

ARTICLE 19 Submission

Case 2023-032-IG-UA (Iranian Woman Confronted on Street)

Summary

In this public comment to the Oversight Board, ARTICLE 19 addresses Q.1 to Q. 5. The Islamic Republic of Iran has a long history of repressing protests, and has recently fixated in particular on prosecuting women appearing in public not wearing hijab as a form of protest. We find that Meta’s responsibility to respect human rights involves two elements, which in any given case may have to be balanced against each other: the protection of users from state persecution, and the need to respect online protest and not extend state censorship by removing content that is criminalised by Iran but protected under international human rights standards.

We believe that, where possible and where the consent of the woman in question can be established, Meta must ensure content about women defying or protesting the mandatory hijab in the Islamic Republic remains accessible online and is not subject to takedown. Establishing consent is undoubtedly a difficult process, and where it is not possible, the decision to remove content should be made on a case-by-case basis, with the objective of keeping content available where possible. We urge Meta works with experts and trusted partners to assess content on a case-by-case basis to ensure content is protected and remains accessible, and to assess situations in which removing content may be advisable and help protect the safety of an individual.

Public Comment

ARTICLE 19 observes that the ‘Iranian Woman Confronted on Street’ case raises important and complex questions. When should social media companies allow expression and protest? To what extent do they

have a responsibility to ensure the safety and protection of individuals appearing in social media posts in contexts where expression and protest are so heavily criminalised by the state? The context provided in our responses to the [questions posed by the Oversight Board](#) inform our recommendations regarding Meta's content moderation of such posts.

Q1. How do protesters, such as participants in the 'Woman, Life, Freedom' movement, use social media, and what role do images of unveiled women play in digital campaigns?

Since the 'Woman, Life, Freedom' uprising began in September 2022, part of protests and mobilisation on the streets, social media, particularly Meta platforms, has been instrumental in galvanising support. Publishing photos of themselves not wearing the hijab and other images of defiance on Meta's platforms have enabled countless women to align themselves with the movement. The cases are numerous, ranging from famous cinema stars such as [Taraneh Alidoosti](#) or scientists like [Dr. Leila Ziafar](#) to people without public profiles such as [Donya Rad](#), who then became famous for resharing a photo of herself sitting in a restaurant not wearing a hijab, a post that went viral.

While the Iranian state has used brute force to stop offline street protests, it has been struggling to end the growing instances of mandatory hijab defiance, both online and offline: Meta platforms have hosted content featuring some of this defiance. Iranian authorities continue to introduce new ways to crack down on hijab defiance, either through new laws like the Hijab and Chastity Bill, or through acts of intimidation or arrests. However, despite the risks and repercussions, many women who were imprisoned on hijab-related charges express no regrets for having exposed themselves to repression. For example, when journalist Nazila Maroufian – whose second arrest during the Mahsa Jhina Amini uprising followed her social media post that featured her without her hijab – was released from prison, she posted the following text on her [Instagram page](#):

'Do you regret the photo you posted when you were released? Do you admit you made a mistake?' she asked herself rhetorically in the post.

'No; I didn't do anything wrong,' she added in reply, posting a similar image of herself bare-headed wearing a white shirt with her right arm stretched up in a 'V' for victory sign.

Q2. What is the nature and gravity of the risks related to circulating pictures or videos on social media showing unveiled women in Iran, and how that should affect Meta's content moderation?

On one hand, women in Iran face serious risks when they enter public spaces without adhering to mandatory hijab requirements, such as persecution and arrests, and their social media posts do contribute to this persecution, including in the present case of Rashnu. In particular, the 2023 [Hijab and Chastity Bill](#) explicitly criminalises sharing and exposing acts of protest on social media. This also applies to the present case of Rashnu.

At the same time, we highlight that following her release, Rashnu indicated that she did not regret that the video in question was posted on social media. In her first [Instagram post](#) following her release, she explains the details of her persecution, and she concludes: 'We are standing. The only thing more beautiful than freedom is standing up for freedom.' We also want to acknowledge that if she directly acknowledged that she gave her consent to the video's circulation, it could have further criminal implications. Hence, although the posts on social media can be used as evidence in criminal proceedings, they are also important components of women's protests.

ARTICLE 19 has also come across various 'protest videos' that went viral and that were spread without consent from those who appear in the videos. They place those appearing in the videos under threat of criminal prosecution by the authorities. These cases were brought to our attention through trusted and verified networks. We used our trusted partner channels to ensure Meta removed those videos. Meta should maintain these processes of verification and assessment with trusted partners for future cases.

Based on the above, ARTICLE 19 recommends that Meta proceeds as follows: Where possible and where the consent of the woman in question can be established, Meta must ensure content about women defying or protesting the mandatory hijab in the Islamic Republic remains accessible online and is not subject to takedown. Where Meta

is inclined to remove expression on grounds of an individual or group being exposed to potential risk, we urge the company to assess such a move in thorough consultation with experts and on a case-by-case basis. Meta currently uses trusted partners to secure the accounts of vulnerable users, so that threats on the platform do not extend to the accounts of targeted individuals being hacked or compromised in any way. We suggest similar solutions to determine whether an individual or their next of kin wishes to identify their content for removal to protect them from prosecution, and also to determine that content stays available online.

Q3. How have Iranian authorities used social media to monitor dissenters and participants in the 'Woman, Life, Freedom' movement?

There are numerous cases of Iranian authorities arresting women for protesting via social media content. See examples mentioned in the previous questions well as the numerous cases documented in the [2023 Freedom on the Net Report on Iran](#).

Q4. What is Meta's enforcement of its Content Moderation Policies for Persian-language expression and how does it relate to the political situation in Iran?

As per past comments and concerns expressed by ARTICLE 19 on the nature of Meta's moderation of Persian language content, one common pattern is [over-enforcement and lack of application of appropriate context and nuance to enforcement actions](#). Concerns over Meta's over-enforcement has had two main consequences. Firstly, there are examples of the Iranian authorities or their supporters taking advantage of certain policies to censor content they wish not to be shared on Meta platforms. For example, [#IWillLightACandleCampaign for Association of Families of Flight PS752](#) was censored after supporters of the Iranian authorities hijacked the hashtag for the campaign, using the hashtag to post content Meta would take down under the company's Dangerous Organizations and Individuals (DOI) standards. This led to Meta blocking the entire hashtag and disrupting the campaign because of the subversion of the DOI policy to stifle protest expression. Meta has also [erroneously removed content posted as part](#) of a protest or to document such protests, as well as content by media outlets under the Violence and Incitement Community Standards and DOI.

As such, Meta's enforcement of Persian language content has generally resulted in being complementary to the Islamic Republic's own efforts to asserting censorship in contradiction of international human rights standards. All decisions related to content in Persian needs to ensure these state-imposed problems are not exacerbated.