thinking quite a bit about this case and I wanted to submit some more information. I submitted a comment a few days back that discussed the current situation (search for my name to find it, Hailey Harber) of the ongoing removal of non-violating content by Instagram, which includes 'hidden' nudity, such as photos showing a nude person where the nipples and private parts are completely covered by a non-sexual emoji or a pasty-like, real life sticker/tape, etc. I would like to give some more detail now.

There are a few pages I think that are important to bring up. One is the @blacktapeproject on Instagram. This gentleman proceeds to create tape 'outfits' for women, and the end result shows them wearing nothing but tape. Of course their nipples and genitals are completely covered and the content is not violating, but I would like to highlight the fact that Instagram (seems to) allow artists to use body tape to 'cover' the nudity. My question now, why is tape any different than a fully covering pastie? It should not be. It shouldn't matter what the nudity is covered by (although I agree a 'sexual' emoji might be on the line, such as an eggplant or a peach emoji covering a nude butt), as long as there are no nipples and genitals anywhere in the photo, it should be non-violating.

A few years back Instagram had, "Nudity hidden by digitally obstructed objects, physical objects, or body parts," in their 'We don't allow' section. This clause was removed, though. As of this instant, 7/28/2022, Instagram has no such clause in their nudity or solicitation guidelines. At this very point, there are many photographers and models who still post handbra content, bodytape content, content with pasties over nipples, content with emojis over nudity (like heart emojis or scribbles), and these photos seem to do just fine on certain Instagram pages. However myself and MANY other models and photographers have simply learned that even though Instagram has no clause forbidding 'hidden' nudity now, and even though other pages seem to be able to post them just fine, we can not post these things if we want to have a page that survives on Instagram.

I think the problem again is the fact that moderation is ALL OVER the place, with one moderator deeming one thing acceptable and another deeming the same piece of content violating. If the rules are the rules, why are different decisions being made? Furthermore, in the case of the AI, it is also very likely that the AI will delete the piece of content and automatically close the case, not even allowing you to request a review. So these should be non-violating pieces of content get deleted and you receive a violation on your account, and there is absolutely not a soul of support to contact. When you receive so many violations in a certain period of time, the AI will simply disable your page. And again same situation, no support, so you lose all of your work for years and years, with no recourse. We then find ourselves (models and photographers) having lovely work (implied nudes with handbras, pasties, and emojis that fully cover the nudity) that we want to post that is not violating, but we know that the probability of the AI deleting it and automatically closing the case and giving us no option to review the removal or remove the violation is VERY VERY HIGH, so we simply learn that 'even though Instagram "allows" the content, you'd better not post it if you want to have a chance at existing on Instagram.'

This stands for ANY body. For people who identify as women, trans, non-binary individuals, etc.. We are all subject to the exact same AI and moderation. This problem has been going on for 8-10 months (it has been longer, but has been the most severe in recent months) and there is absolutely no recourse. You just learn that you cant post certain photos, and then this constant axe over the head leads you to just.. not post at all. Because the truth is, ANY piece of non-violating content can be deleted for any reason now, and you can receive a lasting violation that will take you closer to losing your page and years of hard work. You simply learn that you can't post on Instagram anymore because there's no recourse if something gets wrongfully deleted on your page. Just to push this point home, I once had a plate of noodles and chicken breast deleted for nudity, and there was zero ability for me to request a review (I can send the screenshots over email if you would like to see them), and the violations helped add to a stack of violations that disabled my main business page, my 1M @haileyharber page (currently disabled for impersonating

myself..... but that's another story regarding AI mishandling and lack of support). Imagine that. My dinner plate deleted and closed for nudity. We need help. Not just the non-binary and trans folk, but all of us. We all need help :( I don't ANYONE to have to suffer what it feels like to lose your page for months and months, all your hard work gone (and you have no idea if you'll ever get it back!) because of a wrongful removal of a post for nudity or sexual solicitation. Thank you SO SO SO MUCH FOR TAKING THE TIME TO READ THIS!!! You are appreciated. I hope you can help us right these wrongs and give everyone a fair chance at having their content fairly reviewed when it has been wrongfully removed.

Hailey Harber

[Link to Attachment](#)

No Attachment

2022-009/10-IG-UA PC-10504

Case number

Public comment number

United States and Canada

Region

Tommy

Commenter's first name

Tucker

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Queers and sexual deviants, should they not be held to the same standards are **heterosexuals?! If you don't allow a woman's breast to be shown, you must not allow anyone who identifies or pretends to be a woman, to expose their breasts either!**

Full Comment

**Don't create a double standard. Either nudity is allowed or it isn't. Gender should have no bear, nor should one's personal preference!**

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10507

Case number

Public comment number

United States and Canada

Region

Avery

Commenter's first name

Johnson

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

**This is not a violation of anything. They aren't even showing their nipples. This seems like a direct attack on trans people. If you remove these pictures you should be removing all of the Herero Vanlife people posting nudes all over the internet. This isn't fair representation.**

Full Comment

No additional comment.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10508

United States and Canada

Case number

Public comment number

Region

Gwynnifar

Allen

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

There is nothing sexually explicit nor anything seeking to arrange sexual services with either of these photos and they should not be taken down as they are both informative and encourage community building within the trans and nonbinary community.

Full Comment

The trans and nonbinary community is impacted by a lack of access to accurate information about our health and bodies. There is a lot of fear-mongering around trans and nonbinary bodies and posts like these help alleviate those fears by providing accurate and first hand information about our bodies and the options we have to make living in our bodies less dysphoric.

Documenting the breast removal process is something that benefits many of us in the trans and nonbinary community. It provides us with accurate information about expectations, recovery, and general process that we cannot get anywhere else.

These posts are, also, community building because they offer a way for us to support each other emotionally and to help one another out financially. There's a joke in the trans and nonbinary community that none of us has any money, we just keep passing the same \$20 around. We are a community that takes care of each other and being able to post and contribute to personal fundraising causes, even at small dollar amounts, helps us to feel like we are giving back to a community that has supported us.

I use IG more than any other social media because it is the most welcoming for queer people and because we have solid support networks on the platform. This is home for me because I get to interact with, show love for, and support my

community. This has been especially true during COVID and the long periods of isolation.

If IG censors trans and nonbinary bodies in this way, the company will be cutting vulnerable people off from the love and support of their community. Please, don't make the same mistake that Tumblr made (censoring trans and nonbinary bodies while spam and porn bots flood the dashboards and messages). IG is my queer home and there are a decreasing number of places we can go to be ourselves and to be a community.

Thank you for listening to our concerns.

[Link to Attachment](#)

No Attachment



2022-009/10-IG-UA PC-10510

Case number

Public comment number

United States and Canada

Region

Sheila

Commenter's first name

Nelson

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

I think allowing trans content is important to those who are contemplating transitioning. I don't think it is exploitative or sexually suggestive. I think using automation to pick out these things doesn't work well. It should be allowed to stay.

Full Comment

I think allowing trans content is important to those who are contemplating transitioning. I don't think it is exploitative or sexually suggestive. I think using automation to pick out these things doesn't work well. It should be allowed to stay.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10513

Case number

Public comment number

United States and Canada

Region

Judith

Commenter's first name

Hansel

Commenter's last name

English

Commenter's preferred language

N/A

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Aborted babies bodies are censored.

There is either a need to censor bodies or no need to censor bodies. Transgenders do not have more rights than aborted babies or those people who oppose abortion

Full Comment

See summary

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10514

Case number

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

All nipples should be allowed on Instagram.

Full Comment

This case deals with transgender nipples, but your review should go on beyond that. All nipples should be allowed on Instagram. Any male is allowed to be topless on Instagram, so allow it for everyone. If you don't, that is discrimination. Furthermore, you have the power to change the public perception. If nipples become allowed on Instagram, then they will be normalized and allowed everywhere. Let women be more open. Free the nipple.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10516

United States and Canada

Case number

Public comment number

Region

Tina

Grantham

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

This stuff really irritates me, I've had pictures of my toddler removed THREE times, he/she is in a diaper in the middle of summer in Germany, because @meta claims it's adult nudity/sexual activity.... Kids on a trampoline opening birthday presents, a toddler in a diaper eating ice cream outside. None of that is nudity, at first they claimed "female nipples" but they were assuming identity, then child nudity "neck to knees" but everyone had bottoms on. I fought twice and they stood by their rediculous decisions and I had 90 days in fb jail.

Full Comment

This stuff really irritates me, I've had pictures of my toddler removed THREE times, he/she is in a diaper in the middle of summer in Germany, because @meta claims it's adult nudity/sexual activity.... Kids on a trampoline opening birthday presents, a toddler in a diaper eating ice cream outside. None of that is nudity, at first they claimed "female nipples" but they were assuming not only identity but age off a flat chested baby. It makes no sense, then they flagged it again, but then said child nudity, "neck to knees" but everyone had bottoms on. I fought twice and they stood by their rediculous decisions and I had 90 days in fb jail. I don't understand how anyone could look at those precious photos, of babis topless outside, and not only flag it but also stand by that decision a second time.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10522

United States and Canada

Case number

Public comment number

Region

Angela M

Willson

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Meta has reports that violate guidelines reported under nudity and pornography- which either are sexually exploiting themselves ..if the real owners of the account posting the post; are the people posting. The other major problem Meta has with reports of violations of community guidelines is people who are not the people pictured in the profile pic of accounts and posting posts or stories that don't belong to them and sexually exploit that person in the profile pic.. either using links and phrases that open up to sexually graphic info. Meta & the oversight board have plenty of real posts that violate community guidelines re:nudity & pornography rather than even focus on a transgender post(s) that show the process of a gender change.

Full Comment

I submitted about 400 reports that express violating Meta's community guidelines .. either under sexually exploiting themselves as the account owner or another person creating an account with another persons profile pic and having people follow that account to see pics or links that seem pornographic.

There have been only a couple of accounts I submitted as reported as violating community guidelines under nudity / pornography that have been removed. None of the accounts I reported had photos of transgender people in them showing the process of changing gender ..(covering nipples .. putting tape on chest etc. I submitted real reports of violations to your nudity and pornographic material that is not allowed.

Please review the 400 real reports of nudity and pornography that I sent in that were reviewed and found to be not against community guidelines.

Angela M. Willson

[Link to Attachment](#)

No Attachment

2022-009/10-IG-UA PC-10529

United States and Canada

Case number

Public comment number

Region

Tommy

Tucker

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Nudity is nudity and using transgender is not an exception! If a man pretends to be a woman and has breasts, then his breasts should not be exposed if he is identified as a woman. He should then observe the rules of a woman in society with respect to nudity!

Full Comment

In addition, I am offended that Meta would even consider the posts of sexual deviants! This is clearly a mental condition that these people need to address with a professional therapist and Meta nor any other company or person should be contributing to these peoples obvious mental problems!

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10530

United States and Canada

Case number

Public comment number

Region

Jill

Wiley

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Disabled

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

I see problems of such matters all over social media Facebook has gotten out of hand on nudity and sexual suggestive posts on public groups! My concern is when reports are made on these is sure why is it the person reporting it isn't taken seriously and in return meta tell the person that made the report that it doesn't go against Community standards! Why is it being tossed aside leaving the post and the profile that posted it on to continue the same actions! Same done over reports of fake accounts scammers impersonating public figures and harassing people in the public groups W/no active admins! Some answers would be appreciated instead of reprimanding those warning others

Full Comment

Allowed to continue ! Before Meta came in reports were taken seriously and these criminals removed! They need to be blocked by IP address blocks! Answers to my my comments sent to my email will be shared with others wanting answers to this also!

Link to Attachment

No Attachment



2022-009/10-IG-UA PC-10533

United States and Canada

Case number

Public comment number

Region

Indie

Pereira

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Restrictions should be equal or non-existent

Full Comment

There shouldn't need to be "exceptions" for trans people because all people should be held to the same rules. If women cannot post a topless photo then no one of any gender should. If men and trans or non-binary people can post these photos, then banning women is discriminatory and gross misogyny.

In fact, the overwhelming majority of people who have useful breasts (i.e. breasts that feed and nurture infants) are female. If people with useless breasts can bare them then it is nonsense to arbitrarily deny female identified people the same right based on gender.

It will be far easier to enforce if you stop discriminating against women who should have every right to dress the same way as any man or other person. Hold everyone to the same standard and you won't have to determine a person's gender to know which (arbitrary) rule to enforce.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10535

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Regarding flagging posts with nudity and sexual solicitation Artificial Intelligence isn't that intelligent and human content review is like a rigged game of roulette

Full Comment

Whether Meta has sufficient procedures in place to address reported non-violating content and to mitigate against the risk of mistaken removal.

Meta's system allows too much discretion to human moderators who often don't understand their own policy. I had a post (me in my underwear and a t-shirt) flagged by Meta's AI for alleged nudity; I appealed it and a moderator reinstated it. When I decided to repost it with a reference to my Spider-Man t-shirt, AI again removed it instantly but this time, the appeal was ruled a violation. The AI is overly sensitive and taking your chances with moderators is a game of roulette.

Meta should publish the guidance they give moderators when reviewing posts. This will help users know specifically what is or isn't allowed.

Finally, when appealing a post taken down, users should be given an opportunity to explain why the takedown was wrong. For example, if Meta removes a post of me in my underwear, I should be able to remind the moderators that underwear pics are not against the community guidelines as long as I'm not grabbing my crotch or asking people to send me nudes. If the moderators decide to take it down, they should respond specifically to my comment and detail why my post violated their policy. I should have an option to respond and a panel of independent moderators should review my response, make a final decision, and, if they decide to remove the post, give an clear explanation of why they ruled the way they did

How Meta's use of automation to detect sexual solicitation and nudity could be improved.

I have heard from my followers, so many stories about mild, non-violating content being removed. Meta should rely less on AI and more on human review as long as multiple humans review a potential violation and the moderation system is improved to have more safety check to ensure consistent application of its policies. Also, Meta should discontinue its policy of exempting celebrities and influencers from its community guidelines. Why should Channing Tatum be allowed to post a pic of himself standing naked in a shower with only his hands covering his crotch (see his May 1, 2019 post) when many of my everyday followers have had their accounts shut down for posting content like this. In fact, when I shared this exact post to my personal story it was removed for violating Meta's Community standards against nudity. I appealed, but the moderators still deemed it a violation even though it stayed up on Channing Tatum's feed. Finally, Meta's AI should only review content; it should be agnostic to who posts it. Today the AI learns that a user tends to post allegedly violating content, that user's posts are scrutinized even more harshly. It got to the point where I couldn't post anything without it getting flagged. I posted a pic of Burt Reynolds from the waist up, wearing a shirt with a few buttons open. This was flagged as "Sexual solicitation". It got to the point that every one of my posts had to be reviewed by moderators. Eventually I think they manually put my account in shadow ban and dialed back the AI.

[Link to Attachment](#)

No Attachment

2022-009/10-IG-UA PC-10536

Case number

Public comment number

United States and Canada

Region

Kristie

Commenter's first name

Chavis

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Fb thinks my long hair boy is a female and blocked my account for child nudity. I'm so passed. And they won't let me tell them that he's a BOY.

Full Comment

Fb blocked my account for child nudity when I posted a picture of my long hair SON and the water park. They think he's a girl because the reason was no female nipples showing. Well he's a BOY. I'm so pissed that fb won't let you write them to tell your side of the story.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10538

Case number

Public comment number

United States and Canada

Region

Felicia

Commenter's first name

Atanasio

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

-----

Short summary provided by the commenter

The posts did not violate community guidelines.

Full Comment

It is important that we can see examples of queer and trans bodies. The content of the images did not violate community guidelines. Not only is this content educational, it also represents people and makes them feel seen. And most importantly they should be able to document and share these milestones in their **lives as any straight cis couple would. I'm asking anyone reading this to please investigate and question their own biases.**

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10539

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

I did not find the person with their hands covering their chest to be erotic or sexual in any way

Full Comment

It seemed rather innocent and tame not provocative as I see on other peoples posts with those little bikinis going up the cracks this seems rather benign

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10540

United States and Canada

Case number

Public comment number

Region

Elisabeth

Komito

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Nudity exclusive of nipples and genitalia are neither obscene, nor a violation of IG's policies.

Full Comment

Gender affirmation is an important topic worthy of public discourse. Imagery lending to that conversation is also important, as it gives visibility to populations in the margins, like trans and non-binary individuals. Furthermore, it is inaccurate to categorize gender affirmation surgery - something approved by physicians globally - as self-harm. Such miscategorization only serves to further silence and marginalize trans people. When considering whether imagery such as that being appealed is **“obscene” or otherwise violates the terms of IG’s nudity policies, consider: are there visible nipples? No. Is there visible genitalia? No. And finally, if the same surface area covered in these photos by tape and hands were covered by fabric, but the same amount of breast were visible, AND the subjects were cis-gender women, would these photos have been reported and taken down? Also, most likely, no.**

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10541

Case number

Public comment number

Europe

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

I agree that the images are not violating and are an important representation of trans bodies that should not be censored.

Full Comment

I agree that the images are not violating and are an important representation of trans bodies that should not be censored.

Link to Attachment

No Attachment



2022-009/10-IG-UA PC-10543

Case number

Public comment number

United States and Canada

Region

Leor

Commenter's first name

Levi

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

-----

Short summary provided by the commenter

Instagrams current guidelines don't encompass all gender identities. We are being censored for sharing of ourselves, like others but we are met with backlash. We need inclusivity in a space that flourishes on us sharing parts of ourselves.

Full Comment

.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10544

United States and Canada

Case number

Public comment number

Region

Q

Dyer

English

Commenter's first name

Commenter's last name

Commenter's preferred language

N/a

No

Organization

Response on behalf of organization

-----

Short summary provided by the commenter

A letter from a concerned user advocating on behalf of positive education for gender diverse bodies.

Full Comment

To whom it may concern,

I am a follower of the user of the content in question. Their content is always educational and advocates on the behalf of transgender individuals in both public and cyber spaces. It is my belief that the policing of non heteronormative bodies by the meta algorithm, intentional or otherwise, needs serious and careful adjustment. As we, a community of gender diverse people, continue to step forward in the digital realm, it is imperative that we learn and share compassionately. The events surrounding this content creator are not an isolated one. The policing of content regarding transgender bodies and differently abled bodies occurs on the daily. I cannot use the application without seeing a post from an account that I realize I have not seen in some time, because their content has been removed, their account shadow banned or terminated.

Passionless transactions such as these are inaccurate at best and discriminatory at worse. These accusations damage social psyche and cause ripple effects across multiple groups of people.

Content regarding the education and empowerment of all bodies deserves a place within the cultural zeitgeist. It is my hope that this letter encourages more compassionate and creative solutions concerning the issue at hand.

Thank you for your consideration

Q Dyer

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10546

United States and Canada

Case number

Public comment number

Region

Lee

Rose

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Cis men are allowed to go topless then so should everyone else. A woman can **breastfeed in public and it isn't viewed as a sexual act. Nudity is not sexual. It's not** like we are asking you to allow people to have their genitals on full display. Toplessness is just like the most completely innocent thing there is. It bothers me this is still an issue.

Full Comment

Cis men are allowed to go topless then so should everyone else. A woman can **breastfeed in public and it isn't viewed as a sexual act. Nudity is not sexual. It's not** like we are asking you to allow people to have their genitals on full display. Toplessness is just like the most completely innocent thing there is. It bothers me this is still an issue.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10547

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

-----

Short summary provided by the commenter

There are more than female vs male chests.

Full Comment

Removing posts for assumed genders of chests and sexualizing unsexual things, is discriminatory considering all the ways that cis content can be highly sexual but because they fit into the automated systems definition of what is covered enough they are able to practically strip tease where as posts like this where they are even more covered than others who's posts aren't removed but because their body's aren't "traditional" it is seen as sexual. Trans people are not inherently sexual and should not be this is no different than saying every person in a bathing suit is inherently sexual which it is not. This is a double standard that purposely hiding and removing a variety of view points and different lives.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10549

United States and Canada

Case number

Public comment number

Region

Madison

Bugman

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

-----

Short summary provided by the commenter

It is important that transgender and gender-nonconforming (such as non-binary and genderfluid) bodies are not censored on social media platforms especially when trans rights and access to gender-affirming healthcare are being threatened in the United States and the greater world as a whole.

Full Comment

In the USA women, AFAB and LGBTQ+ persons are subject to sexualization and discrimination simply because of their bodies shape, type, and representation on social media. A woman's picture with a nipple showing is considered pornographic or inappropriate whereas a man's nipple picture is not typical censored or sexualized in this way. The fact that the oversight board has taken this complaint seriously, means that awareness around the sexualization of those belonging in the LGBTQ+ population, and more specifically transgender and gender non-conforming people are making the necessary headway and taking the necessary steps towards certain freedoms. I was shocked to see that this case was considered given the typical discriminatory acts hurting the LGBTQ+ community, and I felt a sense of relief, because what good news for once that alternative voices are being heard. This accurate and inclusive overturning of hurtful and uninformed action taken by those reporting these non-sexual and appropriate posts, and the acts of removal by the reviewers, leads me to believe that our society as a whole is becoming more up to date with current queer theory and in knowing queer culture erasure doesn't work for a considerable portion of our population. Having access to LGBTQ+ content on social media helps those who belong in the community worldwide connect with one another, stand in solidarity, and work together to change the greater human community to be a welcoming place for ALL kinds of humans.

Thank you very much for selecting this case and for bringing this often overlooked issue to the forefront of social media issues this year. It means a lot to many LGBTQ+ members and allies, and shows that when humans have proper awareness around advocacy processes, they can take steps to make progress towards creating freedom for marginalized groups.

[Link to Attachment](#)

No Attachment

2022-009/10-IG-UA PC-10550

Case number

Public comment number

Asia Pacific and Oceania

Region

Angus

Commenter's first name

Molyneux

Commenter's last name

English

Commenter's preferred language

ACON

Organization

Yes

Response on behalf of organization

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Short summary provided by the commenter

See attachment

Full Comment

See attachment

Link to Attachment

[PC-10550](#)



2022-009/10-IG-UA PC-10551

Case number

Public comment number

Europe

Region

Audrey

Commenter's first name

Derail

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

In favour of a better treatment of non binary people and gender minorities on Instagram.

Full Comment

I am a non binary person. I've been following the content creators in question for a little while. They have helped me accept myself and help me understand things about myself. Their content is very educational and useful. It's also artistic. They sometimes post pictures of them where their chest is visible. There is nothing sexual about their nudity and them sharing this type of picture is not about being nude and being provocative. It is about being themselves and also showing their body as they are. Representation is such an important thing for minorities and being able to see different types of bodies on social networks is crucial. It shows that not all bodies are the same, not all bodies fit the binary and that it's not something to hide and shame.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10552

Case number

Public comment number

Europe

Region

Milo

Commenter's first name

Lein

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

-----

Short summary provided by the commenter

Trans representation saves lives.

Full Comment

These photos are so important for the liberation and equality of transgender people. Not only as a trans person myself (agender) but also as a person who desperately needs top surgery, content like this is needed for my mental health and well-being, both inside and outside of the internet. Living in a heteronormative world is extremely taxing emotionally, mentally and therefore also physically. Let us have the little representation we have. Please let trans people advocate for themselves and talk about topics that are everyday-life issues for the community. Community is a life and death issue, mostly for trans people of color, but all of us to some degree. Let us talk, let us exist, let us be there for each other.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10554

Case number

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Queer and gender non-conforming people are censored at a higher rate than cisgender people. End the blatant discrimination of queer bodies!

Full Comment

Free the nipple (and lack thereof!)

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10555

United States and Canada

Case number

Public comment number

Region

Chelsey

Dipasquale-Hunton English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

It is so important that we talk about gender affirming surgeries and queer body issues because without that all of our non-binary and trans children are left alone to figure out things that no one should have to figure out on their own. That post was essential to clarify and talk about the top surgery experience and provide support to others going through the same thing.

Full Comment

I am writing about the case that you are currently considering where a queer couple posted photos on Instagram nude from the waist up in order to talk about one of their upcoming top surgery. There are so few places that exist where we can talk about queer body issues and that leaves trans and non binary folks to figure out intense emotional ups and downs with their bodies on their own. This post was done tastefully and with the goal of creating community and supporting other queer folks going through or considering a similar process. The images deserve to stay up. Thank you!

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10556

Case number

Public comment number

Europe

Region

Moana

Commenter's first name

Friedrichs

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

We need more educational content about trans bodies!

Full Comment

Educational content about trans bodies is already super hard to find on the internet and for me, a non binary person, content creators like these are very important. It seems like they are being censored way more often than cis people, which is really frustrating.

Possibly, the people deciding whether content is violating, need to get a better education about trans bodies and non binary identities!

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10557

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

**Since neither post described in this case violates Meta's policies, problems with Meta's moderation processes must be addressed. Meta has an obligation to protect transgender and non-binary people's ability for self-expression through Instagram and its other properties.**

Full Comment

The case posting states that comments can be up to 5 pages. I will paste my recommendations here and upload the full comment. Recommendations Based on this discussion of the case and its associated issues, I urge the Oversight Board to make the following recommendations to Meta:

- Protect transgender and non-binary users in alignment with the UN obligations stemming from the Universal Declaration of Human Rights. To do so:
  - o Review the Nudity and Sexual Solicitation policies to ensure moderation aligns with each policy, avoiding the removal of non-violating content.
  - o Address issues in automated moderation processes leading to false positive removals of non-violating content, with attention to flaws that over-censor the bodies of people who do not present as cisgender men. Since technical fixes may be limited, provide easier and more effective ways for users to understand and appeal automated moderation decisions.
  - o Educate human moderators about political motivations for the malicious reporting of transgender and non-binary people's content.
  - o Re-examine the gender confirmation surgery exception to identify if it is causing undue flagging and removal of trans and non-binary people's content.

Further, reassess assumptions that content relating to gender confirmation surgery is necessarily associated with nudity or sexual content.

- o Consult directly with transgender and non-binary users, non-profit organizations, scholars, and communities to develop measures to protect these individuals beyond what is in place for the general user population, given the past and present context of transphobia, discrimination, and power inequalities.

Link to Attachment

[PC-10557](#)

2022-009/10-IG-UA PC-10558

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Social media platforms are important resources and forums for trans and non-binary individuals. By restricting and removing content of creators who identify as trans and/or non-binary and serve as role models and educators, Meta is significantly harming the already-at-risk quality of life, mental health, and self-esteem of trans and non-binary youths.

Full Comment

The algorithm and automatic detectors that Meta uses to justify its policing is a black box - meaning it is extremely hard to pinpoint how it exactly makes decisions - to many, if not all, people including the engineers at Meta. However, Meta should not be able to use its biased and unwieldy black box of an algorithm to shield itself from legal consequences. Nor should subjective opinions of Meta employees who review the escalated cases be the sole, deciding factor. The fact that this case exists is evidence of Meta's insufficient procedure to respond to the removal of non-violating content. Content that should be protected by gender affirming policy exceptions, but in this case and many others is unjustly withheld from Meta platforms.

From a logistical standpoint, Meta can improve their detection process by hiring more employees to fairly and visibly respond to escalated cases. Meta can improve their automatic detection system by not upholding the reports of a mere single digit number of users that holistically pale in comparison to the thousands of supportive, appreciative comments and likes on trans and non-binary creators' content.

The social implications of Meta's biases towards trans and non-binary creators and their content is substantial. I am personally affected since I rely and thrive off of



viewing the content created by the trans and non-binary couple and role models whose jointly managed account is directly restricted in this case.

[Link to Attachment](#)

No Attachment

2022-009/10-IG-UA PC-10561

Case number

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

People should be able to post images of them self without it being considered porn if they are transgender. It is not meant to be sexual.

Full Comment

Na

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10563

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Censoring trans bodies does not protect people on your platform. It hurts the people who post it and look for that content as a form of guidance.

Full Comment

Censoring trans bodies does not protect people on your platform. It hurts the people who post it and look for that content as a form of guidance.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10564

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Nudity is not a dirty thing and while I understand a certain level of censorship for the safety of underage users, the policing is too harsh and often targets Content that is not explicit and hits the queer community and people of color extra hard. This is discriminatory.

Full Comment

In the age of body positivity, policing bodies is especially discriminatory and heinous. How can we celebrate bodies and hide them? I often see people upset about their post being considered a violation when those pictures were not at all sexual. Why are male nipples not censored but female ones are? This is inherently sexist. Either no nipple should be allowed or all nipples. I understand the removal of overtly sexual content but nudity is not equal to sexuality. All humans have bodies and all bodies should be celebrated. Creators often specify if their content is **18+ for the safety of minors. Yet it is not each individual's responsibility to cater to minors.** Especially when it comes to queer people celebrating their bodies, in this **case the process of one's transition and the other's celebration of their non binary identity.** This visibility is so important for people of all ages to see. Representation can literally save lives by letting people know they are not alone!!! Please hire people who are more open minded and will research cases better before assuming that they are in violation. I hope to see less policing of bodies in the future.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10568

Europe

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Trans and nonbinary awareness needs to be available and knowledge spread to limit the descrimination.

Full Comment

Trans and nonbinary people are being descriminated against more and more. Not allowing these types of photos or videos to be spread limits the outreach it has and the positive light it reaches that queer youth especially needs. If meta limits this, people trying to seek information will either be misinformed or will not receive the knowledge at all. Everyone should be able to show themselves as they would like to.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10569

United States and Canada

Case number

Public comment number

Region

Allie

Beam

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

-----

Short summary provided by the commenter

Trans bodies should not be censored as these creators provide pivotal representation for other transgender and gender nonconforming people who may not feel represented elsewhere.

Full Comment

The bodies of transgender and gender nonconforming people ought not to be censored on social media platforms. It is important for people to see themselves represented in the media they consume. When the main-stream media does not show honest and realistic representations within transgender characters, the only way the trans people are able to see themselves are through creators like the ones in this case. They are clearly showing their bodies not as sexual solicitation as it was flagged for but simply to show examples of what trans bodies can look like. If someone is able to document a medical transition or a social transition so that it may help others, that is a beautiful thing.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10570

Case number

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Trans bodies have a place on instagram.

Full Comment

It is regressive and offensive to censor trans peoples bodies on your platform.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10572

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

The breasts of non-binary and transgender people are not in violation of nudity policies.

Full Comment

Human bodies should not be censored. This particularly true of transgender and non-binary bodies, which are more likely to be discriminated against or attacked. Images of the breasts of a transgender person, particularly when the nipples of the person are covered, do not and should not violate policies of nudity on social media. It is not a social media company's right to police bodies. To censor transgender bodies, especially on posts that are advocating for gender-affirming healthcare, is to support the sexualization and objectification of AFAB people, as well as the transphobia and lack of equitable healthcare in the United States.

Link to Attachment

No Attachment



2022-009/10-IG-UA PC-10574

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

I've seen the post that a few people have had problems with enrolled in the Contant seems very unsafe sexual just people standing oh my gosh I've seen more with people frolicking and jumping around at the beach or dancing it's very benign

Full Comment

There's a certain innocence and non-sexual aspect to their sharing and their story it seems like people are putting something on them that isn't really there or seeing something because the body bothers I guess a few of the viewers the Contant is not Offensive or leading towards a pornographic and that's not what this is I have a pretty clear perspective on things I don't see the problem. Other than possible homophobia and transgender bashing on the Park of those complaining

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10575

Europe

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

These posts should be reinstated as they are not showing female nipples as the people in the photos are non binary.

Full Comment

Representation matters and the non binary individual who voluntarily had top surgery is now living a happier life.

If such content is not visible on social media lives could be at risk when trans people think they are "wrong".

The humans who reviews the post saw top surgery as self harm. I argue this is the exact opposite - gender affirming surgery is life saving. There should be rules in place that reflects the Equality Act of 2010 that no one should be treated unfairly by the algorithms and humans that check content as a result of how they identify or what race or religion they are (9 characteristics).

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10578

Europe

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

These bodies should not be censored and provide no harm nor threat nor imposition to viewers. There is nothing harmful in these photos. The authors specifically state that they are trans/non-binary and their intention to get top surgery. The fact their chests are deemed something to be hidden is a violation of their rights to express their gender identity and prevents important representation to the wider (trans) community. Inhibiting such posts is harmful to trans folks. It is already hard enough being trans when you don't see yourself anywhere. These people were doing no harm. Let them express themselves and their gender identity fully.

Full Comment

See above. It is a disgrace and violation of power to remove these photos. Trans folks should have the support to express themselves as they are. The regulation of afab (people assigned female at birth) bodies was completely misaligned here; no nipples were even showing and their chests were largely covered. The post explicitly stated their gender and intention to get top surgery. These are not women and regulating their chests as such is not respecting their gender identity. Trans representation is paramount to saving trans lives. Trans folks need to see people who look like them, and inhibition this, is a lethal position to take. These people should be free to express themselves.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10579

Europe

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

These bodies should not be censored and provide no harm nor threat nor imposition to viewers. There is nothing harmful in these photos. The authors specifically state that they are trans/non-binary and their intention to get top surgery. The fact their chests are deemed something to be hidden is a violation of their rights to express their gender identity and prevents important representation to the wider (trans) community. Inhibiting such posts is harmful to trans folks. It is already hard enough being trans when you don't see yourself anywhere. These people were doing no harm. Let them express themselves and their gender identity fully.

Full Comment

See above. It is a disgrace and violation of power to remove these photos. Trans folks should have the support to express themselves as they are. The regulation of afab (people assigned female at birth) bodies was completely misaligned here; no nipples were even showing and their chests were largely covered. The post explicitly stated their gender and intention to get top surgery. These are not women and regulating their chests as such is not respecting their gender identity. Trans representation is paramount to saving trans lives. Trans folks need to see people who look like them, and inhibition this, is a lethal position to take. These people should be free to express themselves.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10586

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Taking down a post for nudity has to be re-examined considering the fact that **nipples aren't gendered, people with larger breasts aren't gendered either. It is unfair to gender nipples based on someone's appearance as well.**

Full Comment

Taking down a post for nudity has to be re-examined considering the fact that **nipples aren't gendered, people with larger breasts aren't gendered either. It is unfair to gender nipples based on someone's appearance as well. This can be discriminatory towards fat people, people with larger breast tissue, and people with larger nipples.** The individuals in these posts do not identify as women, and even if they did, monitoring breasts and taking them down is harmful and bodies, regardless of tissue, should not be constantly sexualized.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10587

Case number

Public comment number

United States and Canada

Region

Jess

Commenter's first name

Koppenhofer

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

How does Meta intend to differentiate between “female breasts” and breasts of people of other genders? Without putting one’s gender identity in their bio (as pronouns in the bio alone do not provide a reliable indication of gender), there is no way to tell.

Full Comment

Meta’s algorithm and policy, at large, have room for improvement. I do not believe that Meta can accurately differentiate between female and non-female users. And so, how is the current policy able to be accurately enforced? I would like to note that I do not believe in the discriminatory policing of depictions of female bodies, rather believe that these depictions should be able to be posted with the same rules as depictions of male bodies.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10588

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Essentially I believe that while policy regarding posts containing informational and visuals about gender affirmation resources may be reasonable enough, this case was not properly taken care of and reviewers should know that. As well, I believe the policy on nudity should be changed as to no longer discriminate against women and non binary content creators.

Full Comment

I find that the policy regarding content about gender affirmation procedures is fair enough regarding a sensitivity warning in case it becomes a triggering event for those seeing it, not for those who simply wish not to see this content, that is their own prerogative.

In this case specifically, I believe the decision to take down the two related posts by the account heycolanda was inappropriate as there were no violations, rather they were sharing their journey and information about gender affirming surgery. The importance of being able to freely share content like theirs focuses on normalizing and informing the public on need for gender affirming actions for one's self in direct relation to self care, mental health and freedom. It does more harm to the transgender and non-binary community to censor them than it does to an unrelated community coming across these posts who simply do not want to see this.

While it is true there really was no violation in relation to the nudity policy due to there being no visible (female) nipple, nor fondling of any breasts, I do believe that a review to the policy of censoring the female breast should be conducted. The policy in itself of only censoring the female nipple implies a fetishism of what one perceived as a female breast, as seen in this case, while if flat chested or on someone who identifies as a male it is nothing. This directly affects the way the

female body is continuously being objectified and sexualized, even if policy allows certain circumstance of breast feeding and protest. If one free nipple is acceptable, think about letting the ones on a fuller breast be too; and if one is going to remain unacceptable, make them both as such.

The double standard for the acceptable sexualization of male versus female bodies is harmful in ways that it censors those providing educational and helpful information such as the case in this review, and in real life interactions where females and perceived females are objectified, abused and hurt. Meanwhile males are celebrated and congratulated on their confidence and for their 'thirst traps' as they've been called in relation to content.

Thank you for reading this and your consideration for public comment on this case.

[Link to Attachment](#)

No Attachment



2022-009/10-IG-UA PC-10589

Case number

Public comment number

United States and Canada

Region

Meghan

Commenter's first name

O'Dwyer

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

I believe that this account did not violate any community guidelines. By allowing these posts to be part of the accounts feed, Mets will prove that they support trans and non binary rights.

Full Comment

I believe that this account did not violate any community guidelines. By allowing these posts to be part of the accounts feed, Mets will prove that they support trans and non binary rights.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10590

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

**Meta's ban on images of breasts is discriminatory, a double standard, and contributes to the sexualization of women and transgender people's bodies.**

Full Comment

**Meta's ban on images of breasts is discriminatory and a double standard.** I recognize that this rule is reflective of a larger social issue, but as a popular social media, Meta has the power to create social change, and the responsibility to conduct itself fairly. Banning images of breasts contributes to the sexualization of the naked body, and disproportionately affects women and transgender people. Meta either needs to ban images of all chests or allow images of all chests.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10591

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

-----

Short summary provided by the commenter

I believe there are many flaws with the policies in place regarding the human body and sexuality and gender.

Full Comment

I believe that the policies in place for Meta are not inclusive and are outdated. These policies allow people to think that there is something wrong with the human body **and nipples on the female body. These individuals are not female and we're** promoting a very important cause. I believe it is important for people to be informed and this is a great platform to do so. The policies regarding sexuality are outdated and sexist because male and female nipples are no different and breasts are not sex organs. The policies allow **anyone who doesn't agree with someone's** freedom/choices to punish them for it. The posts are removed based on one persons opinion. It is so dependent on the human opinion and I think that most of the people reporting are not in the same political/social alignment with those who made this post.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10592

United States and Canada

Case number

Public comment number

Region

Cassidy

Lange

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

-----

Short summary provided by the commenter

Of the opinion that removal of the post, and posts like it, is harmful to not only the trans community, but women as well.

Full Comment

As a non-binary individual who was assigned female at birth, I am of the opinion that the removal of these posts, where nipples were in fact covered completely, was extremely harmful. Guidelines state that a woman's nipple should not be shown, which is ridiculous in and of itself, but that guideline is not even followed in a uniform manner. Florence Pugh was recently posted all over Instagram with her nipples visible through her sheer dress, but that was a non-issue. But here, where breast tissue only is visible, is seen as inappropriate. In addition, the information in these posts is regarding gender affirming surgeries for trans/non-binary people, which is important to be available to all people. Not to mention that the people photographed in these photos are not women, so then having a bare, or mostly bare, chest, should not be treated as if it were the chest of a woman.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10593

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

These queer creators have fallen victim to inappropriate and misplaced censorship.

Full Comment

The creators of the content in question do not fit in the conventional gender binary, neither do a significant amount of the users of Instagram or other social media sites. The automated oversight is built around the conventional gender binary, and thus, any individual it interprets to be female found to be revealing their chest is at risk of having their content taken down unjustly. Assuming the gender of an individual based on their appearance and presentation alone is likely to lead to misgendering and calling their identity into question. The creators of this post identify as transgender and therefore, are not female. Why then should their post be taken down for nudity or pornography when countless of male presenting individuals can comfortably, without fear of having content removed, post public pictures of their nipples exposed with no consequences? To have their post removed as a result of exposed nipples, is to say that the creators are basically female, despite their personal assertion that they are neither female nor male. The flagging and reporting of posts such as these by automated means alienates the queer community. The only people who have any say at all as to the gender of the shirtless individuals in the content, and thus the associated censorship rules that come with presenting as such a gender, are the two shirtless individuals in the photo- the creators.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10595

United States and Canada

Case number

Public comment number

Region

Tan

Macaraeg

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

### Representation Matters

Full Comment

Trans and non-binary bodies deserve to be represented on social media. Censoring these bodies is amount the hundreds of years of oppression and perpetuation of the **idea of “non-existence” of gender non conforming people**. Especially now, with legislative attacks on gender affirming care sweeping across the nation, we must uphold the rights of trans people and that includes the freedom to express themselves on social media. Breasts are not inherently sexual organs and in the case of the referenced post the non-presence of nipples explicitly expresses their bodies in a non sexual way. Many cishet and other queer people have posted pictures of their breasts with nipples covered and are allowed to keep them up. The censoring of trans bodies is dangerous and invalidating. For young trans and nonbinary people, seeing themselves represented can mean the world and is one of the most positive outcomes of social media. Every body is valid and everybody is valid.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10596

United States and Canada

Case number

Public comment number

Region

Jenni

Olson

English

Commenter's first name

Commenter's last name

Commenter's preferred language

GLAAD

Yes

Organization

Response on behalf of organization

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Short summary provided by the commenter

Over-policing of LGBTQ content, and especially trans and non-binary content, is a serious problem on social media platforms. Facebook and Instagram must prioritize improved training of human moderators and AI/machine learning systems to understand LGBTQ expression and to stop suppressing trans and non-binary voices. The idea that Instagram's AI system and human moderators would repeatedly identify such posts as pornographic and as sexual solicitation indicates serious failures with regard to both their machine learning systems and moderator training.

Full Comment

As the world's largest LGBTQ media advocacy organization, GLAAD is offering the following expert guidance with regard to this case. The 2022 edition of GLAAD's annual Social Media Safety Index report offers an array of urgent recommendations with regard to LGBTQ safety, privacy, and expression on major social media platforms including Facebook and Instagram. The report gathers together expert guidance from leaders at the intersection of tech and LGBTQ advocacy including researchers at Harvard Law School's Berkman Klein Center for Internet & Society and Stanford University's Digital Civil Society Lab. We urge the Oversight Board to refer to the report in its entirety. Related to this case, the Social Media Safety Index (SMSI) notes that LGBTQ content is disproportionately suppressed across Meta's platforms.

As noted in this July 26, 2022 Rolling Stone article, the verdict of this specific case has "the potential to impact millions of trans and non-binary creators who struggle with censorship on the platforms.

We urge the Oversight Board to read the Rolling Stone article in its entirety to hear directly from users who are impacted by the issues involved here. Over-policing of LGBTQ content, and especially trans and non-binary content, is a serious problem on social media platforms. Facebook and Instagram must prioritize improved training of human moderators and AI/machine learning systems to understand LGBTQ expression and to stop suppressing trans and non-binary voices. To incorrectly and repeatedly remove trans and non-binary user's content like this, simply for being themselves on the platform, is unacceptable. It is a common and legitimate occurrence for trans and non-binary users to post photos and crowdsource funding for top surgery. Transgender people who require and elect for transgender-related surgeries do share such information with online communities, including sharing photos of themselves. This is a normal and accepted behavior, and the intention is not rooted in pornography or to solicit sex. The idea that Instagram's AI system and human moderators would repeatedly identify such posts as pornographic and as sexual solicitation indicates serious failures with regard to both their machine learning systems and moderator training. It is especially alarming that, according to the Oversight Board characterization of the chronology of multiple decisions, after such a significant amount of consideration a human moderator made the decision in the end to remove the posts. It is possibly even more concerning that in Meta's characterization of this case (which they are posting about here and here as two separate items on the Meta Transparency portal) they describe the end result in this way: However, upon further review, we determined we removed this content in error and restored it. This dishonest description fails to reveal that their further review and error determination only came about as a result of the case being submitted to the Oversight Board. As described on the Oversight Board page for the case:

The account owners appealed both removal decisions to Meta, and the company maintained its decisions to remove both posts. The account owners appealed both removal decisions to the Board. As a result of the Board selecting these posts, Meta identified the removals as enforcement errors and restored the posts. Clearly this case also illuminates the need for greater transparency from the platforms with regard to their moderation procedures. The reference to one of the posts being reported for self-harm also seems to indicate possible abuse of the reporting system by anti-trans users leaning into the recent false and malicious right-wing characterization of gender-affirming care like top surgery (supported by every major medical association as the standard of care for transgender people) using disgusting rhetoric mischaracterizing such care as self-harm and even child abuse. Top surgery is not self-harm, it is a part of medically necessary care for some transgender people that has been affirmed by every major medical association. We encourage the Oversight Board to investigate whether those who voice concern about these photos by citing potential top surgery as self-harm are



actually anti-transgender activists and organizations. We urge you to speak with medical and psychological experts about why such procedures are not defined in medical communities as self-harm, and to not cite anti-transgender activists as experts on transgender health care.

This kind of grossly irresponsible disinformation needs to be seen for what it is – it reflects underlying animosity, bias, and ignorance of transgender, gender non-conforming, and non-binary people. (This connects to the larger extremely serious issue of the alarming current tidal wave of anti-trans rhetoric across all social media platforms and in society at large).

On the one hand, the GLAAD Social Media Safety Index calls for urgent improvements in the moderation of anti-LGBTQ content on the platforms, the report also points out the observable issue of over-moderation and suppression of legitimate LGBTQ content such as these posts.

As was evident in the recent Oversight Board case with regard to anti-LGBTQ slurs in Arabic, once again this case points to a larger problem around the training of moderators. Notably, these cases require human content moderators who are well-trained in understanding LGBTQ culture and expression (and who are preferably also LGBTQ themselves). While it is understandable that Meta places an emphasis on scalability and automated solutions to content moderation, the level of machine learning required for successfully understanding these nuances is simply not currently adequate to the task. When it comes to transgender and nonbinary content like these posts, well-trained human moderators are required.

\*\* PLEASE SEE ATTACHED PDF FOR FULL COMMENT

Link to Attachment

[PC-10596](#)

2022-009/10-IG-UA PC-10597

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

These posts should be restored. I do not believe they violated instagrams policies, the pictures posted covered were reported due to transphobic views of trans masculine bodies. While many cisgender men post shirtless photos, trans masculine individuals do the same and have their posts removed. I believe this is unjust and violates these individuals self-expression as they are not revealing more than the cisgender men who s posts remain up.

Full Comment

Taking down these posts will set a harmful precedent for other trans masculine individuals hoping to document top surgery results. As depicted in these posts, their top surgery was already completed where there is no covering and should therefore be treated as if a cisgender man had posted a shirtless picture in which case they aren't violating instagrams guidelines. In terms of the pictures where neither individual has had top surgery, both of their nipples were fully covered therefore also not in violation of instagrams guidelines.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10598

Case number

Public comment number

United States and Canada

Region

Halley

Commenter's first name

DeAnza

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

I strongly think these posts do not violate the community standards in any way. It is blantant discrimination towards transgendered people, and does not create an inclusive welcoming environment. We need to be more sensitive and aware of these issues. We now understand gender identity as a spectrum, and that needs to be reflected in social media. If we bring archaic notions into our new technologies we will never progress as a society and will only continue the oppression non-gender conforming people have been receiving for centuries. Wouldn't Meta prefer to be progressive, welcoming and inclusive than archaic, discriminatory and providing a platform to spread hate? I know which I'd like my social media platform to be.

Full Comment

Above is my full statement.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10599

Europe

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

it is so sad people get offended by how a person feels and how he/she/they decide/s they are more comfortable and truthful with themselves (and also what involves their body). In any case, this should never be censored, even if there are some people who get offended by it. Besides undermining freedom of speech it is an act of discrimination against an already targeted and discriminated group #nonbinary #gender

Full Comment

it is so sad people get offended by how a person feels and how he/she/they decide/s they are more comfortable and truthful with themselves (and also what involves their body). In any case, this should never be censored, even if there are some people who get offended by it. Besides undermining freedom of speech it is an act of discrimination against an already targeted and discriminated group #nonbinary #gender

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10600

Case number

Public comment number

United States and Canada

Region

Gregory

Commenter's first name

Hartl

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

My comment is going to be about how the images in question should be allowed to be posted. They are not sexual in anyway and are about the person's in questions personally experiences.

Full Comment

I believe the images in question should be allowed to remain on the website. They are non sexual imagery and are representations of the trans and non binary experience. To remove them would be silencing a group which already has a hard time existing and getting others to hear our voices. These posts and imagery represent their lives and the experiences many go through. It is a way for other lgbtqa individuals to see someone like themselves in the world. It is a major disservice to the community as well as to Instagram as a whole to not allow these posts to exist. I hope you can reconsider and show that Instagram has no problem with the lgbtqa community.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10601

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

The posts by the trans nonbinary couple should be supported by the app. Instagram users should be allowed to show their chests regardless of gender.

Full Comment

The posts by the trans nonbinary couple should be supported by the app. Instagram users should be allowed to show their chests regardless of gender. It is ridiculous and discriminatory to censor people because their bodies look a certain way. Breasts are not inherently sexual. Content creators should not be punished because of some viewers' biases.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10603

Case number

Public comment number

United States and Canada

Region

Kelly

Commenter's first name

Talesnick

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

These posts should be allowed because trans bodies should not be censored!

Full Comment

Amidst a political climate where trans kids, trans rights, and trans bodies are being attacked and legislated against, it is more important than ever for trans content creators to be able to share their bodies and their journeys.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10604

United States and Canada

Case number

Public comment number

Region

Katherine

S

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT PROVIDE

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Nudity is not inherently sexual, and Meta's "prohibition of female nipples" is sexist and transphobic. The double standards with respect to bodily autonomy and expression in Meta's community guidelines are harmful to people of all genders.

Full Comment

I am writing to express my support for the couple who posted the shirtless photos in question, as I believe that **nudity, specifically the exposure of one's chest, is not inherently sexual**, and in many cases has value both as an art form and for educational purposes. In addition, **Meta's "prohibition on female nipples" is sexist and transphobic**, and allows the upholding of problematic double standards. Firstly, there is nothing inherently sexual about nipples or breast tissue, including that of anyone who was assigned female at birth (AFAB)—this encompasses cisgender women, transgender men, and many nonbinary people. The posts in question are **not sexual in nature, and were posted with the intent of celebrating the subjects' bodily expression and educating the public on gender-affirming surgery**. Therefore, a community guidelines violation on the grounds of sexual content is not appropriate here. People of all genders and sexes have nipples. All mammals have **nipples. A woman's nipple is visibly indistinguishable from a man's. Why is it that only the nipples of people assigned female at birth are the only types of nipples mentioned specifically in this guideline? Is it because "female" nipples are often connected to prominent breast tissue?** If so, then the community guidelines language should be altered to clarify that the issue is not with nipples, but specifically with the simultaneous exposure of nipples and fully visible breast tissue. This, however, is also sexist. For example, it is very common to see photographs on Instagram and Facebook of shirtless cisgender men with not only



exposed nipples, but also fully unclothed pectoral muscles and/or breast tissue. Some of these men have larger chests than many cisgender women. Why is this **allowed, but not the posting of an AFAB person's chest?** Additionally, in this specific case, the current community guidelines do not make sense in the context of transgender and nonbinary people. In the first photo, the couple are wearing flesh covered tape over their chests, and therefore not showing any nipples, let alone **“female nipples.”** In the second photo, the topless subject in the photo is covering their chest with their hands. If no nipples or fully unclothed breast tissue are being shown, then hypothetically, there should be no violation. On top of that, flagging **these photos due to exposure of “female nipples” is invalidating to the subjects’** gender identities, as they do not identify as female. This violation is doubly prejudiced toward both AFAB people and transgender people. I urge Meta to rethink the ethics of unfairly targeting certain demographics for body parts that are not only morally neutral but also not exclusive to one gender or sex.

[Link to Attachment](#)

No Attachment

2022-009/10-IG-UA PC-10605

Europe

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Hello, in this comment I want to begin by talking about why this topic is so important to me and also why and how it affects me personally. Further, I will present how a positive outcome would benefit society.

Full Comment

First of All, I have to say that even I am not trans or non-binary myself, I am queer. And that's why this topic is so important to me. This content is needed by so many young trans and non-binary people, how are searching for a role Model or just someone who is visible, open and trans. Many young trans people don't have that in their lives and that's why they need someone who talks so open and who presents these topics that are important to trans youth, such as the breast removal. To show this process so openly, helps many trans and non-binary people, to see that it is possible to undergo this process. I want the queer youth to have role models, who are loud, proud and just openly trans and non-binary. We all know how important it is for teenagers to have someone, that kind of guides them or helps them to feel like they belong. And I think that this Instagram account is like a guidance for many young queer people. The pictures that got removed by Instagram, show topics that are important for so many trans and non-binary people. It shows one person who had a breast operation and it shows visible scars on that person's chest. I think it is important for Instagram as a platform to show this content and not to censor it. It doesn't harm anyone, furthermore, it helps. Those pictures don't show nudity in a pornographic context but in a context that wants to create visibility for trans lives. As I mentioned before, I am not trans or non-binary but this topic still affects me in a way. Because I feel that it is my responsibility to fight for the visibility of trans and non-binary people online and in real life because there are so many people who

need this feeling of they are not alone with their Problems and thoughts. Thats why I am writing this comment, because out there, maybe there is someone in the same age as me, maybe even a friend of mine or a relative who needs this content and who needs a person who goes through the same Things.

A positive outcome would also benefit Our society because we need trans and non-binary visibility as an open and divers so society whos goal it should be, to represent anyone with an important Message. Trans people as well as non Binary people still don't get the Representation they deserve and experience so much hate and violence online and in the day to day life. To fight against this discrimination we need Representation and people who are loud and proud.

A positive outcome would help all teens and other struggling trans and non-binary people, who need this visibility to feel seen and heard in this society.

[Link to Attachment](#)

No Attachment

2022-009/10-IG-UA PC-10607

Europe

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

Yes

Organization

Response on behalf of organization

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Short summary provided by the commenter

Meta's Nudity policy should make clear, that it doesn't value anti trans comments, of which trans communities and their allies are threatened by on an increasing level due to antifeminist and antitrans activists, who would claim out and proud photos of trans and nonbinary people and their bodies as "inappropriate" or raise myths against them. Showing bodies in and after transition can be seen as an educational instrument for other trans and nonbinary people, of which they can make use during their reflections in which gender reassignment surgeries and provided by which medical standards and professionals they focus. Thus, I consider a trans inclusive nudity policy as very important and helpful.

Full Comment

Meta's Nudity policy should make clear, that it doesn't value anti trans comments, of which trans communities and their allies are threatened by on an increasing level due to antifeminist and antitrans activists, who would claim out and proud photos of trans and nonbinary people and their bodies as "inappropriate" or raise myths against them. Showing bodies in and after transition can be seen as an educational instrument for other trans and nonbinary people, of which they can make use during their reflections in which gender reassignment surgeries and provided by which medical standards and professionals they focus. Thus, I consider a trans inclusive nudity policy as very important and helpful.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10612

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

**Instagram's policy on nudity being dictated by gender is both subjective and an irrational way to dictate today's society. Rather than focusing on the debate about whether all or some female-presenting nipples should be shown, Instagram should instead crack down on bottom nudity and other signs of problematic nudity, such as sexual posing or underage faces. To preserve traditional sensibilities regarding nudity, posts with chest nudity should come with warnings akin to the graphic content warning, but should not be taken down. It is a misogynistic and transphobic double standard to sort people into "acceptable" or "not acceptable" nudity based on gender or body type, and it limits human creativity.**

Full Comment

**Instagram's policy on nudity makes no sense: there is no way to draw the line between 'acceptable' and 'not acceptable' nudity. As a non binary person who has a female presenting body, who has not undergone any surgery, I understand that under traditional guidelines, I would not be able to show my chest. However, the line gets more and more blurry. Would you censor assigned-male-at-birth people who have gotten chest surgery/implants because their chest now appears to be what is considered typical for females? Would you censor people with flat chests, who otherwise wear makeup, have long hair, and look traditionally feminine? Gender should not be the way to determine what is acceptable or not - the societal rules of gender are not clear enough for modern times, and are in themselves irrelevant to the discussion of nudity. Plus, assessing whether someone is "trans enough" to earn the right to show their chest is disrespectful and hurtful. It is the same rhetoric as what is used to discredit black female athletes because they look too "masculine", or**

to make fun of men by insinuating that they might be trans (“too small hands”). A person’s body does not dictate their gender or transness, and vice versa. Judging nudity based on gender or body type is both impossible and disrespectful for people who may not fit the expected societal norms for their gender. As for a solution: we as a society may not agree on the issue of chest nudity, but most people agree that bottom nudity is a bigger issue. If Instagram wants to target nudity, it should focus **on removing bottom nudity first, then loosening it’s rules on chests. Then, rather** than outright removing posts with top nudity, it should put a warning filter over them if they could potentially be considered offensive - similar to all the posts flagged for Covid-19 or graphic content. I will concede that the definition of **“offensive” will encompass female-presenting nipples** for the most part, but I **understand that most of Instagram’s user base, as is society, tend to be more** sensitive to that. However, this will resolve the issue of trans and gender nonconforming individuals constantly being censored or questioned if their transness is enough for others to be able to see. In addition, if Instagram wants to combat sexual solicitation, it should focus on body posing, captions and whether the person looks underage. These are all signs that sexual solicitation is happening; gender is not. Please consider this statement when making your decision. As a non binary person, like many others, I use Instagram to express myself. Censoring only **female-presenting peoples’ self expression is both misogynistic and transphobic,** and reduces the ability for all humans to be truthful to themselves. People are colourful, different and creative - drop the double standards and let everyone have a chance to show the world who they are.

[Link to Attachment](#)

No Attachment

2022-009/10-IG-UA PC-10613

Case number

Public comment number

Asia Pacific and Oceania

Region

Joanna

Commenter's first name

Williams

Commenter's last name

English

Commenter's preferred language

Swinburne University of Technology

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

The adjudication of sexual content on Meta impacts the experiences of users from marginalised communities (including transgender and non-binary users) and restricts the ability of health promotion, harm reduction and sexual health organisations to share health information.

Due to the deeply subjective nature of sexual content, this submission strongly recommends that Meta limits the use of automated content moderation (ACM); remove the Sexual Solicitation Community Standard; improve transparency to users and moderators around the content moderation process; clearly define the **boundary between 'appropriate' and 'inappropriate' sexual content within the Community Standards**; and provide a rationale to users about why content is removed.

Full Comment

2. Whether the gender confirmation surgery **exception to Meta's prohibition on female nipples in the nudity policy is effective in practice**. The exception within the Adult Nudity and Sexual Activity Community Standard is not effective in allowing the representation of gender confirmation surgery. The decisions made regarding this case demonstrate that there is a significant difference between what is defined as **'inappropriate' content and the actual decisions made by Meta's moderators**. **Meta's inability to implement the exceptions within the Adult Nudity and Sexual Activity Community Standard also affects other users**. Interviews I conducted with 12 sexual health organisations demonstrated that content moderation is a

significant issue that restricts the distribution of sexual health content on Meta's platforms. Nine of the twelve interviewed sexual health organisations reported **being negatively affected by Meta's content moderation practices**. Two of these organisations had their Instagram accounts removed for violating content moderation policies, and all nine organisations had educational content removed **and/or advertising rejected due to the 'adult' nature of its content**. As such, Meta's content moderation practices also restrict the ability of sexual health organisations ability to distribute health information. 3. Whether Meta has sufficient procedures in place to address reported non-violating content and to mitigate against the risk of mistaken removal. Meta does not have sufficient procedures and guidance in place to support moderators to address non-violating content. The vague and broad wording within the Community Standards that regulate sexual content causes decisions to be made in an ad hoc, arbitrary, and contradictory ways.<sup>1</sup> Additionally, Meta does not provide adequate support to users to mitigate the risk of removal of non-violating content, particularly the removal of accounts. Marginalised content producers report that Meta is more likely to not respond to attempts to contest content moderation decisions than to reinstate content.<sup>3</sup> Examples of this include how Meta does not explain why removed content or rejected advertising violates existing content moderation policies. Similarly, there is no transparent information about the process that users whose accounts have been mistakenly deleted can go through. I experienced this second experience when the BB account was deleted on **11 August 2019 for violating Instagram's Community Guidelines**. It appears likely that we had violated the (not publicly available) Sexual Solicitation Community Standard. **When our account was removed, we lost 3 years' worth of health promotion content and 4000 followers**. Meta did not provide us with an explanation for what precipitated our removal, had not previously warned us that we were violating its Community Standards and did not provide information to help us contest our removal from its platform. School of Sex Education (SoSE) (a UK organisations that provides sex education) had a similar experience in July 2020, **where its Instagram account was disabled for posting "sexually suggestive content."** They did not receive any warning that this may happen or information on what content had violated the Community Standards. SoSE was able to reinstate its account after several influential Instagram accounts reported that the SoSE account had been incorrectly removed and Report Harmful Conduct (a UK online safety organisation) advocated on its behalf to Instagram. Even after its account was reinstated, no explanation was given to SoSE about why the account had been deleted. These experiences demonstrate the struggle experienced by users whose content has been incorrectly removed and how impact of content moderation is influenced by whether users are personally connected to Meta. As asked in the case summary, my attached document (which provides responses to the six areas for comment) is no more than 5 pages in size 12 times new roman font.



Link to Attachment

[PC-10613](#)

2022-009/10-IG-UA PC-10616

Case number

Public comment number

Asia Pacific and Oceania

Region

Zahra

Commenter's first name

Stardust

Commenter's last name

English

Commenter's preferred language

ARC Centre for Automated Decision-Making and Society, Digital Media Research Centre, Queensland University of Technology

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

**Meta's policies are in conflict with the human rights of trans and non-binary users** to health and freedom of expression. This case does not represent a random mistake or enforcement error but rather is exemplary of a far more systemic and predictable pattern. The Adult Nudity and Sexual Activity policy is discriminatory however, it is not sufficient for the gender qualification on the nudity policy to be removed or to simply introduce more reporting mechanisms to mitigate against the risk of mistaken removal. Both the Nudity and Sexual Solicitation policies should be removed in entirety. Meta should look to human rights standards and sex positive literature for guidance on how to develop ethical standards on nude and sexual content.

Full Comment

Trans people are disproportionately impacted by malicious flagging, human moderation and automated decision-making. The current case represents a problem of both enforcement and policy. Classifiers that attempt to recognise the **gender of people's nipples are always going to fail, simply because not all nipples** are gendered, or they are gendered in a way that is unintelligible to the cis-normative assumptions and configurations of both machine classifiers and policymakers. Not only do these technologies have inherent biases against trans **and gender diverse people, but Meta's nudity policy itself is clearly discriminatory** in its differentiation of whose nipples are considered **'nude'**. **Both Meta's Adulthood**

Nudity and Sexual Activity and their Sexual Solicitation policies are broad in scope and have been widely criticised. The narrow exceptions for female presenting nipples (in connection with breastfeeding, birth, or health situations such as mastectomy or gender confirmation surgery) restrict representations of bodies to **their reproductive functions and repeat the tired framing of women’s and trans people’s bodies through medical lenses. There is a substantial body of social science research critiquing restrictive nudity and sexual content policies for their role in producing heteronormative and cisnormative community standards. These policies disproportionately impact sexual subcultures and marginalised communities.** In her ethnography on Instagram, Carolina Are documents how the nudity policy impacts pole dancers, documenting her own experiences of shadowbanning. Sex workers report their content being regularly flagged and their accounts being deplatformed where they have been sharing health promotion and harm reduction content. The sex worker collective Hacking//Hustling recently found that 51% of sex workers who were also activists and organisers reported having their content suppressed on social media, and that surveillance technologies had interrupted their abilities to both earn an income as well as to do movement organising. My research with queer, trans and feminist content creators demonstrated that they were disproportionately impacted by privatised platform policies that prohibited **depictions of blood, urine, saliva and similar body fluids (as Meta’s policy does).** In particular, when policies prohibit fetish activities, they act to prohibit many consensual sexual practices activities practised by many queer people and people with disabilities. Health organisations such as International Planned Parenthood Federation and the World Association for Sexual Health have referred to social **media as the “new gatekeepers” of sexual and reproductive health and rights** information. A 2019 report by UNESCO found that strict policies on sexual imagery resulted in sex education and relationship materials being inappropriately and mistakenly removed from platforms. In 2022 my colleagues Rosalie Gillett, Jean Burgess and I undertook research analysing the newsroom posts of five dominant social media platforms to understand how they spoke publicly about safety and **harm. Facebook’s proactive detection and suppression of nude content stood out** compared to platforms such as Twitter, who took a more nuanced approach by prohibiting only non-consensual nudity and child sexual abuse material rather than **issuing a blanket ban on all nudity. In addition, Meta’s exceptions to the Adult Nudity and Sexual Activity policy are extremely difficult to identify and enforce.** It is difficult for algorithms to identify where nudity is intended as a form of protest, to raise awareness about a cause, or for educational or medical reasons. Research by Alice Witt and colleagues found extremely inconsistent moderation of **women’s** bodies on Instagram and identified that 22% of images removed from Instagram were actually false positives. Such biased automated tools can leave platforms open to liability. Tumblr settled discrimination allegations in 2022 over their automated sexual content takedown system, which disproportionately impacted LGBTQIA+

users. YouTube also faced a class action lawsuit filed by queer content creators in 2019 over their discriminatory and unlawful content moderation practices. Instead, there are relevant human rights principles that ought to guide Meta. A 2021 Note by the United Nations Secretary-General on the Promotion and Protection of the Right to Freedom of Opinion and Expression specifically notes the problems when digital platforms prohibit nudity **and sexual content, recognising that “automated content moderation is unable to identify nuance, content can be wrongly removed or blocked.”** The Yogyakarta Principles note at Principle 19 that the right to freedom of expression applies to individuals regardless of gender identity and includes **“expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name, or any other means.”** In 2021 I led a Community Lab at RightsCon on Alternative Frameworks for Sexual Content Moderation. Our forthcoming Manifesto for Sex Positive Social Media sets out seven relevant guidelines for platforms: destigmatising sex; integrating sexual cultures into social media; valuing the labour of sexual content creators; building safer spaces; cultivating consent; being accountable; and actively working to dismantle structural oppressions. Meta can also draw upon sex positive literature. My article with Dr Theodore Bennett demonstrates how sex positivity has been adopted in legal thinking. We define sex positivity according to four principles: rejection of sex negativity; validation of a wide range of sexual desires, activities and identities; valuing of sex, sexual pleasure and sex education; and a commitment to sexual autonomy and consent. This way the law can work towards a society in which access, information, resources, decision-making and accountability around sex are more equitable.

Link to Attachment

[PC-10616](#)

2022-009/10-IG-UA PC-10617

Case number

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Private Citizen

Full Comment

As a member of the LGBTQ+ community and an advocate for bodily equity, I strongly believe that the policing of non-binary bodies is outdated, unjustified, and a symptom of a close-minded, homophobic society rooted in hate and Christianity. Please consider looking inward as to why our bodies are being policed and silenced. This is not an us problem, it s a YOU problem. Thank you.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10619

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Please choose to protect trans and queer ideas. Gender expression is not binary, and therefore the rules on whether nudity is or is not allowed should not be binary either. Nothing about these images was pornographic or sexual in nature. They re being vulnerable and showing others their journey of gender conforming surgeries. They used this platform for good and now your taking that opportunity away. Bad.

Full Comment

See summary.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10622

Case number

Public comment number

United States and Canada

Region

Robert

Commenter's first name

Connelly

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Case Number and Summary Gender identity and nudity (2022-009-IG-UA & 2022-010-IG-UA)

Full Comment

I do not believe that this case violates Sexual Solicitation Community Standards. One person has had top surgery to conform to male identification. Neither one is naked.

What I see is an outreach to the trans community and beyond expressing an educational moment on top surgery.

I'm very grateful that this site seeks to educate the public in issues concerning the trans community worldwide. It's my hope that Meta also demonstrates trans support by accepting this sites mission and thus reinstating this post and this site in general.

As a parent I have used this site to educate friends and relatives about issues concerning individual trans issues. I am very grateful for the opportunity to use this site in my support of the trans community at large.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10624

Latin America and Caribbean

Case number

Public comment number

Region

Clarice

Tavares

English

Commenter's first name

Commenter's last name

Commenter's preferred language

InternetLab

Yes

Organization

Response on behalf of organization

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Short summary provided by the commenter

The internet has historically been part of trans expression, constitution of community and political engagement. Hence, the content moderation policies should be sensitive to this history and collective production, to avoid cases of censorship and limitation of trans and non binary content. In order to guarantee the rights of non-cisgender people, we argue that the Nudity and Sexual Solicitation policies: i. should not presuppose the sexualization of trans and non-binary bodies; ii. consider trans and non-binary people who have not undergone gender-affirming medical procedures; iii. create mechanisms to protect reports motivated by anti-trans hatred; and iv. reconsider the use of binary terms and language to refer to bodies and anatomies.

Full Comment

The internet has historically been part of trans expression, constitution of community and political engagement. In Brazil, the transmasculine movement, e.g., originated in Facebook groups. The appropriation of digital spaces in order to **tell one's stories and circulate information allows the trans community to educate** others, create connections, organize care and activism. Hence, the content moderation policies should be sensitive to this history and collective production, to avoid cases of censorship and limitation of trans and non binary content, which deprive the trans community of one of the spaces that has been systematically serving as a kind of refuge. Our submission intends to address the questions raised by the Board, so that Meta's policies guarantee trans and non-binary rights. We argue that the Nudity and Sexual Solicitation policies should consider: 1. The interpretation of Meta policies cannot presuppose the sexualization of trans and



non-binary bodies. The Sexual Solicitation policy wording itself does not violate the rights of trans and non-binary people. However, there were repeated cases of photos of trans and non-binary people removed based on this policy; yet, similar images of cisgender bodies were not removed. The difference in the way content is moderated in similar photos of trans people and cisgender people was the object of protest from the trans community on Instagram, through #DeserveToBeHere. These cases may indicate a tendency toward sexualization of non-cisgender bodies. There is, among certain instances of medical knowledge and the media, a historically reiterated idea that gender transition would function primarily as a means of attaining sexual encounters and pleasure. This sexualization invalidates non-binary and transgender identities by reducing them to a sexual drive. It also reinforces violence against them, by assuming that certain exposures of their bodies necessarily convey sexual availability and therefore must be inhibited. It is necessary to review the way in which the Sexual Solicitation policy is interpreted, so that there is no exaggerated and prior sexualization of trans and non-binary bodies.

2. Trans and non-binary people who have not undergone gender-affirming medical procedures should also be considered. Meta's Nudity policy establishes as an exception to the ban on the dissemination of images containing body parts photos regarding gender-affirming surgery. If this exception is extremely important so that people who wish to have these medical procedures can share their experiences with images on Facebook and Instagram; on the other hand, trans and non-binary experiences do not necessarily involve gender-affirming surgery. The specific mention of the exception of surgery cases opens space for an interpretation that trans and non-binary people who have not undergone medical procedures cannot express themselves in certain contexts. This understanding goes against the medical and legal acknowledgment of trans identities, in Brazil and in the USA. In 2013, APA reversed the understanding of transgender subjectivity as a mental disorder and began to differentiate trans identity from the need or desire for body changes. In 2019, WHO removed transsexuality from the list of mental disorders in the International Classification of Diseases. In Brazil, the Federal Supreme Court recognized in 2018 the right of trans people to rectify name and sex in identification documents without the need to carry out medical procedures, privileging the right to self-determination. Thus, the understanding that there is no direct relation between medical procedures and non-cisgender identities is consolidated. Furthermore, access to body alteration procedures faces great difficulties in many countries. The fact that both photos in the case in question deal with fundraisers for top surgery illustrates the difficulty of accessing such procedures and the harmful aspect of removing such content – one of the limited ways to raise funds for these costly interventions. It is recommended that the exception for gender affirmation surgeries be reconsidered, including trans and non-binary identities who do not want to or who have not yet performed such procedures in cases of affirmation of trans or non-binary identity.

3. Hate motivated reports against trans and non-binary

people. The alarming growth of an anti-trans movement can be identified in many contexts like the USA and Brazil. In 2021, more than 140 anti-trans bills were introduced across the USA. In 2022, 162 new bills have already been introduced. In Brazil, trans politicians, especially Black trans women, have been harassed and threatened: 17 of 24 trans legislators reported transphobic political violence and 11 suffered death threats. In addition, more than 30 bills were presented in Brazilian legislative houses, aiming to ban non-binary language. This anti-trans movement is reflected in the way content by trans people is policed on digital platforms. GLAAD has been highlighting the importance of analysis and mitigation of possible hate-motivated reports in reference to posts and accounts of trans users. Thus, there are indications that the reporting tools are being used by anti-trans groups, in order to censor trans and non-binary people. It is recommended that internal systems be put in place to protect against this kind of instrumentalization of reporting tools against trans and non-binary people. 4. Considering the promotion of equity value related to non-binary and transgender people, as well as the structural impact that binary language has on their existences, it is recommended that Meta use this opportunity to reconsider the way to refer to the bodies and anatomies. This review can be carried out progressively and structurally. One of the examples would be the Nudity policy that mentions "female nipples": this expression may be framed as binary and transphobic, which has a negative impact on these groups.

Link to Attachment

[PC-10624](#)

2022-009/10-IG-UA PC-10625

Case number

Public comment number

United States and Canada

Region

Sara

Commenter's first name

Hutchinson

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Pictures of queer and trans bodies should not be defaulted as violations of community guidelines.

Full Comment

Queer and trans bodies should not default to be considered pornography or other violations of guidelines. Both of these photos were posted according to guidelines (covered nipples) and were not sexual in nature. Trans bodies are not inherently sexual. These pictures and others across the internet that discuss removal of breasts should not default to be in violation.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10626

Case number

Public comment number

Europe

Region

Dia

Commenter's first name

Kayyali

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Meta should simply get rid of its prohibition on "female nipples", but if it refuses to do so it must cease the use of automation to enforce the policy and clarify the policy to make it clear that photos shared in the context of trans healthcare are allowable. It should address intentional reporting of top surgery related photos as a violation of its policies. It must also retrain human reviewers. Finally, it must improve its appeals process by making it easier to find, explaining it more clearly, and ensuring that Meta staff at the highest levels of Trust & Safety are reviewing appeals.

Full Comment

it is not possible to provide the full text of my comment in this text box, since I used the full five pages.

Link to Attachment

[PC-10626](#)

2022-009/10-IG-UA PC-10628

Case number

Public comment number

United States and Canada

Region

Shoshana

Commenter's first name

Goldberg

Commenter's last name

English

Commenter's preferred language

Human Rights Campaign Foundation

Organization

Yes

Response on behalf of organization

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Short summary provided by the commenter

We argue that Meta's Nudity policy does not sufficiently respect the rights of trans and non-binary users as a result of the binary gendered nature of Meta's Nudity policies, which makes it difficult to mitigate against the risk of mistaken removal. Meta's automated moderation systems may further struggle to accurately identify the gender of trans and non-binary users, rendering the gender-confirming surgery exemption ineffective in practice. Finally, we express our concerns that Meta's Sexual Solicitation policy was weaponized against the transgender and non-binary users at the center of this case, reflective of a socio-political context of growing anti-transgender hate speech across social media and offline.

Full Comment

The Human Rights Campaign Foundation welcomes the opportunity to provide **public comment in response to Meta's Oversight Board Case 2022-009-IG-UA & 2022-010-IG-UA, concerning "Gender identity and nudity."** Below, we respond to five of the six questions posed by the Oversight Board as part of this case, calling on our expertise as the largest civil rights organization working to achieve lesbian, gay, **bisexual, and transgender equality.** We argue that **Meta's Nudity policy does not sufficiently respect the rights of trans and non-binary users as a result of the binary gendered nature of Meta's Nudity policies, which lacks clarity on enforcement for anyone who identifies outside of the gender binary, and introduces confusion that makes it difficult to mitigate against the risk of mistaken removal.** In addition, **Meta's automated moderation systems may struggle to accurately identify the gender of trans and non-binary users, rendering the gender-confirming surgery**

exemption ineffective in practice, and placing trans and non-binary users and their contact at disproportionate risk of erroneous content removal. In addition, we **express our concerns that Meta’s Sexual Solicitation policy appears to have been** weaponized against the transgender and non-binary users at the center of this case, reflective of a disturbing trend of growing anti-transgender hate speech across social media--and offline—against a socio-political context that carries reemerging challenges and limitations on trans and non-binary rights and issues of access to gender-affirming healthcare. In making these arguments, we highlight how social media can serve as a resource and forum for expression for trans and non-binary users—or as a dangerous space in the absence of comprehensive and equitable content moderation. **Question 1: Whether Meta’s policies on Nudity and Sexual Solicitation sufficiently respect the rights of trans and non-binary users.** The female-only criterion around nudity lacks clarity over whether determination of **“female” should be based on a user’s sex assigned at birth, or their gender identity**—an issue that will only arise for transgender, non-binary, and gender non-conforming users. Further, it requires automated systems and human content moderators alike to make decisions not based on the posted content itself, but rather based on their understanding and perceptions of the bodies and identities of the trans and non-binary users who posted the content. For example, consider the following situations (1) If a transgender man who has not had top surgery posts topless content, questions arise over whether their post is in violation of the policy, owing to his female sex assigned at birth, and thus the nipples/breasts depicted are those of a woman and should be removed? Or is in accordance with the policy, owing to his identity as a male, and thus the nipples/breasts depicted are those of a man, and therefore allowed. (2) If a transgender man who has had top surgery posts topless content, are their nipples/breasts still characterized as female (based on his assigned sex at birth)? If so, Meta would be violating its non-discrimination policy for transgender users, which holds gender identity as a protected class. (3) What if a transgender woman who has not had any form of top surgery or hormone therapy to make her breasts appear more typically feminine posts a topless photo? **Would this be characterized as a violation, as the content shows a woman’s nipples, given her gender identity? Or would her post be allowed as in accordance with Meta’s Nudity policy,** as her breasts and nipples resemble the anatomy of a person assigned male at birth? In each of the three examples, the lack of clarity over which criteria should be used (e.g., sex versus gender) introduces confusion, and increases risk of inconsistent implementation of the existing policy by content moderators—risk which is unique to content posted by trans and non-binary users. Worse, this confusion opens users up to perceived—or actual—anti-trans bias in enforcement. **Question 2: Whether the gender confirmation surgery exception to Meta’s prohibition on female nipples in the nudity policy is effective in practice.** The very existence of this case confirms the gender confirmation surgery exception is not functioning effectively in practice. The two posts in question should not have been

flagged for violation either by automated systems or human moderators as: (1) the **people depicted in the images are not women, but identify as “transgender and non-binary”/“not women”, and thus, the breasts depicted—with covered nipples—were not those of a woman;** and (2) the posts were explicitly focused on depicting breasts in a **“medical or health context...[of] gender confirmation surgery”** --and thus should have been categorized as in compliance with the existing exemption. ((Full comment continues in attached document, which adheres to the 5-page word limit stated in the Oversight Board's original instructions))

Link to Attachment

[PC-10628](#)

2022-009/10-IG-UA PC-10630

Case number

Public comment number

United States and Canada

Region

Julie

Commenter's first name

Trébault

Commenter's last name

English

Commenter's preferred language

Artist at Risk Connection (ARC)

Organization

Yes

Response on behalf of organization

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Short summary provided by the commenter

ARC expresses its concern regarding Meta's censorship of trans and non-binary people, as referenced in the removal of two posts that discussed gender confirmation surgery. While Meta is responsible for removing posts involving trafficking, coercion, and non-consensual sexual acts, the erroneous removal of the cases mentioned exemplifies the generalized marginalization and censorship that trans and non-binary users face online. This discussion is even more prominent when trans and non-binary people confront numerous hurdles to freedom of expression globally, especially regarding their gender-confirming experiences.

Full Comment

To the members of the Oversight Board, Thank you for the opportunity to comment on case numbers 2022-009-IG-UA and 2022-010-IG-UA, gender identity and nudity cases. PEN America, the United States-based chapter of the PEN International movement, stands at the intersection of literature and human rights to protect free expression in the United States and around the globe. The Artists at Risk Connection (ARC), by PEN America, is an online collaboration of more than 600 global organizations that provide life-saving resources to artists worldwide who face oppression, persecution, arrest, and violence for their creative work. Our PEN Charter calls us to uphold **“the principle of unhampered transmission of thought within each nation and between all nations.”** We champion the freedom to write and work to unite writers and their allies to celebrate creative expression and defend the liberties that make it possible. ARC expresses its concern regarding **Meta's censorship** of trans and non-binary people, as referenced in the removal of



two posts that discussed gender confirmation surgery. While Meta is responsible for removing posts involving trafficking, coercion, and non-consensual sexual acts, the erroneous removal of the cases mentioned exemplifies the generalized marginalization and censorship that trans and non-binary users face online. This discussion is even more prominent when trans and non-binary people confront numerous hurdles to freedom of expression globally, especially regarding their gender-confirming experiences. **Meta’s policies on Nudity and Sexual Solicitation do, in writing, offer exceptions to the removal of content when in the “context of birth giving and after-birth moments or if there are medical or health context situations (for example, gender confirmation surgery, examination for cancer or disease prevention/assessment).” Yet, in both cases brought for review, the posts were flagged by Meta’s automated system, resulting in the removal of posts which in no way “facilitated, encouraged or coordinated sexual encounters or commercial sexual services between adults.” It is important to recognize the diversity of experiences surrounding gender confirmation, a long process that is not solely confined to undergoing surgery. The oversimplification of this complex process along with the censorship of trans and non-binary users who speak about their gender confirmation journey diminishes the ability of these communities to discuss these topics in a free, open, and inclusive manner, thus limiting the free expression of trans and non-binary users. In this way, the gender confirmation surgery exception to Meta’s prohibition on female nipples is, in practice, ineffective. Again, reducing gender confirmation to surgery as an exception does not encapsulate the process of gender confirmation and is indicative of a larger negation of trans and non-binary identities. An effective in-practice policy needs to account for the variety of gender confirmation experiences (surgical or not) and accommodate this within their content moderation policies. In the cases described, following human review, both posts were deemed not to violate Meta’s terms of service. While human review in both instances helped mitigate mistaken removal, the result was overturned by automated processes and a single human review that disagreed with the consensus of other manual reviewers. Meta themselves “identified the removals as ‘enforcement errors’ and restored the posts.” While the Oversight Board and appeals process can help further mitigate mistaken removal, the automated process shows an inability to identify the nuance within this content. Meta’s automated systems must account for gender-diverse voices and perspectives and become more accustomed to the diversity of the trans and non-binary experience. Through their procedures and processes, Meta should work collaboratively with trans and non-binary users to become more aware of the nuance behind gender confirming content, how to recognize this content, and how to apply this nuance to the automated content review process. While analyzing these cases, it is also necessary to recognize the disproportionate discrimination and barriers that trans and non-binary individuals face in the context of the United States and around the world. An article in the National Library of Medicine on Barriers to Health Care for**

Transgender Individuals notes that transgender individuals face obstacles ranging from **“financial barriers, discrimination, lack of cultural competence by providers, health systems barriers and socioeconomic barriers.”** In the articles review of other studies, they find disparities in treatment and recognition, also intersected by other sociopolitical factors such as low socioeconomic status, being a racial/ethnic minority, not having health insurance, history of violence, and substance use health behaviors, among other factors. While transgender and non-binary individuals find their bodily autonomy challenged, the same can be said for their freedom of expression. In the United States, there is a sweeping wave of book bans and gag orders that serve to silence diverse characters and experiences. PEN America’s analysis of book bans and index cataloging specific titles that have been banned reports that **“titles that deal explicitly with LGBTQ+ topics or have LGBTQ+ protagonists or prominent secondary characters have been a major target in the current wave of book bans. This is reflected in the index, with 379 such titles (33%), including a distinct subset of 84 titles that deal with transgender characters and topics (7%).”** The precarity of the LGBTQ+ community, and distinctly transgender and non-binary individuals, is exacerbated by censorious acts that further socioeconomic disparities, negating their voices and lived experiences. Still, many members of the trans and non-binary communities have found outlets for their free expression through the internet and social

Link to Attachment

[PC-10630](#)

2022-009/10-IG-UA PC-10631

Central and South Asia

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

Men, women, trans and non binary folks should be allowed to show their nipples online without discrimination.

Full Comment

I believe that all humans should be able to share their top halves without discrimination.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10633

Europe

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

queer bodies need to be seen by everyone in order to educate people and deconstruct negative biases

Full Comment

it is important that queer and trans bodies are seen and not censored in order to help educate people about the existence of queer people and normalise seeing trans bodies in media. by censoring trans and queer people it perpetuates an idea that we are not worthy of being seen, or that our existence is somehow damaging to cis, het people. this is not just an issue about a photo, this is an issue of accurate representation of trans/queer people and of inclusion. the discomfort of cis/het people at this content (which is a homophobic reaction) should not become the problem of the queer creators. it is the responsibility of those with the prejudice to educate themselves. **queer people shouldn't be removed or censored to make the world more "comfortable" for cis/het people. that is an extremely damaging and frustrating narrative that needs to be deconstructed.** furthermore, it is important that queer people are seen by young people so that they are aware of the rich diversity of people in terms of sexuality and gender. censorship of queer people makes it much harder for young queer people to see themselves represented which can often lead to feelings of frustration, confusion and sadness.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10636

Asia Pacific and Oceania

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of organization

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Short summary provided by the commenter

A safe space for all individuals from diverse backgrounds should not get hindered by the bigot nature of a human reviewer.

Full Comment

I am a person who identifies as nonbinary. Instagram, broadly said, Meta, is a place where people form communities and express themselves, but due to the presence of a human reviewer, who can at times use their bigotry to target people. To make sure whether the reported content is of some harm or not, a diverse group of people must be in the review team.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10637

Case number

Public comment number

United States and Canada

Region

Kendra

Commenter's first name

Albert

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

The case before the Oversight Board is an archetypal example of the harm that transgender people attempting to use social media face. In it, two trans people did not violate site policies yet were harmed not only by their images and speech being silenced, but also by the site limiting their ability to crowdfund money for surgery. It is not an isolated incident. In aggregate, both neutral policies that are disproportionately enforced against trans users and policies that target trans users have the effect of limiting trans people's abilities to post content related to their marginalized identity, thus silencing their participation in the public sphere.

Full Comment

Please see attached PDF.

Link to Attachment

[PC-10637](#)

2022-009/10-IG-UA PC-10638

Case number

Public comment number

Europe

Region

Indy

Commenter's first name

Catford

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

I want to mention how this has helped me!

Full Comment

As a young person who identifies as genderqueer, posts like this really help me with dysphoria and helping me see that there are other people out there like me. I know that my queer friends would agree and it is really good for us to have role models who unashamedly talk about their experiences and removing posts like this stop us from having that. I also think that if there was a post of a cisgender man with no shirt on, the post wouldn't be removed and this is reflective of society in general. Queer people shouldn't be shamed by social media companies into not talking about their top/bottom surgeries and i think that the way companies and society treats us and this kind of content is entirely wrong and needs to change. Changing this is only that start of helping a huge number of people accept and love their identities.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10640

United States and Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

Yes

Organization

Response on behalf of organization

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Short summary provided by the commenter

The Oversight Board should affirm Meta's decision to remove these posts and further act to apply strict rules to content promoting transgender medical treatment, chemical or medical, accessible to minors. Young girls especially are being encouraged to seek irreversible medical treatment, including double mastectomies, in the name of "gender-affirming" care. The posts in question are sexually explicit and function as solicitations with intent to indoctrinate. Minors are being enticed by posts that seek "acceptance" of the personal choices of those with gender-incongruence or obsession with the intent of public display and persuasion. The UK is banning these procedures, as are states in the US, in order to protect children.

Full Comment

Thank you for the opportunity to comment on behalf of Concerned Women for America (CWA), the nation's largest public policy women's organization representing hundreds of thousands of women in all 50 states and on college campuses through our Young Women for America (YWA) project. The sexual exploitation of women and sexualization of children through social media platforms is a major concern of our organization.

The Oversight Board should affirm Meta's decision to remove these posts and further act to apply strict rules to content promoting transgender medical treatment, chemical or medical, accessible to minors. Young girls especially are being encouraged to seek irreversible medical treatment, including double



mastectomies, in the name of "gender-affirming" care. This alarming trend was first documented in a landmark book by Abigail Shrier: Irreversible Damage, The Transgender Craze Seducing Our Daughters. Many young women are experiencing the deep regret of so-called "gender affirming care," which is being recklessly promoted through government, medical, and social media industries with complete disregard for the serious consequences. In many cases, these influencers are peddling life-altering harm to healthy bodies that is nothing short of barbaric, including cutting off a young woman's breasts. See these testimonies:  
<https://www.commonsense.news/p/the-testosterone-hangover?s=r>

The posts in question are sexually explicit and function as solicitations with intent to indoctrinate. So-called "gender-affirming care" is mutilating healthy bodies. Minors are being enticed by posts that seek "acceptance" of the personal choices of those with gender-incongruence or obsession with the intent of public display and persuasion. There is no context or warning of consequences or harm. Gender dysphoria is a mental illness and should be treated with utmost compassion and care, regardless of what the politically correct American Medical Association or American Academy of Pediatrics is peddling. The UK is banning these procedures, as are states in the US, in order to protect children. Meta should strictly prohibit content accessible to minors that seeks to glamorize or normalize gender reassignment procedures of any nature.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10641

Case number

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

Trans bodies aren't violating community standards, but the active discrimination against trans bodies does!

Full Comment

Transgender people are consistently discriminated against, both in society and in social media. By removing posts made by trans folks that would be deemed absolutely fine if posted by a cisgender man, Instagram and meta are creating a culture that continues to allow discrimination and harm against trans people to run rampant. The erasure of appropriate pictures of trans bodies on Instagram contributes to a social media culture where it is okay to silence trans users and their voices. Instagram and meta continue to state that they are dedicated to diversity, but limiting trans users suggests otherwise.

Link to Attachment

No Attachment

2022-009/10-IG-UA PC-10642

Case number

Public comment number

United States and Canada

Region

Jessi

Commenter's first name

Holdbrook

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

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Short summary provided by the commenter

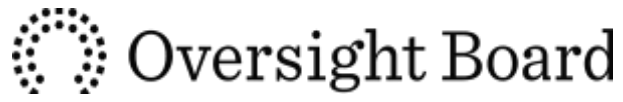
The human breast should not be viewed as a sexual object. The trans community can show off their bodies the way the want. They is nothing wrong with it. Thing like this makes it seem like being human and showing more skins is inappropriate when it is not! Those who things it is really need to learn how to be mature.

Full Comment

I think that the trans community should have the right to show their bodies the way they please. I feel like the rules that those who have more feminine breast should be ashamed is absurd! Why is that those with more masculine breast do not face the same treatment. Because their areolas are small ? And their breast is not big? That is childish! We are grown adults and things like this just shows how we can t be mature! They didn't post as pornography so why delete the post?? I think what they did was not wrong and we are just blowing it up into proportions ! I think we should just be mature because the human breast shouldn't view sexual, inappropriate thing. Only those who chose it to be that way should learn how to mature and grow up!

Link to Attachment

No Attachment



Public Comment Appendix for  
2022-009/10-IG-UA

Case number

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End of public comments