***The Case of Cartoon showing Taliban oppression against women***

**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 March 7, 2024, the Oversight Board overturned Meta’s original decision to remove a satirical political cartoon criticizing the Taliban’s regime of women in Afghanistan from Facebook. The Board underlined that enforcement errors such as this one could impact artistic and political expression gravely. Meta recognized its error and restored the content after it was notified of the user’s appeal by the Board.

*\*The Oversight Board is a separate entity from Meta and will provide its independent judgment on both individual cases and questions of policy. Both the Board and its administration are funded by an independent trust. The Board has the authority to decide whether Facebook and Instagram should allow or remove content. These decisions are binding, unless implementing them could violate the law. The Board can also choose to issue recommendations on the company’s content policies.*

* **Facts**:

In August 2023, a Dutch professional cartoonist posted a cartoon to Facebook depicting a group of distressed women beneath a car crusher carrying three Taliban men. In the background, there was a meter labelled “oppress-o-meter”, and of the men was pressing its button causing the crusher to lower. The captioned the cartoon with “2 years of Taliban rule. #Afghanistan #Taliban #women #oppression.”

Meta originally removed the post from Facebook for violating the Dangerous Organizations and Individuals (DOI) policy, which prohibits representation and support of groups and individuals designated dangerous by the company. However, the policy permits content reporting on, condemning or neutrally discussing these designated groups and individuals. The user appealed this decision to the Oversight Board.

**Decision Overview**:

The primary issue before the Board was whether the removal of the post was consistent with Meta’s content policies, values, and human rights obligations.

In their appeal to the Board, the user clarified that the cartoon was political satirical commentary on the continued and worsening oppression of women by the Taliban in Afghanistan. On the other hand, Meta reversed its original decision and restored the content to Facebook after being notified of the appeal by the Board.

The Board noted that this case underlined Meta’s enforcement errors related to the interpretation of images related to designated organizations and individuals. The Board expressed concern that the over-enforcement of the DOI policy would stifle political artistic expression, similar to the content at hand.

Moreover, the Board recalled two of its recommendations from the Mention of the [*Taliban in News Reporting*](https://globalfreedomofexpression.columbia.edu/cases/oversight-board-case-of-mention-of-the-taliban-in-news-reporting/) decision. The first recommendation was for Meta to review its human moderators’ accuracy in relation to enforcing the DOI policy to identify and reduce enforcement errors. The second recommendation was for Meta to evaluate its high-impact false positive override system ranker to improve prioritizing enforcement errors of the DOI policy allowances. Meta reported progress on the implementation of both recommendations.

Additionally, the Board recalled its recommendation for Meta to improve its procedures to analyze satirical content adequately and to provide moderators with adequate resources to be able to do so, which was first made in the [*“Two-Buttons” Meme*](https://globalfreedomofexpression.columbia.edu/cases/oversight-board-case-of-two-buttons-meme/) decision. Meta reported partial implementation of this policy.

The Oversight Board overturned Meta’s original decision to remove the content and acknowledged Meta’s correction of the initial error. The Board emphasized the importance of full implementation of the referenced recommendations to reduce enforcement errors of the DOI policy.

***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