

ALLIANCE FOR HEALTHY INFOSPHERE

Position paper for the Facebook Oversight Board on the suspension of Donald Trump's account

(Case no: 2021-001-FB-FBR)

SUSPENSION OF PRESIDENT TRUMP'S ACCOUNT

Suspension of Donald Trump's account in the aftermath of Capitol Hill riot fulfils the criteria laid out in the Violence and incitement section of the Community standards. Donald Trump's role in inciting the riot by calling for his supporters to go to the Capitol on January 6th and "fight like hell" implies there was a **"genuine risk of physical harm or direct threats to public safety"**, which warrants such suspension. Moreover, his public statements, including his Facebook posts prior to January 6th, continuously and repeatedly contained false and misleading statements regarding the outcome of the election, which fall under the criteria of **"Any content containing statements of intent, calls for action, conditional or aspirational statements, or advocating for violence due to voting, voter registration or the administration or outcome of an election"**. Due to previous consistent messaging of Donald Trump on this matter, there was a high probability that such behaviour, in violation of Facebook policies will be repeated. Facebook was therefore right in suspending [Donald Trump account](#) for the initial period of 14 days until the inauguration. However, the indefinite suspension of his account after the January 20th was not warranted. Instead, conditional return of the account to Donald Trump with constant monitoring for breach of Community standards should have been made.

OFF-FACEBOOK CONTEXT ASSESSMENT

Off-Facebook context in each country **should be taken into consideration** when assessing incitement to violence or other breaching community standards.

However, numerous occasions in countries across the world¹ show that Facebook currently lacks sufficient internal capacity to assess the local context. To start successfully implementing the application of community standards, Facebook must complement its technology for identification of hate speech and violence by **employing or partnering with large teams of people responsible for reviewing content** for each country/area with user base. The size of teams should proportionally correspond to users per country/area. The teams must be equipped with the knowledge of the language and political and social background and must be large enough to react swiftly before the damage is done. When unsure, Facebook should preliminarily block the content before an internal board made of a country/area-dedicated team resolves the issue.

ACCESSIBILITY OF RULES FOR ACCOUNT-LEVEL ENFORCEMENT & APPEALS

Information about what users can and cannot post on Facebook as well as Facebook's right to remove content and block accounts in case of violation of its Community Standards is clearly outlined and easily accessible.

However, no clear rules can be currently found on the difference and reasoning behind content removal and account suspension. Thus, clear rules are needed, outlining:

- Instances when the account is immediately blocked due to severe violation of community standards.

¹ Proven by well-known cases of [Myanmar](#), [Kenosha](#) protest; but also by a recent case in [Slovakia](#) reported by one of local newspapers.

- Instances when the account is blocked due to continuous violation of community standards, whereas the violations should be quantified. For example, “If an account shares / generates content violating community standards more than twice, it will be blocked. After the period of xy, the account can be reopened. If the account shares/generates content violating community standards more than twice again, it will be deleted.”

These rules are fully implementable only if Facebook considerably increases its internal capacities for assessing content. As regards the cases of appeal against Facebook’s decisions, review mechanism should be strengthened and expanded. A user should receive a proper reasoning behind a decision to dismiss the appeal. Also, the user should be able to escalate the case to a human analyst responsible for a review. Moreover, the Facebook Oversight Board’s competence should expand to decisions on the appeals against Facebook’s decision **not** to remove content or block an account.

EXPRESSION OF POLITICAL FIGURES

Facebook should provide clearer and more detailed criteria distinguishing public figures with a potential of higher reach and influence on the public opinion when applying its policies on content removal and account blocking. The key principle applied to political figures, however, should be fact-checking. All statements of politicians, regardless of their status should be subject to fact-checking. The exemption from fact-checking for politicians is not warranted.

NEWSWORTHINESS EXEMPTION

The newsworthiness exemption was used as an excuse not to remove content of acting office holders or political leaders which would have otherwise either warranted removal or at least warranted fact-checking². Only recently did Facebook change its approach of not checking the statements of politicians, and even then it was not applied consistently.

To fully and consistently apply the newsworthiness exemption and consider the balancing of different interests, Facebook must have a robust system or a network of local experts able to assess the situation in a given country and compare the conflicting interests. That is currently not the case, especially in countries with smaller population or unique languages.

RECOMMENDATIONS FOR FACEBOOK

1. Robustly increase the amount of people responsible for assessing off-Facebook context and newsworthiness exemption, create teams for each country/area with users
2. Strengthen and expand the appeal mechanism by providing users an elaborate reasoning behind each decision and an opportunity to escalate their case to a human analyst.
3. Expand the Oversight Board’s competence to assessing cases when Facebook refused to remove content/account.
4. Provide clear publicly accessible criteria and processes for suspension of accounts, including number of violations and their consequences.

² Mark Zuckerberg says social networks should not be fact-checking political speech, CNBC, May 28, 2020 <https://www.cnbc.com/2020/05/28/zuckerberg-facebook-twitter-should-not-fact-check-political-speech.html>