

**InternetLab's comment on Oversight Board case 2021-001-FB-FBR**

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As part of the growing calls for platforms to police user content to preserve a healthy environment, in terms of online and offline harm, many have drawn attention to social media use by high-ranking public officials or candidates to these positions. As political leaders, these individuals constitute a group of users that hold a crucial role for public discourse: they are in a position to legitimize, defuse or amplify behaviors with severe social and political repercussion. Moreover, they are usually voices for political representation and dissent.

As a Brazilian research organization, we do not address the context-specifics of this case. Instead, our submission is premised on how the Board's policy advisory statement and its decision will impact other countries. As social media becomes a vital part of the infrastructure hosting democratic conversations, it is essential that platform policies enforced against political leaders are predictable, avoid inequitable shrewdness or bias to specific regions or countries. To that end, Facebook should equally serve democratic values and responsiveness to context in all countries they want to operate.

While the company had labelled or removed content posted by political leaders before, it had not yet taken more forceful action against them. It has chosen to do so now, with the indefinite suspension of the then President of the United States. We want to bring to the consideration of the Board the importance of advising Facebook to take this opportunity to design a protocol or develop policy that is appropriate and responsive to the different social and political realities across the globe. The trigger for this protocol's application might be in the overlap of three elements of the Community Standards in the political leadership content: newsworthiness, electoral integrity and protection against harm or violence.

This advice should highlight the following attention points to be considered by Facebook:

- An overarching question in establishing a protocol in this topic is that it should not come at the cost of compromising the legitimacy of electoral results. With campaigns increasingly turning to social media, all candidates must enjoy roughly the same opportunities to persuade voters. If, for instance, incumbents in presidential elections are afforded exemptions from the enforcement of Community Standards, those already in power have an unfair advantage. The same goes for candidates not holding office at the time of the contest. *That all candidates abide by the same rules when using social media is crucial to ensure that Facebook contributes to fostering fair elections.*
- *At the same time, a Facebook policy should be explicit about disputes over electoral results.* While contesting official results is not inherently harmful, and candidates



have the right to make their case, Facebook must not sit idly by and watch as its platform is used to amplify baseless allegations threatening to displace democratic institutions. Violence and harm will be an important component in the design of that policy, but so must be the persistency of legitimate government. Facebook policy on disputes over electoral results should be clear on when a threshold has been breached so that candidates and individuals have adequate notice and can anticipate what action may be taken against them. It should also be clear on how Facebook will determine that a threshold has been breached. This condition will require Facebook to understand how electoral authorities operate when candidates have exhausted all available means of challenging results and the reality on the ground.

- *Transparency on the standards applicable to political leaders also demands that policy be enunciated in an accessible and organized manner.* Facebook policy on such individuals is currently scattered between company officers' statements and spokespeople to national and international media, public speeches given by company leadership, blog posts in the Newsroom, and the like. The indefinite suspension of Mr. Trump and the policy reasoning behind it were announced in a Facebook status update by Mr. Zuckerberg. Users should expect to find the Facebook protocol for content moderation of political leadership in its Community Standards pages; rules for political leaders should be found there as well, in concise language, including examples and specifics when appropriate.
- *Decisions about Community Standards violations by political leaders should have higher transparency standards, including previous assessments about their accounts - even when Facebook found no infringement or decides not to take action.* Many questioned the sincerity of Facebook's reasoning to suspend Mr. Trump because they believe the former President had engaged in comparable harmful behavior before. Given that Facebook refrained from more forceful measures before, critics say that the company acted only politically conveniently. Transparency on previous analyses that lead to decisions to not to take harsher action against the President would help show integrity in policy enforcement, potentially assuaging some critics.

Considering the limited time available for public comments, these are the considerations we want to present to the Board. We do not purport to present a fully-fledged policy on the matter, nor do we expect the Board to issue one along with its decision. Instead, we urge the Board to provide Facebook with guidelines the company should follow in its policy development process — the result of which the Board will be able to review later. In 2019, Facebook Vice-President Nick Clegg said that "At Facebook, our role is to make sure there is a level playing field, not to be a political participant ourselves." Our contribution presents elements that, in our view, must be reflected in Facebook policy if the company wishes to honor that pledge.

