***The Case of Dehumanizing comments about people in Gaza***

**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 April 18, 2024, the Oversight Board overturned Meta’s decision overturned Meta’s original decision to leave up a Facebook post claiming that Hamas reflected the innermost desires of the population of Gaza and compared Gazans to a “savage horde”. The Board noted that this case underlined Meta’s enforcement inefficiency of the Hate Speech policy on content targeting people on basis of their protected characteristics and the negative impact of enforcement errors during armed conflicts. Once notified of the appeal by the Board, Meta reserved its decision and removed the post.

* **Facts**:

In December 2023, a Facebook user reposted an image featuring a text stating that Gaza’s general public were not victims of Hamas and that the group was a reflection of the innermost desires of “a savage horde”. The caption included endorsement and the words “the truth”. The post received less than 500 views.

Meta’s Hate Speech policy prohibited content attacking a group of people based on their protected characteristics, including ethnicity and nationality. Furthermore, the policy specifically prohibited comparison to sub-humanity, include “savages”. The post at hand targeted Palestinians in Gaza based on their ethnicity and nationality.

Meta left up the post on Facebook despite receiving reports which prompted another user to appeal Meta’s decision to the Board.

**Decision Overview**:

The main issue before the Board was whether Meta’s decision to keep the post dehumanizing Gazans was compatible with Meta’s content policies, values, and human rights obligations.

In their appeal to the Board, the reporting user stated that the content was dehumanizing as it generalized Gaza’s population. On the other hand, Meta removed the post was violating the Hate Speech policy after being notified of the appeal by the Board.

The Board noted that this case underline Meta’s enforcement errors of Hate Speech policy on content targeting groups based on their protected characteristics. The Board further highlighted the impact of such enforcement errors in times of armed conflict and the importance of more robust content moderation.

Furthermore, the Board drew a comparison between this case and the [*Knin Cartoon*](https://globalfreedomofexpression.columbia.edu/cases/oversight-board-case-of-knin-cartoon/)case, which contained hate speech against an ethnic groups and described them as rats without explicitly mentioning them. However, historic and cultural context was needed in the *Knin Cartoon* to fully understand the meaning of the content but in the case at hand, the Board found the content to directly tie dehumanizing speech to an entire population, thus it should have been reasonably understood as an attack based on protected characteristics.

Moreover, the Board recalled one of its recommendations in the *Knin Cartoon* decision for Meta to clarify its Hate Speech policy and internal guidance to explain that implicit references were prohibited under the policy. Meta reported partial implementation of this policy.

Finally, the Board stressed the importance of full implementation of this recommendation to reduce enforcement errors of the Hate Speech policy. The Board overturned Meta’s original decision and acknowledged the company’s correction of the initial error.

***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