**The Case of Girls' Education in Afghanistan**

**Case Analysis**

***Meta-Data*:**

* **Case Number**:
* **Date of decision**:
* **Featured case**: N/A
* **Region**:
* **Country**:
* **Type of expression**:
* **Judicial Body**:
* **Type of law**:
* **Main Themes**:
* **Outcome**:
* **Status**:
* **Tags**:

***Analysis:***

* **Summary and Outcome**:

On December 8, 2023, the Oversight Board overturned Meta’s discussion to remove a post expressing concern about education of girls in Afghanistan after the Taliban take over. The Board noted that this case was an example of the enforcement errors of the Dangerous Organizations and Individuals policy. Meta overturned its decision when notified of this case.

* **Facts**:

In July 2023, a user from Afghanistan posted a Pashto post talking about the importance of education of girls in Afghanistan, calling people to continue expressing their concerns and the negative consequences of failure to take such concerns to the Taliban.

Meta originally found the post violating its Dangerous Organizations and Individuals policy and removed it. While the policy prohibits content that supports dangerous individuals or organizations, including the Taliban, it allows content criticizing them or talking about them in a neutral way. Meta determined that the removal was an error and restored the post after the Board brought the case to the company’s attention.

* **Decision Overview**:

The main issue before the Oversight Board was whether the removal was consistent with Meta’s policies and obligations under human rights.

The Board noted that this case was an example of enforcement errors in Meta’s Dangerous Organizations and Individuals policy which can impair user’s ability to share political commentary, such as the discussion of women’s education in Afghanistan after the Taliban takeover.

The Board recalled two of its previous recommendations. The first was the recommendation to add criteria and examples to the policy to make the neutral discussion, condemnation, and news reporting exception clearer in Shared Al Jazeera Post decision; Meta has shared that this recommendation has been fully implemented. The second recommendation was to establish an internal audit mechanism allowing Meta to examine samples of automated content removal decisions to correct and learn from enforcement errors in Breast Cancer Symptoms and Nudity decision. Meta has implemented this recommendation but has not published any further information on the implementation.

The Board overturned Meta’s decision to remove the content and acknowledged Meta’s correction. Furthermore, the Board urged Meta to reduce such errors by accelerating the implementation of open recommendations.

Dissenting Opinions of Judges …:

***Direction:***

* **Outcome**: Contracts Expression/Mixed Outcome/Expands Expression
  + This should be based on international standards
  + However, if you have knowledge of national standards, and can provide insights into how the decision impact precedent nationally, please do so.
* **Explanation for why and how it contracts or expands expression or has a mixed outcome.** You can also provide additional context about the case here.

***Perspective***:

* **Related International and/or regional laws**:

**Example:**

[ECHR, art. 10](https://www.echr.coe.int/Documents/Convention_ENG.pdf);

[ECHR, art. 11](https://www.echr.coe.int/Documents/Convention_ENG.pdf);

* **National law or jurisprudence**:
* **Example:** [Sp. Constitution art. 14](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf);

**Other national law or jurisprudence**:

* **List here any references to national case law outside the Court’s jurisdiction**. For instance, if a UK Court relies on Canadian or Australian case law, it would be listed here.

***Significance***:

* **Binding or persuasive precedent within jurisdiction**; **Decision establishes influential or persuasive precedent outside jurisdiction**; **Explanation**:

Standard I: The decision establishes a binding or persuasive precedent within its jurisdiction.

Information: i.e. Judgments of the European Court of Human Rights are binding upon parties to the decision.

Standard II: Decision (including concurring or dissenting opinions) establishes influential or persuasive precedent outside its jurisdiction.

Information: i.e. The decisions of the European Court of Human Rights have precedential value on the interpretation of the right to freedom of expression for other States Parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

* **Related Cases**: Self-generated
* **Date updated**: N/A

***Docs***:

* **Official Case Documents**:

**Examples:**

Judgment (in English) [Attached]

Press Release issued by …. (in English) [Attached]

* **Reports, Analysis, and News Articles**:
  + Please list any titles and URLS of interesting articles or analyses about the case that might be of interest to readers