



Public Comment Appendix for

2021-002-FB-UA

Case number

Case description

A Facebook user in the Netherlands posted a 17-second long video with accompanying text in Dutch. The video shows a young child meeting three adults, one dressed to portray "Sinterklaas", also referred to as "Saint Nicholas", and two portraying "Zwarte Piet", also referred to as "Black Pete". Zwarte Piet is part of a traditional festival in the Netherlands and people playing the character often paint their faces black, which has attracted controversy.

In the video, with festive music playing in the background, the child shakes hands with Sinterklaas and with one Zwarte Piet. The other Zwarte Piet places a hat on the top of the child's head. The accompanying text in the post, also in Dutch, states "happy child!" and thanks Sinterklaas and the Zwarte Piets.

Facebook removed this content under its Hate Speech policy after receiving one report from another Facebook user. Under its [Hate Speech Community Standard](#), Facebook takes down content targeting a person or group of people on the basis of their race and/or ethnicity with "designated dehumanising comparisons, generalisations, or behavioural statements (in written or visual form)," including "caricatures of Black people in the form of blackface."

The user submitted their appeal against Facebook's decision to remove the content in December 2020. The user stated that the post was meant for their child, who was happy with it, and they want the content back up on Facebook. The user also stated that "the colour does not matter" in this case seemingly because, in their view, Zwarte Piet is important to children.

When required, the case descriptions presented here have been designed to protect the anonymity of those involved, including by removing any personally identifiable information.



Public Comment Appendix for

2021-002-FB-UA

Case number

The Oversight Board is committed to bringing diverse perspectives from third parties into the case review process. To that end, the Oversight Board has established a public comment process.

Public comments respond to case descriptions based on the information provided to the Board by users and Facebook as part of the appeals process. These case descriptions are posted before panels begin deliberation to provide time for public comment. As such, case descriptions reflect neither the Board's assessment of a case, nor the full array of policy issues that a panel might consider to be implicated by each case.

To protect the privacy and security of commenters, comments are only viewed by the Oversight Board and as detailed in the [Operational Privacy Notice](#). All commenters included in this appendix gave consent to the Oversight Board to publish their comments. For commenters who did not consent to attribute their comments publicly, names have been redacted. To withdraw your comment, please email contact@osbadmin.com.

To reflect the wide range of views on cases, the Oversight Board has included all comments received except those clearly irrelevant, abusive or disrespectful of the human and fundamental rights of any person or group of persons and therefore violating the [Terms for Public Comment](#). Inclusion of a comment in this appendix is not an endorsement by the Oversight Board of the views expressed in the comment. The Oversight Board is committed to transparency and this appendix is meant to accurately reflect the input we received.

2021-002-FB-UA

Case number

PC-00404

Public comment number

United States and Canada

Region

Amy

Commenter's first name

Carlisle

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Blackface is a racist practice.

Full Comment

Blackface is a racist practice that has long been known to increase the dehumanization of color. The character of "Black Pete" is supposed to have soot on his face, but soot does not cause a large red mouth and whitened eyes as portrayed by the racist caricatures of performers in blackface. The video should remain blocked, as should any racist caricature. Given the harm that has been committed in the past in Africa by the Netherlands, ending this caricature would help stop perpetuating racist attitudes.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-01469

Public comment number

Europe

Region

Dirk

Commenter's first name

Bontes

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

I wrote a book about Zwarte Piet, the result of years of exhaustive research. There does not exist any evidence that Zwarte Piet represents a black skinned minority (or majority). No 19th century scientist has ever asserted that he does. Instead they link him to the devil and / or European mythology. My conclusion is that Zwarte Piet represents the darkness of winter. (This is the brief version; the longer one counts half a million words.)

Full Comment

I am the author of a voluminous e-book about Zwarte Piet:
<https://www.smashwords.com/books/view/482765> 1. Black people. What does Facebook mean when it uses the phrase "Black people" in this specific case? Does the phrase refer specifically to African negroes, or to Australian aboriginals, or to Sri Lankan Tamils or to people with a black skin from India or New Guinea? Or to all of the above as well as other mortal human populations from Earth with a black skin? If so, then the phrase "Black people" does not apply to Zwarte Piet. In none of my extensive researches have I found any evidence that Zwarte Piet has an origin in any Earthly population. His features being pitch-black doesn't have anything to do with belonging to a particular population. He is not a "Black people". The Dutch word "neger" does not refer exclusively to African negroes. It can refer to anyone and anything that for whatever reason is black - for example because burned cork has been applied to the skin. So when Zwarte Piet is called a "neger" that does not have any racial connotations, nor does it refer to an origin in Africa or anywhere else in the tropics. It simply means that one of his characteristics is that he is pitch-black. We have a number of compound words in the Dutch language that contain the word "neger". In none of these words does it refer to populations with a black skin, but simply to the colour black: negerzoen (Chocolate-coated marshmallow treats / confections), negerzwart (make-up to create a nikkerhuidskleur, i.e the skin colour of a water devil), negerhoed (a hat made from beaver hair; also called "Slaaven-Hoeden" (Slave hats) - In my opinion this term doesn't have anything to do with trans-Atlantic slaves, but refers to the ethnolinguistic groups of the Slavs, who apparently trapped lots of beavers) negerhoenders (chickens that have

black feathers, also called Moriaan-Hoenderen and Mozambiekze hoenderen) When the Zwarte Piet figure (by whatever name and in whatever time) is called an Indian, an Aethiopian, a Moor (black-a-more / blackamoor), or a Spaniard, that doesn't actually refer to a country or population in the continent of Africa. Most of the terms in this context instead refer to the Underworld (where the dead people live). In my opinion the phrase Moor is derived from the Latin 'mors' (= dead), and Spaniard is derived from the 'uitspannel' (the firmament of the heavens). All over Europe the visit by supernatural Zwarte Piet figures, often accompanied by a Saint Nicholas figure, and often by means of the chimney, is a turn of the year ritual, a rejuvenation ritual. No 19th century scientist has ever concluded that these supernatural figures represent African negroes, nor any other mortal people. Any later scientist that does, is merely speculating, cannot present evidence and is guilty of bad science. Instead I must conclude that Zwarte Piet represents the darkness of winter. In this ritual the fruitful seasons, represented by the geriatric Saint Nicholas, come to an end and the reign of winter starts.

2. Caricature. What is a caricature? It is something that does not resemble something else. One might say that a white circle could be a caricature of a black square. In fact they are two different things. Neither is Zwarte Piet a caricature of a 'Black people', nor of an elephant nor of a tree: they are different things. Facebook's decision to remove the post is wrong. Facebook is a lay company. It is merely a conduit of content. It should not mess with content that it does not understand. It should not mess with content at all. If people do not appreciate the content they see, they can simply block that content or the person who posts it. Facebook is not and should not want to be a police-man.

[Link to Attachment](#)

No Attachment

2021-002-FB-UA

Case number

PC-01570

Public comment number

Europe

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Where Black Pete origins from and why it is not the same as a black face

Full Comment

There is a complex discussion going on in The Netherlands with regards to Black Pete. There is a group who relates it to "black faces" in the tradition of the USA. And there is a group who relates it to traditional Germanic feasts over the period between Halloween and what in the USA is known as Groundhog day or Candlemas. The group that relates it to the USA-tradition states it is discrimination of people of color. Arguments are the Black Pete speaks abnormal dutch, has big red lips, ear rings and sometimes even a chain or a bush of wood as a symbol of slavery. They state that Black Pete is there as a negative image of people of color. This group is dominant in the news. They went so far that they went to the UN and drew their attention to the subject. This had as a result that the UN looked at Black Pete from the perspective of the USA-tradition and stated that it is discrimination of people of color. The group that relates it to the Germanic tradition, states that you can find Black Pete in all shapes over Europe in the night of December 5 to December 6. The last date being the birthday of St. Nicholas, according to the Roman Catholic tradition. But the tradition dates back further in time to the Germanic tribes. In Europe the days of the long dark period stretches from early November to early February. The ancient people were afraid of darkness, cause that was similar to the cold of winter, lack of food, death, the underworld. And important issue was whether the light would come back, cause light meant warmth, new crops, life and it was related to heaven. In the dark period events would be organized to keep people aware that the light would conquer the darkness. And when the Catholic church came these traditions were adopted. Central in all these events is that there is a symbol of light and darkness, that are believed to belong together like yin and yang. There are several cycles over time. - From the night of the October, 31-November 1, to the night of February 1-February 2. It starts with Halloween and ends with Candlemas. The holy numbers: - 40 days from St. Marten (November 11) to Christmas and 40 days from Christmas to Candlemas - 12 days from St. Lucia (December 13) to Christmas and 12 days Epiphany - 7 days between Christmas and New Year The advent: - Over the 4 Sundays before Christmas each time an extra candle will be lit, as a road map to

Christmas. Over this period the poor kids could go from door to door in periods to beg for food: Halloween, St. Marten, at St. Nicholas they could leave their shoe/stocking in the church and something would be put in there and Epiphany. On the other events there were shared meals. After this period all meat that was left over would be brought together for one last event: Carnaval (carne levare=take away the meat) / Mardi Gras. The Lent had to start for a new 40 days till Easter. Now we go back to St. Nicholas. He is a symbol of the light, being the holy man and a symbol of the church or heaven. And with him comes this dark person, that is known in The Netherlands as Black Pete. Germany knows him as Knecht Ruprecht, Swiss as Schmutzli, Père Fouettard in France. He is the symbol of the darkness, the evil, the devil, the one who takes the children away (=death). The chain that he carries has nothing to do with slavery. In the period up to St. Nicholas, youngsters would do into the night, to make noise among the farms with chains to make the kids afraid of the darkness, the evil, because the good thing was coming up. St. Nicholas, the light, would come with gifts and candy. The brush of wood that Black Pete has is a symbol of punishment and fertility. If you had been bad you might be spanked, but the darkness, the night could bring you offspring as well. Over time, this Black Pete has changed. The knowledge about St. Nicholas was gone a bit. It's only that I play the role every year again, that I learned a lot about him. And a lot of old knowledge has been republished over the years. The most important change came when a teacher in Amsterdam published a book in 1850 in which he stated what he knew about St. Nicholas and his servant. The Saint came from Spain with a steamboat and a dark servant. The pictures were of a colored boy in a spanish court uniform of the 17th Century. That has made Black Pete in who he is today. And even people in the Dutch Carribean and Suriname will state that there is a white St. Nicholas (a person of color is made white) and a Black Pete. Black Pete is the hero of every kid. it's a title of honor. St. Nicholas is that silly old man, who is important, cause he has that book that says you have been good or bad, yet Pete brings the gifts. All kids would love to come along with the Saint to Spain and attend the school to be a Black Pete themselves. Never, ever, have I ever heard something negative from the mouth of any kid about Black Pete. They want with him on the photo, they ask him for candy. They dance with kids, play with kids, bring joy. I am fully aware that some people of color have a problem with being called a Black Pete during the period that St. Nicholas is in The Netherlands. And I wish they would be aware of what pride lies in the fact that a person is called a Black Pete. It is deep respect. And therefore I would want to ask you to leave that movie online and respect the tradition that is so important, as this impression will show you: <https://youtu.be/B4MWQbo3Hqg> Kind regards, PS: Whoever is Saint Nicholas is a secret to all, so please no pulication of my name.

[Link to Attachment](#)

No Attachment

2021-002-FB-UA

Case number

PC-03127

Public comment number

United States and Canada

Region

Kelly

Commenter's first name

Steel

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

I do not believe the post violated any policies of Facebook, let alone hate speech.

Full Comment

The tradition of St. Nicholas Eve (celebrated on December 5 and 6) is a heartwarming celebration beloved by children and adults in Dutch countries. It is a day eagerly awaited because that is the day Sinterklaas (St Nicholas) and his companion Zwarte Piet give presents and candy to the children. Zwarte Piet was originally a Moor from Spain who accompanied Sinterklaas and carried the basket of sweets for the children. Beginning as early as the 1940s, Zwarte Piet is said to be black due to the permanent staining of his skin by the soot from the chimneys he went down. In some countries that celebrate this holiday Sinterklaas is portrayed by someone wearing white paint. No racism, no hate, nothing but joy and happiness being brought to Dutch children and their families. No different than families in the USA taking their children to go see Santa Clause, sit on his lap and tell him what they want for Christmas. What he posted was to share a source of joy for Dutch families and Dutch heritage, to other peoples of the world.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-04491

Public comment number

Europe

Region

Paul

Commenter's first name

Treanor

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

The comment summarises the sociological and political background to the Zwarte Piet controversy in the Netherlands, labelling it as a 'culture war' rather than a blackface issue. The 'hate speech' approach is inadequate, given the complexity and politicisation, and the iconic political function of Zwarte Piet.

Full Comment

See attachment, PDF file, titled 'Facebook case 2021-002-FB-UA comment'

Link to Attachment

[PC-04491](#)

2021-002-FB-UA

Case number

PC-04945

Public comment number

Europe

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

We dutchies love zwarte piet since 1700! He is our friend as long as we live and is a rolmodel for every child to always be honest tot everybody, whether it is Sinterklaas or the King... Or our parents

Full Comment

We dutchies love zwarte piet since 1700! He is our friend as long as we live and is a rolmodel for every child to always be honest tot everybody, whether it is Sinterklaas or the King... or our parents👍

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-05000

Public comment number

United States and Canada

Region

Kelly

Commenter's first name

McLaughlin

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

I think a cultural sensitivity panel should make these decisions

Full Comment

I think a cultural sensitivity panel should make these decisions. Panel should include representatives from the NAACP for American content and perhaps employ similarly abroad. The Facebook rules is there for a reason but there are nuances to most things. Black people are the ones that could experience harm from such content so it?s imperative that they are the ones to determine what is offensive to them. Not all viewers will agree, but thoughtful consideration by an all Black panel of community leaders on this subject would be in order for all interested parties.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-06400

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Facebook should be an open forum for discussion and not remove speech/videos/comments deemed hateful by an individual or group based upon some perceived offense.

Full Comment

Facebook should be an open forum for discussion and not remove speech/videos/comments deemed hateful by an individual or group based upon some perceived offense. To remove a post deemed culturally, socially, or morally appropriate by an individual or group, regardless of how widespread that opinion is accepted by others, is nothing short of discrimination against the individual or group making the original post and is a blatant abridgement of the right to free speech.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-07074

Public comment number

United States and Canada

Region

Lori

Commenter's first name

Selke

Commenter's last name

English

Commenter's preferred language

self

Organization

No

Response on behalf of organization

Short summary provided by the commenter

The removal of the content was appropriate because Zwarte Piet is a damaging example of ambient racism; "colorblindness" is not an excuse.

Full Comment

I am aware of the cultural context in which Zwarte Piet exists, but that cultural context is unavoidably racist. Racism is not just deliberate hateful acts; it is also an atmosphere in which one race is elevated over another. Blackface **in any form** contributes to this atmosphere. Arguing that the post was made "for the child" is spurious. The post was made **on behalf** of the child, but it was **for** the poster's Facebook audience, and that audience includes people whom a blackface portrayal can harm. If was "for the child," it could be sent as a text to relatives and friends. It does not need to be public. The poster's protest that "color doesn't matter" is a well-worn example of what is called "colorblind racism." Refusing to see difference -- and the damage that historically derogatory portrayals continue to cause -- is not an excuse for posting contraindicated content. Cultural nostalgia for colonialism and racism is not an excuse for posting content like this, and that's all that Zwarte Piet is, no matter how well-loved or fiercely defended. The U.S. fought an entire war to defend slavery, after all. The removal of the content should be upheld.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-07232

Public comment number

United States and Canada

Region

Alison Rose

Commenter's first name

Wonderland B

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

These "Swartze pete" images are Blackface and must be taken down as ththeir impact are harmful to Black people, especially Black children.

Full Comment

Even the excuses of these images as being not racist are racist, as they say that the character is only black because he got covered in soot climbing up and down chimneys, thuse equating Blackness with being dirty.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-07279

Public comment number

Europe

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

On our platform, a community of 40,000 daily users, we removed an image depicting the same subject a year ago. We will gladly share our reasoning behind our decision. If Facebook aims for a less divisive community, we would argue that removing the video was the right decision. We've managed our platform through Black Lives Matter, Covid-19 lockdowns, and a controversial presidential election. We have extensive knowledge and experience in framing a community to avoid divisive content and counteract tribalism, which we are willing to share because we want a more united future for all of us.

Full Comment

On our platform, a community of 40,000 daily users, we removed an image depicting the same subject a year ago. We will gladly share our reasoning behind our decision. Whether the 17-second long video featuring 'Zwarte Piet' should have been removed from Facebook depends on your goal. There are several matters to consider, most importantly, culture versus racism. If Facebook aims for a less divisive community, we would argue that removing the video was the right decision. We are sitting on a goldmine of knowledge and experience to frame a community to avoid divisive content and counteract tribalism, which we are willing to share because we want a more united future for all of us. Three years ago, we transformed our online community to achieve just that. Our platform is one of the few places online where people, regardless of their political views, have met with their shoulders down, and shared their view of the world with each other - without conflicts. We've managed our platform through Black Lives Matter, Covid-19 lockdowns, and a controversial presidential election. Our community is only a tiny drop compared to Facebook - and no presidents that we know of has signed up yet. Still, it's not an easy job to change our online habits. It requires reflection, knowledge and courage. Feel free to reach out to us (fogjacobi@fogjacobi.dk) if you are interested in our experiences and get our view of the case in question. If you are considering whether we could be of value to your, and need more information about our thoughts, please read the following posts by Mette Fog who has reshaped our

community to what it is today: LinkedIn article on Facebook's recent announcement to minimise divisive content: <https://www.linkedin.com/pulse/congratulations-facebook-mette-fog> Three blog posts which provide transparency for our users on: Why we changed our content guidelines three years ago: <https://www.jigidi.com/s/SG2IY9> How Covid-19 affect the moderation of our platform: <https://www.jigidi.com/s/HS12KC> How Black Live Matters affect the moderation of our platform: <https://www.jigidi.com/s/Q0IJP>

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-07791

Public comment number

United States and Canada

Region

Barbie

Commenter's first name

Lecaroz

Commenter's last name

English

Commenter's preferred language

Glitzy Corps LLC

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Too many Liberties

Full Comment

Good Afternoon I hope that all who read this will give it its due merit. This case troubles me as a minority woman. I have so many screenshots dwelling in my files of cases which are clear violations of Facebooks own policy, by their definition. When submitted, some AI responds that it doesn't violate. The details of this post as accurate portray an opportunity for those from other cultures, to learn and ask questions. Facebook and their far reaching liberties, on many occasions, deny the opportunity of unity to multiculturalism. It would not matter if the hat were being placed by a man, woman, elk, eagle, little person, or devil. The liberties granted to Facebooks AI to determine what is and IS NOT hate speech and/or violation, NEEDS an unbiased analyst. I myself have filed to the Oversight Committee for reasons which follow the less traveled trail of this one.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-07795

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

I would restore the video with the stipulation that it has to be shared to "friends only."

Full Comment

Your description of the incident doesn't specify whether the video of Swarte Pete was set to public, friends of friends, or friends only. Swarte Pete is a painful presence for people of African descent in the Netherlands, and it has also become offensive to other types of people who are against racism. That said, since I haven't seen the video, I don't know how the actor playing Swarte Pete was speaking or behaving. Based on the information I have, here is my recommendation: If the post were to be set for "friends only," it would not disturb the wider community on Facebook. The poster's friends are likely to accept the video, and if they do not, they can decide how to handle the situation for themselves. I would restore the video with the stipulation that it has to be shared to "friends only."

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-07870

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Facebook's community standards on hate speech ban "Designated dehumanizing comparisons, generalizations, or behavioral statements", I believe this case raises the important question of if someone's intent in posting what is an established cultural tradition meets the "Designated dehumanizing" standard of hate speech. I suggest the use of a filter that in this case might better serve to balance "Voice" and "Safety".

Full Comment

I don't think there's any reasonable argument for this to not be considered black face, it seems to be obviously apparent from the pictures I have seen of it and the articles about it. I know neither the history of this tradition- though I've read articles suggesting it directly arose as a result of slavery- nor the actual intent of the poster, but I think that for long established traditions there should not be a presumption that modern day people currently hold the same racist beliefs that might have influenced a character's design so I don't know if it's right to automatically attribute it as a "Designated dehumanizing" tradition. For that reason, unless there is evidence that they hold those racist views (advocated for white supremacy, acknowledge and support the explicitly racist roots of the tradition, self admit to being racist, etc), I would suggest recommending that Facebook implement a less "Voice" intrusive measure such as a filter warning that this content might be offensive to certain people (and explaining why it might be offensive so people can make an informed judgement before choosing whether they want to see it or not) but also explaining that it is apart of this culture's tradition. I think that comprise should effectively balance that culture's current day "Voice" interest with the "Safety" interest of those whom may feel offended in contexts like this one. How technically feasible this suggestion is I don't know but it appears that this decision resulted from a user report so it could've been applicable here and I imagine could be generally applied through the use of automation and keywords which I think doesn't pose as great a risk as it does in other circumstances since this is not the complete suppression of "Voice" but only a mild impediment and would likely be preferable for any impacted cultures rather than having their traditions outright

banned. However, I am not in anyway advocating for allowing or leaving up any violent traditions in the name of culture or religion.

[Link to Attachment](#)

No Attachment

2021-002-FB-UA

Case number

PC-08391

Public comment number

United States and Canada

Region

Thomas

Commenter's first name

Rue

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

I am against the idea of allowing someone else to tell me what constitutes dangerous or hateful speech. I have seen with my own eyes how unevenly Facebook applies their standards and an individual MUST take on that responsibility themselves. I left FB six months ago and will not return until freedom of speech and thought are brought back.

Full Comment

I am against the idea of allowing someone else to tell me what constitutes dangerous or hateful speech. I have seen with my own eyes how unevenly Facebook applies their standards and an individual MUST take on that responsibility themselves. I left FB six months ago and will not return until freedom of speech and thought are brought back.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-08838

Public comment number

Europe

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

The use of blackface in the portrayal of the character of Zwarte Piet (ZP or, in English) Black Pete) is a prime example of the practice of blackface. It has firm roots in Dutch colonialism and perpetuates negative stereotypes about black people in general and Dutch black people specifically. The fact that it is used in a children's festival makes it all the more insidious. The often heard pro-ZP argument that it is an innocent phenomenon is highly problematic since racism is being normalized to children. This innocence argument (despite the clear evidence of the racism of the practice and long standing protest against it) is reflective of wider attitudes towards racism in the Netherlands.

Full Comment

First of all, the use of blackface is undeniably racist and it is therefore only right that facebook and other companies ban it from their platforms. The character of Zwarte Piet (ZP, in English: Black Pete) is a prime example of blackface. Since at least 1850 the character has been presented as an enslaved person (in Dutch: ?knecht?) of African descent who has literally served their white master Sinterklaas, and thus is deeply rooted in colonialism. Especially after the second world war the figure of Zwarte Piet has been portrayed by white people in blackface, with an Afro-wig, exaggerated bright red lips and other racial markers. Moreover, this portrayal was usually accompanied by speaking with thick Surinamese or Antillian accents and a bumbling, funny and slow-witted manner, reinforcing racist thinking and adding to the dehumanization of black people generally, and those within the Dutch Kingdom specifically. In this way, such racialised mimicry is comparable to other blackfaced depictions of people of African descent, for example blackface minstrel shows. Only in recent years have long-standing critiques of and protests against this custom from black Dutch citizens and anti-racism activists resulted in slight adaptations like ?sooty? Piets, fewer accents and a more happy and less foolish portrayal, as ERIF?s research shows. However the popularity and use of blackface for ZP is by no means gone and is still practiced widely. Our findings corroborate this too. One argument frequently used, as in this case, is that the custom is an innocent one, to make children happy. This reasoning is insidious. The child is happy

because their parents teach them to be when confronted with a Zwarte Piet in blackface. If the figure was not in blackface and just wearing brightly coloured clothes for instance, while handing out candy, the child would be just as happy. But teaching children that Zwarte Piet is friendly and fun and normal is teaching children that blackface and racism is fun and normal. The colour, in short, matters very much. Furthermore, this custom is socially destructive. Generations of Dutch people grew up with the idea that blackface is not problematic, that demeaning black people for white people's amusement is justified. This idea is now so entrenched, it is very difficult to change people's minds and the vast majority of Dutch people do not see any problems with ZP, like the facebook user in this case. This attitude is, unfortunately, exemplary of the broader attitude towards racism in the Netherlands; people often think race and racism are not big issues in Dutch society, framing these as problems mostly experienced abroad and believing in the myth of Dutch tolerance and innocence instead. Any critique is usually dismissed as coming from outside, either from abroad or from Dutch black people and other people of colour who are also seen as not belonging and thus outsiders. For a much more in-depth and wider discussion of this topic, please see the latest of ERIF's yearly research reports on the depictions of the Zwarte Piet figure in marketing campaigns and online stores [here](#).

Link to Attachment

[PC-08838](#)

2021-002-FB-UA

Case number

PC-09035

Public comment number

United States and Canada

Region

Daniel

Commenter's first name

Gainor

Commenter's last name

English

Commenter's preferred language

Media Research Center

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

This is ridiculous and if Facebook wants to go this route, it should just give up.

Full Comment

If Facebook is going to start removing things in one culture that might offend members of another culture, it should just shut down right now. War, ethnic conflict, religious strife and more mark human history. No organization can arbitrate the inevitable controversies that will result. Here are just a few examples: * Will Facebook remove positive mentions of the crusades because they offend Muslims? How about Irish posts complaining about conquest by the English? Or English posts complaining of Irish terrorism? How many hundred years do you go back to see who offended whom first? *Are American posts about World War II righteous because we defeated fascism? Or do they offend someone in Germany or Japan? * Will Facebook remove all mentions of slavery because they offend current sensibilities, even though cultures around the world have held slaves? And many still do. Will Facebook purge heroes like Harriet Tubman and Spartacus because slavery offends someone? * Will Facebook demand that every team, item, group and organization that can be perceived to traffic in ethnic stereotypes be removed? Will Facebook shut down pages devoted to the Kansas City Chiefs? The Fighting Irish of Notre Dame? The Minnesota Vikings? * How about movies and TV shows? Was Hattie McDaniel filling a stereotypical role in 'Gone With The Wind'? Or was she delivering an Oscar-winning performance that humanized African-Americans to a white audience? Who gets to decide? Why allow people to post anything? Facebook can just create an algorithm to fill in acceptable words and video for each of us. This does serve as a reminder that the Hate Speech Policy is the worst construct of Facebook's entire content rule set. It is completely unmanageable and can be used to remove almost any content. This is such a stupid debate. There is no right to not be offended. And if that's the world Facebook's Oversight Board wants to create, then it will be seen as ridiculous as the original removal.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-09087

Public comment number

United States and Canada

Region

Dr Brett

Commenter's first name

Prince

Commenter's last name

English

Commenter's preferred language

Neurobehavioral Rehabilitation Association Yes

Organization

Response on behalf of organization

Short summary provided by the commenter

see below

Full Comment

A simple reading on the origination of this well-known folklore character reveals it as an innocent, non-offensive entity. Removing, punishing, and censoring items such as this will have no end. For a variety of reasons, often personal and psychological, there will always be someone, somewhere who is offended by something. FB's 'brand' should be above micromanaging the worlds' speech, images, and beliefs. You cannot make all people happy all the time. Let lesser platforms engage in such policing of thought and speech.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-09095

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Racist stereotype

Full Comment

If it depicts a racist stereotype then it should be permanently removed. It doesn't matter what part of the world it exists in.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-09329

Public comment number

United States and Canada

Region

Linda

Commenter's first name

Triola

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

ALL Censorship is wrong and unlawful under the US Constitution except those very narrow cases set forth by the US Supreme Court

Full Comment

With Larry Flynt's recent passing, it is time to remember his case and how it relates to this. Most Americans despised the kinds of publications and video that Mr. Flynt was party to. This is the kind of speech that needs protection. Popular speech does not. The Supreme Court followed this line of reasoning. This is why Freedom of Speech is the 1st Amendment. Without it we would have tyranny. Who made Facebook the King that can decide who or what is allowed to be seen? Shouldn't we allow all speech and let the people decide what they want to read, see and believe. Or does Facebook (and others) think they are so smart that they will decide what is allowed for our own "good." I believe that Stalin and Hitler believed this same line of reasoning in their own perverted way. If the social media giants do not change their way, then I'm sure the Feds (maybe don't count on it) but certainly the states will establish statutes to stop this.

Link to Attachment

No Attachment

2021-002-FB-UA

Case number

PC-09599

Public comment number

United States and Canada

Region

Dia

Commenter's first name

Kayyali

Commenter's last name

English

Commenter's preferred language

n/a

Organization

No

Response on behalf of organization

Short summary provided by the commenter

The Board should uphold Facebook's decision to take down content featuring Zwarte Piet. The historical and cultural context of the region, and more importantly the work of Black activists in the Netherlands and Belgium, make it clear that it is harmful to Black people.

Full Comment

The portrayal of Zwarte Piet quite clearly fits the definition of blackface. This is demonstrated by its history, by the colonial context in which the tradition exists, but most importantly by the fact that Black people in the Netherlands and Belgium have made it increasingly clear that the tradition is offensive to them. Facebook's removal of this post was justified, and the Board should uphold Facebook's decision. Facebook should always consider power dynamics in determining what is hate speech. Historically, this has clearly not always been the case: Reporting from ProPublica in 2017 demonstrated that "white men" had been classified as a protected group, but "black children" had not. This report understandably caused confusion and outrage amongst users of the platform as well as media. The Netherlands and Belgium are both former colonialist countries that committed severe atrocities in the countries that they colonized. While racism in the Benelux region targets numerous groups, including Muslims, the region's worst traditions are rooted in anti-Blackness. While both eventually invited former colonized peoples into their borders—primarily as workers in the latter half of the last century—both countries still have considerable racial divides, furthered through educational initiatives, racist immigration questions, and cultural traditions, which include racist sweet treats, symbolic signage, and yes, Zwarte Piet. Although Zwarte Piet's origins are hotly contested in the Netherlands, arguments in support of the figure fall flat. In particular, the argument that his skin is dark from soot is truly ridiculous. As one white supporter of the anti Black Pete movement said, "It was embarrassingly late when I realised that if he came through the chimney you don't have thick red lips or black curly hair, this is probably a stereotype of a black man, and this had to be pointed out to me by protesters." That's why many places are shifting, for example, from a pitch black figure with cartoonish features to "Sooty Petes"—figures

with smudged faces that do not include the aforementioned thick red lips or black curly hair. Facebook should consider how symbols change and voices of opposition gain power and voice. Zwarte Piet's proponents argue that he was not controversial a few decades ago, but it is also true that Black Dutch voices had far less of a platform in those days, and were less empowered to raise their voices in protest. In fact, many portrayals of blackface in broader popular culture have only recently been challenged. For example, dozens of episodes of popular television shows like 30 Rock and Scrubs have been removed from streaming services in recent years due to portrayals of blackface. Black Dutch voices are now able to make their voices heard, and to garner media attention that is helping to change the discourse, even for white people. As one activist group wrote in 2014: Honestly, every single year, Black community activists explain all the legitimate reasons to oppose the racist iconography of Zwarte Piet. And every single year, their arguments are simplified to the extreme, they get subsequently ridiculed and the community members at the forefront get defamed and viciously attacked by a white Dutch reactionary backlash. Activist Jerry Afriyie, who helped found the Zwarte Piet is Racisme campaign, says of his childhood experience with the figure that after arriving from Ghana at the age of ten, "They would call me Zwarte Piet, or you are dirty just like Zwarte Piet. You are only good to be Zwarte Piet." Black people have spoken up, and they shouldn't have to repeat themselves. Facebook should listen. The cultural context has changed thanks to their hard work, and it is now undeniable that Zwarte Piet is blackface. As if to prove this point, in recent years preserving Zwarte Piet has become a cause celebre of far-right groups. Even as these groups defend the figure, their own behavior demonstrates the racism at the heart of the debate. In 2015, one fan of Zwarte Piet was sentenced to community service for inciting racial hatred after posting on social media that protestors should be "put to work again as slaves?" At Sinterklass parades in the last several years, Nazi salutes and neo-Nazi flags have become increasingly common. And when communities organize to protest these parades, they are often met with crowds "chant[ing]" racist slogans, and as noted in a United Nations report criticizing Black Pete, have even "been subjected to violent attacks and other forms of intimidation, which have not been adequately investigated." Ultimately, Facebook is going to have to increasingly make hard calls about hate speech on its global platform. Reversing Facebook's decision to remove this content would empower white supremacists with bad intent all over the world. If blackface is allowed in one country, why not others? Bad actors could even claim that they aren't posting blackface, they are actually just posting Zwarte Piet. The Oversight Board should urge Facebook to do the right thing. Uphold the decision to take this content down, and make it clear that blackface is no longer allowed on Facebook in any form, be it a beloved Christmas tradition or not.

Link to Attachment

[PC-09599](#)

2021-002-FB-UA

Case number

PC-09629

Public comment number

Europe

Region

Sejal

Commenter's first name

Parmar

Commenter's last name

English

Commenter's preferred language

School of Law, University of Sheffield

Organization

No

Response on behalf of organization

Short summary provided by the commenter

The removal of this post about Zwarte Piet under Facebook's policy on hate speech is not justified under international human rights law.

Full Comment

1. This Public Comment addresses the issues presented in Case Number 2021-002-FB-UA. It draws on relevant international human rights law and its interpretation by international human rights bodies, including through their review of Zwarte Piet over recent years. Such standards and reflections should provide key benchmarks for the Board in its adjudication of this case. 2. Zwarte Piet is a flagrant example of the caricaturising of black people today. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance reported that there can be no doubt that Black Piet embodies degrading and dehumanizing racial stereotypes following her 2019 country visit to the Netherlands. In 2015, the Committee on the Elimination of Racial Discrimination (CERD) observed with concern that Zwarte Piet reflects negative stereotypes of people of African descent and the Working Group of Experts on People of African Descent (WGEPAD) observed that the depiction stereotypes Africans and people of African descent in image and behaviour [is] not unlike the tradition of blackface and minstrelsy of the past era. The user's claim the colour does not matter simply does not stand up to scrutiny. Retention of Zwarte Piet as a cultural tradition is reflective of a denial of the existence of racism and racist practices and an erroneous understanding of history as well as a mark of structural racism affecting the society. 3. The removal of this post about Zwarte Piet under Facebook's policy on hate speech is not justified under international human rights law. The content of the post does not constitute advocacy of racial hatred constituting incitement to discrimination, hostility or violence, which states are required to prohibit under Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR). While Zwarte Piet reflects negative racial stereotypes and is degrading and dehumanizing as indicated above, there appears no intention to incite any harm in this case (the user stated that the post was meant for their child) and there is no likelihood of imminent harm resulting from the post. 4. The removal of the user's

post cannot be justified under Article 19(3) of the ICCPR either. Under that provision, any restriction on freedom of expression must (1) be provided by law (?legality?); (2) pursue an aim set out in Article 19(3) of the ICCPR (?legitimacy?); and (3) be necessary and proportionate.

4.1. Legality: The user's post was taken down under Facebook's Hate Speech Community Standard which enables Facebook to take down content ?targeting a person or group of people? on the basis of their race and/or ethnicity with ?designated dehumanizing comparisons, generalizations, or behavioral statements (in written or visual form)? including ?caricatures of Black people in the form of blackface?. Though the word ?targeting? deserves clarification, the legality requirement is considered to be met.

4.2. Legitimacy: Facebook's removal of the user's post under the Hate Speech Community Standard appears motivated by the legitimate aim of protecting the rights of others, particularly the right to non-discrimination and equality of people of African descent. In this regard, international human rights bodies have acknowledged the existence of a nexus between Zwarte Pete and racial discrimination. The CERD has observed that Zwarte Piet ?is experienced by many people of African descent as a vestige of slavery?, has a ?discriminatory effect? and ?may convey a conception at odds with? the International Convention on the Elimination of Racial Discrimination. The WGEPAD has recognised that the figure is not only ?offensive?, but can lay the foundations for ?considerable systemic racism? as well as ?violence and inhuman treatment? experienced by people of African descent?. A restriction on such content about Zwarte Piet could conceivably be informed by other, overlapping objectives, including the protection of the right to mental health of children and adults of African descent, given that the caricature has been identified as ?injurious to [their] dignity and self-esteem?. The requirement of legitimacy is considered as being fulfilled.

4.3. Necessity and proportionality: Although the removal of the user's post meets the criteria of legality and legitimacy, it is not considered as necessary and proportionate. Content removal is a serious response amongst a range of options potentially available to Facebook to address the broad spectrum of expression that may fall under its Hate Speech Community Standard. In this regard, it is relevant to note that international human rights bodies, despite their unambiguous criticism of Zwarte Piet, have not chosen to call for its total abolition, but rather its adaptation to ?eliminate elements linked to enslavement? and the promotion of education to ?raise awareness particularly of children on the problematic aspects of this celebration?. The message from such bodies appears to be: Dutch society should ?cancel? Zwarte Piet through education and public debate.

4.4. In order to determine whether the removal was warranted in this case, the severity of the content should be assessed according to the six-part threshold test of the Rabat Plan of Action. This test ? which encompasses considerations of (1) the social and political context, (2) status of the speaker, (3) intent to incite the audience against a target group, (4) content and form of the speech, (5) extent of its dissemination and (6) likelihood of harm, including imminence ? provides a valuable international human rights law-based framework for gauging the severity of any specific content and thus assessing whether consequent restriction is proportionate.

4.5. In considering the criterion of context, the Board should view cultures as evolving, as sites of internal contestation, dialogue and change.

Link to Attachment

[PC-09629](#)