



End violence: Women's rights and safety online

Internet intermediaries and violence against women online

Facebook: A case study

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Introduction to the research

This profile is part of a short study of the policies of three major internet intermediaries, Facebook, YouTube and Twitter, with respect to violence against women online. The study aims to map the corporate policies of these intermediaries that allow for the identification, reporting and rectification of incidents of harassment or violence against women via the service that the intermediary provides. In addition to providing a detailed summary of the user policies relevant to this issue, the study also compares the impact and effectiveness of those policies against the framework of the UN Guiding Principles on Business and Human Rights. The study was conducted on the basis of desk research and an analysis of corporate policies and terms of service, and interviews with representatives of the intermediaries. However, YouTube was the only company out of the three to agree to an interview with the researchers.

About Facebook

Facebook is an online social networking service, established in 2004, with 1.28 billion users and 6,818 employees. It is headquartered in California, and brought in almost USD 8 billion in revenue in 2013. Users outside of the US and Canada are officially serviced by Facebook's Irish subsidiary. Facebook has offices in California, London, Dublin and Hyderabad, India. It has almost 250 million users in Europe, and the same in Asia; 184 million in North America, 134 million in South America, 48 million in Africa, 47 million in Central America/Mexico, 23 million in the Middle East, 15 million in Oceania and Australia, and 7 million in the Caribbean.

Report format

This report is broken down into three main sections:

1. Critical analysis of main trends.
2. Charting the impact and effectiveness of Facebook's policies and procedures with respect to violence against women, using the framework of the Guiding Principles on Business and Human Rights.
3. A detailed breakdown of Facebook's user policies, redress mechanisms and the evolution of its approach to violence against women.

1. Analysis of main trends

Facebook has evolved considerably in its attitude towards its obligations to respect and facilitate the enjoyment of human rights through its actions as an internet intermediary. In the first few years of its operation Facebook made several blunders with respect to users' privacy rights,¹ and it was not until five years after its inception that it introduced policies regarding the use of the platform for harassment, hateful content, intimidation or the dissemination of gratuitous violence. The Community Standards, which explain what constitutes violence and threats, hate speech, etc. were not introduced until 2011, some seven years after Facebook was launched in the United States.

Since its inception, Facebook has been the location of numerous public incidents of violence,² hate speech,³ bullying⁴ and the dissemination of gratuitous violence;⁵ presumably, far more incidents have not been made public or have gone unnoticed by the mainstream media. Facebook has shown, however, a willingness to learn from those mistakes which have gained public attention, and engage with users accordingly. This is most clearly demonstrated by the intermediary's approach to instances of violence against women. Facebook was prompted by public outrage and hard-fought advocacy campaigns to review and update its guidelines for evaluating reports of hate speech and to improve its training mechanism for the teams that review reports. Additionally, Facebook committed to establishing more formal and direct lines of communication with women's rights groups and communities.

While these are positive steps, it is clear that it was not until such issues became problematic from a public relations perspective that Facebook took concrete action to address them. Furthermore, while public commitments have been made to improving the service as detailed above, there is not any available evidence to show such improvements have been implemented effectively. Because Facebook refrains from providing public, disaggregated information about the types of complaints, incidents and reports it receives, it is impossible to understand to what degree improvements have been made, and whether Facebook's comments were anything more than hyperbole designed to quieten its critics.

Even if Facebook's willingness to engage with its responsibility to facilitate and respect human rights, and to mitigate adverse human rights impacts of its services, is genuine, there is much more for Facebook to do. The company continues to be tight-lipped about its policies and procedures, and did not respond to requests for interviews with the researcher. There is a consistent North American/European bias to its approach – for example, its engagement with

¹ The Electronic Privacy Information Center has a comprehensive summary of the issues Facebook has experienced with privacy over its lifespan. epic.org/privacy/facebook

² See, for example, Kerr, D. (2013, May 29). Facebook pulls pages depicting violence against women. *CNET*. www.cnet.com/uk/news/facebook-pulls-pages-depicting-violence-against-women

³ See, for example, Advocate (2010, October 13). Facebook deletes antigay hate speech. *Advocate.com*. www.advocate.com/news/daily-news/2010/10/13/facebook-deletes-antigay-speech

⁴ See, for example, Arkell, H. (2013, November 26). Coroner warns of dangers of Facebook after student, 19, targeted by young women bullies online hanged himself. *Daily Mail*. www.dailymail.co.uk/news/article-2513782/Facebook-bullies-led-suicide-student-19-hanged-himself.html

⁵ See, for example, Kelion, L. (2013, October 21). Facebook lets beheading clips return to social network. *BBC News*. www.bbc.com/news/technology-24608499

women's rights bodies does not extend to developing countries – and it continues to have a reactive stance in relation to issues of violence against women online, rather than a proactive stance. It has opaque policies regarding cooperation with law enforcement that do not allow the user any certainty in how their situation will be dealt with.

2. Compliance with the Guiding Principles on Business and Human Rights

Human rights obligations do not only relate to the actions or omissions of states. Companies are also required under international law to respect human rights, to avoid infringing human rights, and to address adverse human rights impacts with which they are involved. This means not only do they have to take action when they play a role in human rights violations, but they also have to take positive steps to prevent, mitigate and remedy human rights violations.

The steps required by companies to fulfil human rights obligations were analysed at length by the UN Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The SRSG compiled a set of Guiding Principles on Business and Human Rights, which was endorsed by the UN Human Rights Council in 2011. The Guiding Principles enshrine a framework of obligations, entitled "Protect, Respect and Remedy", which tells both states and companies what steps they should take to promote human rights.

When it comes to addressing technology-related violence against women, the second pillar of the Framework – Respect – provides guidance for internet intermediaries as to the actions they should take to ensure that women's rights online are promoted and respected. The Respect pillar sets a number of benchmarks that companies must reach in order to be in compliance with human rights obligations.

The third pillar of the Framework - Access to Remedy – establishes that states must take steps to ensure judicial, administrative or other remedies to ensure that victims of human rights abuses can obtain redress. While the pillar primarily addresses the role of states in this regard, it also provides that business enterprises should establish or participate in effective operational-level grievance mechanisms for adverse human rights abuses.

The Guiding Principles may provide an effective and useful structure within which to engage internet intermediaries on technology-related violence against women concerns. The Framework prescribes a number of actions that can be adapted to analyse the actions of internet intermediaries in this regard.

We have developed a list of questions,⁶ to correspond with the Principles, that organisations, advocates and activists can use to analyse the compliance of internet intermediaries with the Guiding Principles. Below, we use the questions to address the question of Facebook's compliance with human rights obligations in its approach to issues of violence against women.

⁶ These questions are based on the Access to Justice Framework for Corporate Policies, as detailed in the Ending Violence: Domestic Legal Remedies and Corporate Policies/Redress Mechanisms Research Design.

Policy commitment	
1.	Does the intermediary have a publicly available statement of policy that stipulates the organisation's policy with respect to violence against women (in all of its forms)?
	<p>Facebook's current user policies recognise that users have a right not to be bullied, intimidated, harassed, subjected to hate speech (including on the basis of gender); threatened with violence; or subjected to gratuitous violence. Facebook's policies do not explicitly recognise the disproportionate discrimination and harassment that women experience online, nor provide explicitly for redress against violence against women. Yet the company has recognised the imperative role it must play in facilitating safety and security on its platform, particularly for women and others subject to discrimination or abuse.⁷</p> <p>However, Facebook could improve its policies by including a public commitment to human rights standards and a recognition of the range of human rights that its services engage.</p>
2.	Has the intermediary taken due diligence steps to understand the way in which it may be facilitating violence against women, in order to inform its policies and procedures?
	<p>Facebook has undertaken a self-assessment process in order to understand how it may be exacerbating hate speech and violence against women because of problems with its ineffective reporting system, albeit a process that came about as a response to complaints and concerns, rather than one that originated out of a proactive need to ensure women's rights were infused in its policies and procedures. That process was announced in May 2013, at which time Facebook's VP of Global Public Policy announced that Facebook would conduct a review and update of its guidelines for User Operations teams. However, the results of that review and update have not been made public to date.</p> <p>Since May 2013, Facebook has also been pursuing more engagement with women's groups and others working on issues of hate speech and violence against women to assure expedited treatment of content they believe violate Facebook's standards. However, these relationships have not been formalised nor publicly acknowledged by Facebook in its communications, policies and procedures.</p> <p>Facebook should thus ensure that it articulates the results of its review and update in publicly available policies and procedures, to ensure that the relevant individuals and communities are able to access information about what changes Facebook has made to improve its approach to issues of violence against women.</p>
Due diligence	
3.	Has the intermediary engaged in meaningful consultation with women, either by soliciting the input of users or by engaging women's rights groups and activists, to understand the potential adverse impacts of its services on women's rights?
	<p>Since 2013 and in response to a campaign by Women, Action and the Media and the Everyday Sexism Project, Facebook has committed to establishing more engagement with women's groups and others working in this area, and has participated in dialogues between the Everyday Sexism Project and other groups. It has also committed to encouraging the Anti-Defamation League's Anti-Cyberhate working groups and other international working groups to include representatives of women's groups in their discussions, to undertake research, and to evaluate Facebook's progress in this area.</p>
4.	Is responsibility for addressing issues of violence against women assigned to the appropriate level and function within the intermediary?
	<p>With respect to general policy making, it is difficult to see where Facebook has mainstreamed women's issues into its policies. There does not appear to be a particular division, working group, stream or committee engaged in these issues. Aside from the</p>

⁷ www.facebook.com/notes/facebook-safety/controversial-harmful-and-hateful-speech-on-facebook/574430655911054 – This statement came about in response to a campaign by Women, Action and the Media and the Everyday Sexism Project, amongst other actors. See: www.womenactionmedia.org/facebookaction

<p>single statement issued in 2013, by the VP of Global Public Policy – which does suggest that there is awareness of these issues at a high level – Facebook has not published a formal policy or specific approach to violence against women issues, nor have they signed the Women’s Empowerment Principles.</p> <p>Although Facebook committed in May 2013 to updating the training for the teams that review and evaluate reports related to incidents of violence against women, there remains no public disaggregated information about how teams are trained, their composition, or what their areas of expertise are, so it is impossible to evaluate Facebook’s progress on that front. Facebook should make public information about the steps it is taking to improve expertise in and understanding of issues of violence against women.</p>
<p>5. Do internal decision-making processes enable effective responses to issues of violence against women?</p>
<p>Historically, Facebook’s decision-making processes did not effectively respond to issues of violence against women, prompting public outrage and civil society advocacy in this regard. While Facebook has committed to making changes in this respect, its internal decision-making processes remain obscured by a lack of publicly available information about what training is provided on women’s issues, and what percentage of staff members or complaints handlers are women, and thus it is difficult to get a sense of how effective internal decision-making processes are today. In addition, there are few concrete public examples of when issues of violence against women have been dealt with since Facebook announced its review and update in May 2013. Additionally, the design of the content-reporting mechanisms themselves – which focus on reporting individual comments/posts/photos – do not allow users to communicate how harassment and assault work in a larger context so that moderators may not be able to see how one comment/post/photo against a woman is actually part of a larger contextual pattern of abuse.</p> <p>Facebook should be urged to embrace greater transparency of its decision-making processes in order to enable greater scrutiny of them. It should issue an update of the results of its review and the steps it has taken to improve the effectiveness of its processes.</p>
<p>6. Does the intermediary track how effective its responses to issues of violence against women are, either by tracking indicators or seeking feedback from affected stakeholders?</p>
<p>Facebook does not publish disaggregated numbers about the types of complaints it receives and the outcomes of those complaints, so it is impossible to know how many are resolved to the satisfaction of the reporter. While Facebook does continue to work with civil society and affected stakeholders to solicit feedback as to the effectiveness of its responses to issues of violence against women, public information on this feedback and Facebook’s responses to it are obscured.</p> <p>Engagement and feedback are an important part of the process; however, we recommend that Facebook also track and publish indicators to ensure broader public transparency and education.</p>
<p>7. Does the intermediary publicly communicate both the occurrence of, and its response to, issues of violence against women?</p>
<p>Facebook does not publish information about instances of violence against women on its platform, but should consider doing so. It could consider establishing a separate page on violence against women online, where information about instances of violence could be recorded, and avenues for redress or reporting could be detailed.</p>

Remediation	
8.	Is there a grievance mechanism in place for individuals or communities who are adversely affected by violence against women?
	<p>Facebook adopts a self-reporting model, which allows users to take one of a number of actions. Users can report a piece of content (a post, a photo or video, groups or events), a behaviour, an account or a user directly to Facebook; they can block or ban the user who posted it; they can contact the user directly to ask them to remove the content or cease the behaviour; or they can report the content or behaviour to someone else in their social circle (Social Reporting). Facebook thus provides a number of different means of seeking redress for incidents of violence against women. When users make a report directly to Facebook, a number of different processes are possible, which may result in identification checks, users being blocked, or law enforcement being contacted.</p> <p>There is provision for reporting harassment or abuse on Facebook for someone who does not have an account or who wishes to report on behalf of a third party.⁸</p>
9.	Does the intermediary consult stakeholder groups on the design and performance of its grievance mechanisms?
	Whereas Facebook did not consult women's groups or other stakeholder groups in the design of the reporting process, it does consult such groups in an ongoing effort to improve the process. It is unclear whether this consultation is on an ad hoc or formalised basis.
10.	Does the mechanism meet the following effectiveness criteria?
10a.	Legitimacy – is the mechanism viewed as trustworthy, and is it accountable to those who use it?
	<p>In 2012 and 2013 there was serious public criticism of the trustworthiness and accountability of Facebook's reporting mechanism from women's groups and activists. These concerns were based on experiences in which gratuitous violence and threatening content related to women were not removed by Facebook's User Operations teams despite repeated reports.</p> <p>Since May 2013, when Facebook announced a review of its processes, there have been few examples of when the reporting process has been used to address violence against women and as such it is difficult to establish whether the Facebook reporting mechanism has improved its effectiveness and accountability. Facebook should publish more information about what changes it has made and the number of reports received, responded to, and acted upon, in order to enable more detailed engagement with this question.</p>
10b.	Accessibility – is the mechanism easily located, used and understood?
	<p>The Facebook reporting mechanism is easily located and understood. It is written in plain language and users are guided through the steps quickly and simply. It is presumably available in each of the languages which Facebook supports, which is upwards of 75.⁹ Users do not have to search long and hard to locate the reporting mechanism, which is an important attribute, and there is considerable information available at the Facebook Desktop Help to answer questions that users may have.</p> <p>However, individuals are only able to report violations online, and this may exclude individuals without access to computers or without computer literacy from accessing the grievance mechanism. Furthermore, Facebook's complaint process requires that users identify their Facebook account if they have one. If users do not have a Facebook account, it is unclear whether they have to provide personally identifiable information.</p>

⁸ www.facebook.com/help/434138713297607

⁹ en.wikipedia.org/wiki/Facebook_features#Languages

<p>10c. Predictability – is there a clear and open procedure with indicative time frames, clarity of process and means of monitoring implementation?</p>
<p>There is no publicly available information about who will be dealing with the complaint, what standards they will apply (outside the Community Standards), or who they will consult on their decision. There are no examples or case studies available for people to understand how previous complaints have been dealt with. Facebook should introduce greater transparency in this regard.</p> <p>There is no information on the applicable time frames for responding to complaints. However, importantly, users are able to see the status of their complaint through their Support Dashboard if they have a Facebook account.</p>
<p>10d. Equitable – does the intermediary provide sufficient information and advice to enable individuals to engage with the mechanism on a fair and informed basis?</p>
<p>Facebook does provide some extended guidance about what constitutes harassment and cyber bullying, hate speech, threats and violence or graphic content. Facebook has taken steps to increase its guidance to users in this regard, particularly in response to pressure from civil society and its advisory groups after controversy surrounding its content-takedown procedures. The extended guidance helps users better design their complaint to ensure that it falls within Facebook’s ambit. However, there remains little information about how reports are assessed and responded to, and this may create an inequality of information and power for reporters.</p>
<p>10e. Transparent – are individuals kept informed about the progress of their matter?</p>
<p>Users are able to see the status of their complaint through their Support Dashboard if they have a Facebook account. It is unclear to what extent Facebook proactively keeps reporters who do not have a Facebook account updated about the progress of their complaints.</p> <p>Facebook should be encouraged to provide greater information about how it will keep reporters updated about the status of their complaint, as certainty as to the process is an important element of assisting victims/survivors of violence against women.</p>
<p>10f. Rights-compatible – do the outcomes and remedies accord with internationally recognised human rights?</p>
<p>There does not appear to be an established process for appealing an adverse decision about complaints. This would not comport with the need for independence, impartiality and accountability in processes of remedy and redress.</p> <p>Facebook should provide more opportunities for participation of the victim/survivor of violence against women in the grievance mechanism. Reporters should have a greater opportunity to provide information and explanation as to the reason for their complaint and the impact that the offensive or violent behaviour had on them. Although Facebook has some ad hoc procedures to garner input from stakeholder communities on the process, they could establish more formalised procedures to ensure that individuals and communities can give input into the design of the reporting processes themselves, which do not reflect a consideration of the particular difficulties of ensuring justice for victims/survivors of violence against women online.</p>
<p>10g. Source of continuous learning – does the intermediary draw on experiences to identify improvements for the mechanism and to prevent future grievances?</p>
<p>Facebook has shown a willingness to take on board public criticism and amend its procedures accordingly. To what extent actual changes have been put in place since May 2013 remains to be seen – it has yet to publish information about concrete changes that have been made – however it is clear that it has shown good faith in engaging with women’s rights communities.</p>

2.1. Recommendations

In order to ensure that it is meeting its obligations to respect and advance human rights standards, particularly the right of women to be free from harassment, hatred and violence online, Facebook should take the following steps:

1. Make a public commitment to human rights standards, and take a strong stance on respect for diversity and for women's rights.
2. Sign the Women's Empowerment Principles.¹⁰
3. Take more positive steps to understand the proliferation of violence against women on Facebook, and map out the human rights implications of its policies, in order to help it better mitigate and address these harmful effects.
4. Take a more proactive stance to the issue of violence against women via its platform. It is insufficient for it to address these issues only when a scandal flares in the media. Facebook should undertake a comprehensive consultative investigation of the ways in which it might facilitate and address violence against women online.
5. Build on ad hoc processes by putting in place a more formalised process of consultation with women's rights groups and activists – particularly those outside of the US and Europe – on the design, implementation and evaluation of policies and procedures;
6. Establish a point-person responsible for understanding and responding to issues related to violence against women, and for establishing – in consultation with the relevant individuals and communities – a Facebook policy towards issues of violence against women.
7. Provide regular training to staff responsible for moderation on issues related to human rights in general, and to the specific realities of women's rights as they pertain to health, sexuality, violence.
8. Publish disaggregated information about the gender, expertise and training of complaints handlers dealing with content- and privacy-related complaints.
9. Provide greater transparency about complaints processes more generally, what standards are applied and how complaints are dealt with throughout their lifecycle.
10. Publish information about instances of violence against women on Facebook, including information on the number of reports received, responded to, and acted upon, in order to enable more detailed engagement on these issues.
11. Consider providing alternative reporting mechanisms for individuals who are not computer literate or who might be unwilling to disclose identifying information in making a complaint.

¹⁰ The Women's Empowerment Principles (WEP) is a global initiative focused specifically on corporate social responsibility and women's human rights, and is a collaboration between UN Women and the UN Global Compact (see weprinciples.org). Signing in support of the WEP entails recognition of the costs of violence against women to businesses, and a commitment to developing internal and external initiatives to increase women's empowerment within the workplace, marketplace and community.

12. Establish mechanisms for greater participation of the victim/survivor of violence against women in the reporting process, giving reporters a greater opportunity to provide information and explanation as to the reason for their complaint and the impact that the offensive or violent behaviour had on them.

3. Facebook's user policies

Below, we analyse Facebook's current user policies to ascertain to what extent they address, prohibit, and provide redress for technology-related violence against women.

3.1. Which rights violations are explicitly recognised and provided for in corporate policies?

Facebook's current user policies recognise that users have a right not to be bullied, intimidated, harassed, subjected to hate speech; threatened with violence; or subjected to gratuitous violence. The policies provide for a procedure whereby users can report actions that might contravene these rights and those responsible for such activities can be punished or blocked.

Facebook's policies do not explicitly recognise the disproportionate discrimination and harassment that women experience online, nor provide explicitly for redress against violence against women. Yet the company has recognised the imperative role it must play in facilitating safety and security on its platform, particularly for women and others subject to discrimination or abuse.¹¹

A common theme in Facebook's policies and public statements and materials is the importance it accords to the free exchange of ideas and knowledge, and this creates an inherent tension between the platform's other policies related to hate speech and harassment, and to privacy. However, the company has navigated a middle ground between these competing concerns.

Facebook's user policies related to violence against women online are contained in the company's Statement of Rights and Responsibilities,¹² and the Community Standards (see Annex 1).

The relevant provisions of the Statement of Rights and Responsibilities are as follows:

- Section 3 – Safety
 - 3.6 You will not bully, intimidate, or harass any user.
 - 3.7 You will not post content that: is hate speech, threatening, or pornographic; incites violence; or contains nudity or graphic or gratuitous violence.

- Section 5 – Protecting Other People's Rights

We respect other people's rights, and expect you to do the same.

¹¹ www.facebook.com/notes/facebook-safety/controversial-harmful-and-hateful-speech-on-facebook/574430655911054 – This statement came about in response to a campaign by Women, Action and the Media and the Everyday Sexism project, amongst other actors. See: www.womenactionmedia.org/facebookaction

¹² www.facebook.com/legal/terms

5.1 You will not post content or take any action on Facebook that infringes someone else's rights or otherwise violates the law.

5.2 We can remove any content you post on Facebook if we believe that it violates this Statement.

The relevant provisions of the Facebook Community Standards¹³ are as follows:

- Violence and threats

Safety is Facebook's top priority. We remove content and may escalate to law enforcement when we perceive a genuine risk of physical harm, or a direct threat to public safety. You may not credibly threaten others, or organize acts of real-world violence. Organizations with a record of terrorist or violent criminal activity are not allowed to maintain a presence on our site. We also prohibit promoting, planning or celebrating any of your actions if they have, or could, result in financial harm to others, including theft and vandalism.

- Bullying and harassment

Facebook does not tolerate bullying or harassment. We allow users to speak freely on matters and people of public interest, but take action on all reports of abusive behaviour directed at private individuals. Repeatedly targeting other users with unwanted friend requests or messages is a form of harassment.

- Hate speech

Facebook does not permit hate speech, but distinguishes between serious and humorous speech. While we encourage you to challenge ideas, institutions, events, and practices, we do not permit individuals or groups to attack others based on their race, ethnicity, national origin, religion, sex, gender, sexual orientation, disability or medical condition.

- Reporting abuse

If you see something on Facebook that you believe violates our terms, you should report it to us. Please keep in mind that reporting a piece of content does not guarantee that it will be removed from the site.

Because of the diversity of our community, it's possible that something could be disagreeable or disturbing to you without meeting the criteria for being removed or blocked. For this reason, we also offer personal controls over what you see, such as the ability to hide or quietly cut ties with people, Pages, or applications that offend you.

In the Facebook Help section of the website, Facebook expands on what it considers hate speech:

- Content that attacks people based on their actual or perceived race, ethnicity, national origin, religion, sex, gender, sexual orientation, disability or disease is not allowed. We do, however, allow clear attempts at humor or satire that might otherwise be considered a possible threat or attack. This includes content that many people may find to be in bad taste (ex: jokes, stand-up comedy, popular song lyrics, etc.).

¹³ www.facebook.com/communitystandards

3.2. What is the process for reporting violations?

Violations can usually be reported directly at the source of the content, where users will find either a dedicated Report button or a drop-down menu enabling them to report. Reports can be made either to Facebook User Operations, or via the Social Reporting mechanism, which enables users to report content to others in their support network, such as a friend, parent or teacher.

Where reports are made directly to Facebook User Operations, they are processed in accordance with a detailed process (see Figure 1).

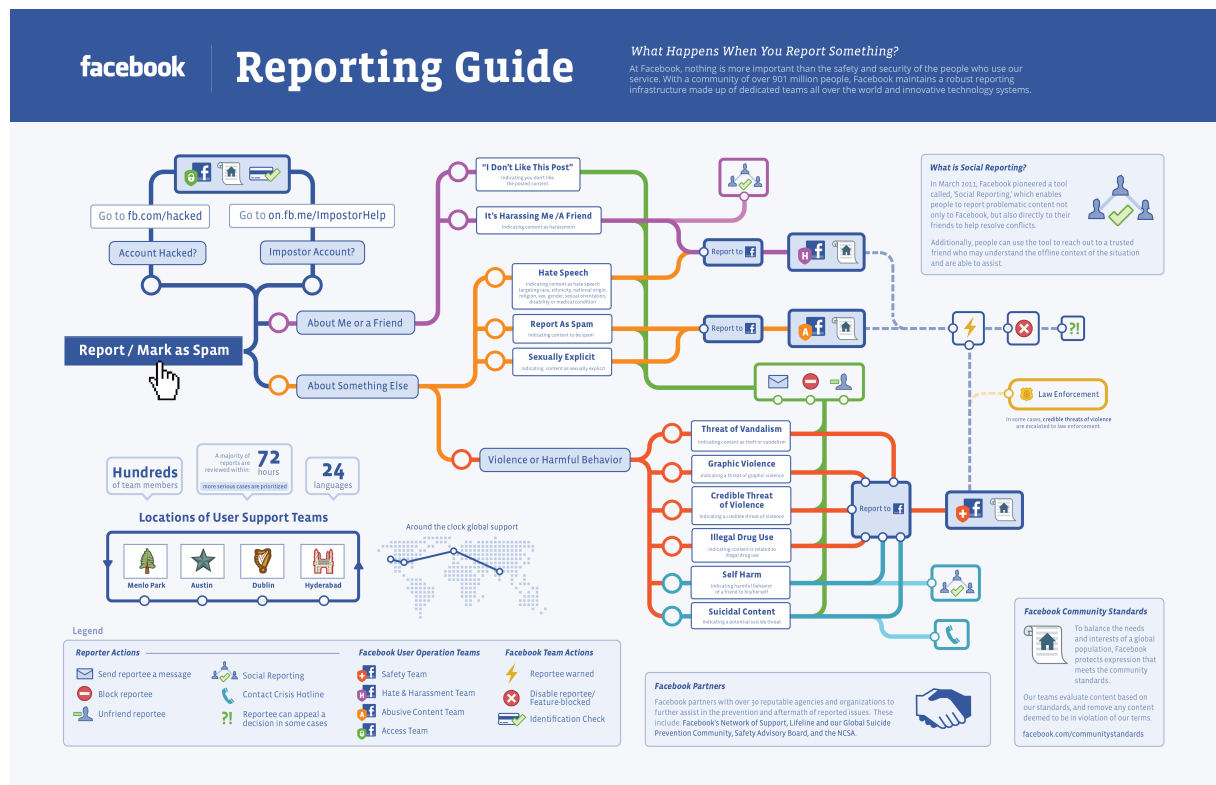


Figure 1: Facebook's "Report" Guide, available online at: fbcdn-dragon-a.akamaihd.net/hphotos-ak-prn1/t39.2178/851563_293317947467769_1320502878_n.png

Facebook User Operations is separated into four specific teams that review certain report types: the Safety team, the Hate and Harassment team, the Access team, and the Abusive Content team. When a person reports a piece of content, depending on the reason for their report, it will go to one of these teams:

- Safety team: Deals with threats of violence, graphic violence, vandalism or illegal drug use
- Hate and Harassment team: Deals with harassment and hate speech
- Access team: Deals with instances in which an account is hacked or there is an impostor account
- Abusive Content team: Deals with hate speech and sexually explicit material.

There is no information available about the make-up of these teams.

Reporting hate speech

Complaints regarding hate speech are forwarded to the Facebook Hate and Harassment Operations Team, which weighs the complaint against the Community Standards. The reportee is warned, and the reporting user's identity is concealed from the reportee. User Operations may potentially disable or feature-block the reportee's account, a decision which in some cases can be appealed. The reportee may also be blocked from Facebook. There is no mechanism for a user to compel Facebook to report hate speech to law enforcement authorities; however, Facebook does so at their own initiative.

Facebook does not publish any statistics, disaggregated or otherwise, about how many reports are received, how many incidents are resolved, and in what manner.

Reporting violence or harmful behaviour against women

Complaints regarding violence or harmful behaviour against women must qualify as either Graphic Violence or Credible Threat of Violence. Once they are reported to Facebook, the reportee will be blocked from Facebook after the complaint is weighed against the Community Standards. In some cases, credible threats of violence are escalated to law enforcement. There does not appear to be any mechanism for a user to compel Facebook to report complaints to law enforcement. The guide does not prescribe any procedures or policies that would govern when that occurs.

Reporting fake accounts

Complaints regarding fake or imposter accounts, or hacked accounts, are forwarded to the Access team, who assess them against the Community Standards and may perform an identification check. These complaints may also take the same path as harassment-related complaints, as above. There is no publicly available information about the training that complaints handlers and content moderators receive, or the standards they apply, beyond the Statement of Rights and Responsibilities and the Community Standards. However, in 2012 a copy of content moderation guidelines issued to contractors to whom Facebook had outsourced User Operations tasks was leaked, and it gives some guidance to the type of content that Facebook, at the time, considered to fall within the prohibited behaviour and content outlined in its policies:

Abuse Standards Violations



All the items below should be confirmed; anything not on this list can be unconfirmed

Sex and Nudity	Theft Vandalism and Fraud	Graphic Content	Self Harm
<ol style="list-style-type: none"> Any OBVIOUS sexual activity, even if naked parts are hidden from view by hands, clothes or other objects. Cartoons/art included. Foreplay allowed (kissing, groping, etc.), even for same sex (man-man/woman-woman) Naked 'private parts' including female nipple bulges and naked butt cracks; male nipples are ok. Pixelated or black-barred content showing nudity or sexual activity as above. Naked children, including cartoon versions (able to stand on their own) and older minors - Escalate if unsure of sexual context (child porn) Depiction of sexual assault or rape in any form. Mothers breastfeeding without clothes on. Escalate bestiality, necrophilia, and pedophilia. Confirm cartoon/digital versions BUT escalate if content is promoting. Digital/cartoon nudity. Art nudity ok. People "using the bathroom". Blatant (obvious) depiction of camel toes and moose knuckles. Sex toys or other objects, but only in the context of sexual activity. Depicting sexual fetishes in any form. 	<ol style="list-style-type: none"> Praising or displaying crimes that they or their friends committed Organizing criminal activity or soliciting illegal services. Encouraging others to engage in criminal activity. Escalate based on credibility assessment 	<ol style="list-style-type: none"> Content showing Poster's delight in/involvement in/promoting of/encouraging of violence against humans or animals for sadistic purposes (e.g. torture, staged animal fights, animal starvation, obvious neglect, etc.) Depicting the mutilation of people or animals, or decapitated, dismembered, charred, or burning humans. Poaching of animals should be confirmed. Poaching of endangered animals should be escalated Urine, feces, vomit, semen, pus, and ear wax. (Cartoon feces, urine and spit are OK; real and cartoon snot is OK) Violent speech (Example: "I love hearing skulls crack") Photos and digital images showing internal organs, bone, muscle, tendons, etc. Deep flesh wounds are ok to show; excessive blood is ok to show. Crushed heads, limbs, etc are ok as long as no insides are showing <p>Note: No exception for news or awareness related content.</p>	<p>Note: All self harm content should be escalated.</p> <ol style="list-style-type: none"> Threat and serious promotion of suicide. Supporting people, groups, and symbols that advocates and promoting eating disorders as a lifestyle choice. Depicting self-mutilation and groups and people that promote and support it (ex: cutting groups)
<ol style="list-style-type: none"> Unconfirm all marijuana unless context is clear that the poster is selling/buying/growing. Illegal drugs shown NOT in the context of medical, academic or scientific study. <p>Note: Any depiction of marijuana alone (any amount) or implements used for smoking marijuana are ok (unconfirm)</p>	<p>Hate Content (Valid Name Match not required)</p> <ol style="list-style-type: none"> Slurs or racial comments of any kind Attacking based on protected category Hate symbols, either out of context or in the context of hate phrases or support of hate groups. Showing support for organizations and people primarily known for violence. Depicting symbols primarily known for hate and violence, unless comments are clearly against them. "Versus photos" or "Vs photos": photos comparing two people side by side. Any photoshopped images of people, whether negative, positive or neutral images of drunk and unconscious people, or sleeping people with things drawn on their faces. Videos: Street/bar/schoolyard fights even if no valid name match is found. School fight videos are only confirmed if the video has been posted to continue tormenting the person targeted in the video. <p>Notes:</p> <ul style="list-style-type: none"> Hate symbols are confirmed if there's no context OR if hate phrases are used Humor overrules hate speech UNLESS slur words are present or the humor is not evident. 	<p>IP Blocks and International Compliance</p> <p>Escalated:</p> <ol style="list-style-type: none"> Holocaust denial which focuses on hate speech All attacks on Ataturk (visual and text) Maps of Kurdistan (Turkey) Burning Turkish flags <p>Confirmed (unless clearly against PKK and/or Ocalan):</p> <ol style="list-style-type: none"> PKK support and depiction Abdullah "Apo" Ocalan-related content 	<p>Bullying and Harassment</p> <ol style="list-style-type: none"> Valid name matches no matter what the content is (negative, positive or neutral) Contacting other users persistently without prior solicitation or continue to do so when the other party has said that they want no other further contact with the sender. Attacking anyone based on their status as a sexual assault or rape victim. <p>Credible Threats (Escalate as per credibility assessment)</p> <ol style="list-style-type: none"> Credible threats or incitement of physical harm against anyone Credible indications of organizing acts of present or future violence Any threats of violence against Heads of State (HOS) or Law Enforcement Officers (LEO) should always be escalated even if not credible Any credible indication of terrorist activity or organized past/future crime.

3.3. What are the support mechanisms in place for victims/survivors?

Once a user makes a report, they will receive a notification that their report has been received. They can also review the progress of the report via the Support Dashboard. The Support Dashboard will also provide the user with an understanding of why action is or is not taken.

A number of Facebook's features are designed to support users' safety and provide assistance to victims or survivors of online violence or harassment. These include the following:

- The Facebook Safety Advisory Board is comprised of five leading internet safety organisations from North America and Europe – Childnet International, the National Network to End Domestic Violence, Connect Safely, the Family Online Safety Institute, and WiredSafety. Facebook consults with these organisations on issues related to online safety.
- The Facebook Network of Support (NOS) is comprised of five leading LGBT (lesbian, gay, bisexual, transgender) advocacy organisations – the Gay and Lesbian Alliance Against Defamation (GLAAD), the Human Rights Campaign (HRC), the Trevor Project, the Gay, Lesbian and Straight Education Network (GLSEN), and Parents, Families & Friends of Lesbians and Gays (PFLAG) in conjunction with MTV's "A Thin Line" campaign, which

focuses on cyber bullying and harassment.¹⁴ These organisations serve in a consultative capacity to Facebook on issues like anti-gay bullying;

- The Family Safety Centre has considerable resources designed to help children, parents and teachers address, prevent and report online bullying.¹⁵
- Facebook Help¹⁶ provides contact information for (mostly US) organisations that can provide support and assistance to users related to suicide prevention, eating disorders, and domestic abuse.

In July 2013, a member of Facebook's Safety Advisory Board, the National Network to End Domestic Violence, worked with Facebook to produce an informative guide on privacy and safety for survivors of abuse,¹⁷ which outlines the reporting procedures open to victims of harassment online and also gives advice as to how to utilise privacy and notification settings to shield against abuse.¹⁸

3.4. At what point does the intermediary collaborate with others to facilitate access to justice?

The Safety Centre – Facebook and Law Enforcement section of the platform prescribes the cooperation Facebook pursues with law enforcement:

“We work with law enforcement to help people on Facebook stay safe. This sometimes means providing information to law enforcement officials that will help them respond to emergencies, including those that involve the immediate risk of harm, suicide prevention and the recovery of missing children. We may also supply law enforcement with information to help prevent or respond to fraud and other illegal activity, as well as violations of the Facebook terms.”

With respect to the proactive reporting by Facebook of violence against women or other violations of the Facebook terms, the Facebook Reporting guidelines (see Figure 1 above) suggest that only credible threats of violence are reported to law enforcement through Facebook's Safety Team, and that other complaints regarding harassment, hate speech or bullying will not be actively taken to authorities. Facebook does not provide any further information about which authorities it works with or whether it actively seeks out law enforcement engagement outside of the United States.

¹⁴ www.athinline.org

¹⁵ www.facebook.com/safety

¹⁶ www.facebook.com/help

¹⁷ www.facebook.com/notes/facebook-safety/safety-and-privacy-on-facebook-a-guide-for-survivors-of-abuse/601205259900260

¹⁸ fbcdn-dragon-a.akamaihd.net/hphotos-ak-prn1/851584_613437522011141_1298974833_n.pdf

With respect to approaches by law enforcement to Facebook for cooperation in instances of violence against women, Facebook provides some guidance as to the processes it follows:

Information for Law Enforcement Authorities

These operational guidelines are for law enforcement officials seeking records from Facebook. For private party requests, including requests from civil litigants and criminal defendants, visit: facebook.com/help/?page=1057. Users seeking information on their own accounts can access Facebook's "Download Your Information" feature from their account settings. See facebook.com/help/?page=18830. This information may change at any time.

These guidelines can also be [downloaded](#) in their original English as a PDF.

US legal process requirements

We disclose account records solely in accordance with our terms of service and applicable law, including the federal Stored Communications Act ("SCA"), 18 U.S.C. Sections 2701-2712. Under US law:

- A valid subpoena issued in connection with an official criminal investigation is required to compel the disclosure of basic subscriber records (defined in 18 U.S.C. Section 2703(c)(2)), which may include: name, length of service, credit card information, email address(es), and a recent login/logout IP address(es), if available.
- A court order issued under 18 U.S.C. Section 2703(d) is required to compel the disclosure of certain records or other information pertaining to the account, not including contents of communications, which may include message headers and IP addresses, in addition to the basic subscriber records identified above.
- A search warrant issued under the procedures described in the Federal Rules of Criminal Procedure or equivalent state warrant procedures upon a showing of probable cause is required to compel the disclosure of the stored contents of any account, which may include messages, photos, videos, wall posts and location information.
- We interpret the national security letter provision as applied to Facebook to require the production of only 2 categories of information: name and length of service.

International Legal Process Requirements

We disclose account records solely in accordance with our terms of service and applicable law. A Mutual Legal Assistance Treaty request or letter rogatory may be required to compel the disclosure of the contents of an account. Further information can be found here: [facebook.com/about/privacy/other](https://www.facebook.com/about/privacy/other).

Account Preservation

We will take steps to preserve account records in connection with official criminal investigations for 90 days pending our receipt of formal legal process. You may expeditiously submit formal preservation requests through the Law Enforcement Online Request System at [facebook.com/records](https://www.facebook.com/records), or by email, fax or mail as indicated below.

Emergency Requests

In responding to a matter involving imminent harm to a child or risk of death or serious physical injury to any person and requiring disclosure of information without delay, a law enforcement official may submit a request through the Law Enforcement Online Request System at [facebook.com/records](https://www.facebook.com/records). Important note: We will not review or respond to messages sent to this email address by non-law enforcement officials. Users aware of an emergency situation should immediately and directly contact local law enforcement officials.

Child Safety Matters

We report all apparent instances of child exploitation appearing on our site from anywhere in the world to the National Center for Missing and Exploited Children (NCMEC), including content drawn to our attention by government requests. NCMEC co-ordinates with the International Center for Missing and Exploited Children and law enforcement authorities from around the world. If a request relates to a child exploitation or safety matter, please specify those circumstances (and include relevant NCMEC report identifiers) in the request to ensure that we are able to address these matters expeditiously and effectively.

Data Retention and Availability

We will search for and disclose data that is specified with particularity in an appropriate form of legal process and which we are reasonably able to locate and

retrieve. We do not retain data for law enforcement purposes unless we receive a valid preservation request before a user has deleted that content from our service.

Details about data and account deletion can be found in our Data Use Policy ([facebook.com/policy.php](https://www.facebook.com/policy.php)), Statement of Rights and Responsibilities ([facebook.com/terms.php](https://www.facebook.com/terms.php)), and Help Centre ([facebook.com/help/?faq=224562897555674](https://www.facebook.com/help/?faq=224562897555674)).

Form of Requests

We will be unable to process overly broad or vague requests. All requests must identify requested records with particularity and include the following:

- The name of the issuing authority, badge/ID number of responsible agent, email address from a law-enforcement domain, and direct contact phone number.
- The email address, user ID number (<http://www.facebook.com/profile.php?id=1000000XXXXXXXXX>) or username (<http://www.facebook.com/username>) of the Facebook profile.

User Consent

If a law enforcement official is seeking information about a Facebook user who has provided consent for the official to access or obtain the user's account information, the user should be directed to obtain that information on their own from their account. For account content, such as messages, photos, videos and wall posts, users can access Facebook's "Download Your Information" feature from their account settings. See [facebook.com/help/?page=18830](https://www.facebook.com/help/?page=18830). Users can also view recent IP addresses in their Account Settings under Security Settings/Active Sessions. Users do not have access to historical IP information without legal process.

Notification

Law enforcement officials who believe that notification would jeopardise an investigation should obtain an appropriate court order or other process establishing that notice is prohibited. Law enforcement officials may also request nondisclosure if notice would lead to risk of harm. If your data request draws attention to an ongoing violation of our terms of use, we will take action to prevent further abuse, including actions that may notify the user that we are aware of their misconduct.

Testimony

Facebook does not provide expert testimony support. In addition, Facebook records are self-authenticating pursuant to law and should not require the testimony of a records custodian. If a special form of certification is required, please attach it to your records request.

Cost Reimbursement

We may seek reimbursement for costs in responding to requests for information as provided by law. These fees apply on a per account basis. We may also charge additional fees for costs incurred in responding to unusual or burdensome requests.

We may waive these fees in matters investigating potential harm to children, Facebook and our users, and emergency requests.

Submission of Requests

Online

Law enforcement officials may use the Law Enforcement Online Request System at facebook.com/records for the submission, tracking and processing of requests.

Please note that a government-issued email address is required to access the Law Enforcement Online Request System. You may also submit requests by email or fax as indicated below.

Email

records@fb.com

Fax

United States: +1 650 472-8007

Ireland: +353 (0)1 653 5373

Mail

United States Postal Address: 1601 Willow Road, Menlo Park CA 94025

Ireland Mail Address: Hanover Reach | 5-7 Hanover Quay, | Dublin 2

Attention: Facebook Security, Law Enforcement Response Team

Law enforcement officials who do not submit requests through the Law Enforcement Online Request System at facebook.com/records should expect longer response times.

Notes

- Acceptance of legal process by any of these means is for convenience and does not waive any objections, including lack of jurisdiction or proper service.
- We will not respond to correspondence sent by non-law enforcement officials to the addresses above.

3.5. Evolution of Facebook's policies related to technology-related VAW, 2009 to 2014

On **26 February 2009**, Facebook CEO Mark Zuckerberg publicly announced¹⁹ the introduction of Facebook's new "governing documents" – the Principles of the Facebook Service and the Statement of Rights and Responsibilities – designed to effectively supersede all previous Terms of Service for users, developers and advertisers. The changes were precipitated by privacy-related complaints related to the Facebook Terms of Service pertaining to the licensing of content uploaded by users.²⁰ The two new governing documents were made open to a public consultation process and a user-voting governance process, which is occasionally utilised by Facebook when making changes to its governing documents.²¹

On **15 April 2009**, Facebook published its Statement of Rights and Responsibilities.²² The relevant provisions are as follows:

¹⁹ www.insidefacebook.com/2009/02/26/live-zuckerberg-announces-next-steps-on-facebooks-terms-of-service/

²⁰ Some weeks prior to the changes of 26 February 2009, the Facebook Terms of Service were amended to require users grant an "irrevocable, perpetual, non-exclusive, transferable, fully paid, worldwide license (with the right to sublicense) to use, copy, publicly perform, publicly display, reformat, translate, excerpt (in whole or in part) and distribute" user content for any purpose, commercial, advertising, or otherwise. The Electronic Privacy Information Center (EPIC) threatened legal action if Facebook did not revert its Terms of Service. Raphael, J. R. (2009, February 17). Facebook privacy change sparks federal complaint. *PCWorld*. www.pcworld.com/article/159703/facebook.html

²¹ For more information about the governance voting process, see:

www.facebook.com/notes/facebook/results-of-the-inaugural-facebook-site-governance-vote/79146552130.

²² www.facebook.com/notes/facebook-site-governance/statement-of-rights-and-responsibilities/183538190300

- Section 3 – Safety
 - 3.5 You will not bully, intimidate, or harass any user.
 - 3.6 You will not post content that is hateful, threatening, pornographic, or that contains nudity or graphic or gratuitous violence.
- Section 5 – Protecting Other People’s Rights
 - We respect other people’s rights, and expect you to do the same.
 - 5.1 You will not post content or take any action on Facebook that infringes someone else’s rights or otherwise violates the law.
 - 5.2 We can remove any content you post on Facebook if we believe that it violates this Statement.

A new version was posted on 11 August 2009, whereby sections 3.5 and 3.6 were changed to sections 3.6 and 3.7; the content remained the same. Other versions were posted on 26 March 2010 and 17 September 2010.

On **20 April 2012**, the Statement of Rights and Responsibilities was amended to replace “is hateful” in section 3.7, with “is hate speech”; and to insert “incites violence”.²³ The following explanation was provided by Facebook:²⁴

“Section 3 describes how we can work together to keep users safe on Facebook. Some of you wanted us to explain further why we made a change from prohibiting “hateful” content to “hate speech” in Section 3.7.

We think the term “hate speech” better captures our policy on prohibited content, which hasn’t changed. Sometimes discussions on Facebook include controversial content – even content that someone may view as “hateful.” While we allow discussion of controversial ideas, institutions, events, and practices, we do not tolerate hate speech. It is a violation of our terms to disparage an individual or group on the basis of race, ethnicity, national origin, religion, sex, gender, sexual orientation, disability, or medical condition. We are focused on fostering an environment where users can openly discuss issues while respecting the rights of others, and we believe this change to our guidelines reflects that principle. This is also consistent with our Community Standards.”

No explanation was given with respect to the insertion of “incites violence”.

The Community Standards were introduced in early 2011²⁵ and do not appear to have changed significantly since that time.²⁶ They are designed to help users “understand what type of expression

²³ www.facebook.com/notes/facebook-site-governance/statement-of-rights-and-responsibilities-update/10151547179315301

²⁴ www.facebook.com/notes/facebook-site-governance/statement-of-rights-and-responsibilities-update/10151810470550301

²⁵ York, J. C. (2011, June 30). Community Standards: A comparison of Facebook vs. Google+. *Jillian C. York*. jilliancyork.com/2011/06/30/google-vs-facebook/

²⁶ Ibid.

is acceptable, and what type of content may be reported and removed.” The relevant provisions are as follows:

Violence and threats

Safety is Facebook's top priority. We remove content and may escalate to law enforcement when we perceive a genuine risk of physical harm, or a direct threat to public safety. You may not credibly threaten others, or organize acts of real-world violence. Organizations with a record of terrorist or violent criminal activity are not allowed to maintain a presence on our site. We also prohibit promoting, planning or celebrating any of your actions if they have, or could, result in financial harm to others, including theft and vandalism.

Bullying and harassment

Facebook does not tolerate bullying or harassment. We allow users to speak freely on matters and people of public interest, but take action on all reports of abusive behaviour directed at private individuals. Repeatedly targeting other users with unwanted friend requests or messages is a form of harassment.

Hate speech

Facebook does not permit hate speech, but distinguishes between serious and humorous speech. While we encourage you to challenge ideas, institutions, events, and practices, we do not permit individuals or groups to attack others based on their race, ethnicity, national origin, religion, sex, gender, sexual orientation, disability or medical condition.

Reporting abuse

If you see something on Facebook that you believe violates our terms, you should report it to us. Please keep in mind that reporting a piece of content does not guarantee that it will be removed from the site.

Because of the diversity of our community, it's possible that something could be disagreeable or disturbing to you without meeting the criteria for being removed or blocked. For this reason, we also offer personal controls over what you see, such as the ability to hide or quietly cut ties with people, Pages, or applications that offend you.

The reporting policies and procedures which govern complaints and content removal under the Statement of Rights and Responsibilities and the Community Standards have also evolved over the past five years.

In **March 2011**, at a White House Conference on Bullying Prevention, Facebook announced the introduction of two tools designed to increase safety on the platform.²⁷ In addition to the existing reporting mechanism, which had existed in Facebook since its inception, Facebook designed a social reporting system to enable users to report content directly to someone else in their support system (given that the feature was designed specifically to address bullying, Facebook had in mind parents or teachers). In addition, the Facebook Safety Center was upgraded to include educational videos, downloadable materials and links to a variety of external resources.

In **April 2012**, Facebook introduced a new [Support Dashboard](#) for tracking reports about bullying, hate speech and related violence, identity theft and spam until they are resolved.²⁸ The Support Dashboard provides users with updates about the progress of their report and explanations about the action taken.

In **June 2012**, Facebook published a guide to how reports are dealt with internally by the User Services team.²⁹ It is believed that Facebook processes around one million reports each week.³⁰

In **2012 and 2013** there were numerous public reports regarding the ineffective nature of the Facebook reporting system in addressing complaints about hate speech and violence directed at women via the platform. On **29 May 2013**, in response to a campaign by Women, Action and the Media and the Everyday Sexism Project, Facebook released a strong statement by Marne Levine, VP of Global Public Policy, addressing the problem of violence against women online, noting that:

"It has become clear that our systems to identify and remove hate speech have failed to work as effectively as we would like, particularly around issues of gender-based hate. In some cases, content is not being removed as quickly as we want. In other cases, content that should be removed has not been or has been evaluated using outdated criteria. We have been working over the past several months to improve our systems to respond to reports of violations, but the guidelines used by these systems have failed to capture all the content that violates our standards. We need to do better – and we will."³¹

The statement committed Facebook to a review and update of the guidelines that the User Operations team uses to evaluate reports of violations of the Community Standards around hate speech, including by soliciting feedback from legal experts and others, including representatives of the women's coalition and other groups that have historically faced discrimination; an update of the

²⁷ www.facebook.com/note.php?note_id=196123070408483

²⁸ www.facebook.com/notes/facebook-safety/more-transparency-in-reporting/397890383565083

²⁹ www.facebook.com/notes/facebook-safety/what-happens-after-you-click-report/432670926753695

³⁰ Blum, R. (2013, August 9). Abusing the system: Facebook standards and the people who violate them. *New York Observer*. observer.com/2013/08/abusing-the-system-facebook-standards-and-the-people-who-violate-them

³¹ www.facebook.com/notes/facebook-safety/controversial-harmful-and-hateful-speech-on-facebook/574430655911054

training for the teams that review and evaluate reports of hateful speech or harmful content on Facebook; and an increase in the accountability of the creators of content that does not qualify as actionable hate speech but is cruel or insensitive by requiring that the creator of any content containing cruel and insensitive humour include his or her authentic identity for the content to remain on Facebook.

Additionally, Facebook committed to establishing more formal and direct lines of communication with representatives of groups working in this area, including women's groups, to assure expedited treatment of content that they believe to violate Facebook standards. Facebook facilitated dialogues between the Everyday Sexism Project and other groups. Facebook also committed to encouraging the Anti-Defamation League's Anti-Cyberhate working group and other international working groups that it currently works with on these issues to include representatives of the women's coalition to identify how to balance considerations of free expression, to undertake research on the effect of online hate speech on the online experiences of members of groups that have historically faced discrimination in society, and to evaluate progress on Facebook's collective objectives.

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