Dear Oversight Board:

Thank you for the opportunity to submit comments about the “Gender Identity Debate Videos.” Decisions about content on Facebook and Instagram are important and soliciting comments from interested parties and those with expertise is appreciated.

We comment as researchers and advocates for LGBTQ people, with decades of expertise in understanding the lives of LGBTQ people, working to understand public opinions about LGBTQ people and to shape conversations to build empathy and support, and researching the impacts of rhetoric and laws on the lives of LGBTQ people and their families. Our organization, the Movement Advancement Project (MAP), is a think tank focused on speeding equality for all people. For more than 18 years, our LGBTQ program has worked to advance understanding about LGBTQ people through communications, policy, and movement capacity work. We frequently work to support those seeking to advance LGBTQ equality with tools like communications and policy research, fact sheets and briefs detailing what we know about the challenges experienced by LGBTQ people, and by tracking state laws and policies impacting LGBTQ people through our Equality Maps.

**The content in question violates Meta’s Hate Speech Community Standard.**

The two videos under review by the Oversight Board violate Meta’s Hate Speech Community Standard. The video described in the first case creates an environment of discrimination and hostility. Harassing a transgender woman in the women’s restroom puts her in danger of mistreatment and violence in that environment. For Meta to allow the viewing and sharing of a video on its platforms taken by her harasser runs the risk of allowing that danger of violence to follow her into other public spaces in the future—and it suggests the acceptability of that kind of harassing behavior and content to other Meta users. This video sends a message that transgender women should be excluded from using bathrooms according to their gender identity, while modeling harassing behavior toward her and others like her. In addition, the intention of misgendering, by definition, is a direct attack on a person based on a protected characteristic.

Regarding the second case, allowing someone to post a video targeting a private minor is also deeply troubling. Not only does it put the minor at risk of physical, psychological and emotional mistreatment, but it also suggests a platform-wide permissiveness when it comes to allowing users to post abusive, discriminatory content involving youth.

And while expressing disapproval of a sporting event perhaps falls under freedom of expression, the second video, by virtue of its existence and propagation on the platform, clearly targets a transgender minor for discrimination and exclusion. The argument that the video might not be harmful because its creator didn’t utter words like “She should not be allowed to play” (i.e., a “cognizable attack or call for exclusion”) sidesteps the reality that the video itself IS the attack and the call for exclusion.  The suggestion that specifically exclusionary words are necessary in order to distinguish the exclusionary intent of this video is absurd.

As defined by Meta, the objective of the policy is to “prohibit direct attacks targeting a person or group of people on the basis of protected characteristics.” Meta’s conclusion that neither post violates their community standards highlights the necessity for the Oversight Board to recommend a reversal on the basis of the Board’s strategic priorities, specifically Hate Speech Against Marginalized Groups.

**The content in question contributes to a dangerous and alarming climate for transgender people in the United States.**

In addition to violating existing Meta standards, the two videos in question also contribute to the sociopolitical context in the United States in which transgender people frequently experience personal harassment and violence, but also political and legislative attacks rooted in a lack of understanding of gender identity and the lives of transgender people.

The sociopolitical context of these videos in the United States cannot be ignored. Since 2021, each year has [set a new record](https://reports.hrc.org/2023-state-equality-index#comparative-legislation) for anti-LGBTQ, and particularly anti-transgender legislation. In the past three years, the number of states banning transgender people from playing school sports has gone [from 1 to 26](https://www.lgbtmap.org/img/maps/citations-sports-participation-bans.pdf). In that same time, the number of states banning transgender people from using bathrooms according to their gender identity has gone [from 0 to 13](https://www.lgbtmap.org/img/maps/citations-bathroom-facilities-bans.pdf). This is an unprecedented time for anti-transgender attitudes and attacks in both U.S. society and politics.

These laws cause direct harm that goes beyond the concerns identified by the Oversight Board. For example, [recent research](https://www.washingtonpost.com/education/2024/03/12/school-lgbtq-hate-crimes-incidents/) by *The Washington Post* analyzed FBI hate crime statistics and found that, in states with anti-LGBTQ school laws (including bans on transgender people’s bathroom use and sports participation), “the number of hate crimes on K-12 campuses has more than quadrupled.” This is more than double the rate of increase nationwide.

Even when these bills do not become law, their mere existence contributes to higher rates of mental health issues among LGBTQ people (especially youth) and higher rates of violent rhetoric and harassment – including these types of videos on Meta’s platforms. For example, The Trevor Project (a national suicide prevention organization) [reported](https://www.losangelesblade.com/2021/09/25/alarming-numbers-of-texas-trans-kids-in-crisis-over-litany-of-anti-trans-bills/) that crisis calls from LGBTQ youth in Texas grew over 150% in a year when anti-transgender bills were being debated in the state legislature, relative to the year prior. The Trevor Project’s [2024 nationwide survey](https://www.thetrevorproject.org/survey-2024/) showed that 90% of LGBTQ youth reported their well-being was negatively impacted by recent politics. In addition, [schools](https://www.vice.com/en/article/schools-report-bomb-threats-following-libs-of-tiktok-anti-lgbtq-posts/)—not to mention LGBTQ [community centers](https://www.mapresearch.org/image/2022-lgbtq-center-report-03.png), [gay bars](https://www.them.us/story/st-louis-gay-bars-threatened), and [Pride events](https://glaad.org/anti-lgbtq-hate-and-extremism-spike-during-pride-2023/)—are all reporting increased vandalism, harassment, and even bomb threats.

**Conclusion**

For Meta to continue to allow these videos and similar content – with their clear exclusionary and discriminatory intent – is to further contribute to an anti-transgender sociopolitical context and its escalating harassment and violence toward transgender people in the United States, as well as to the negative impact on the mental health of transgender and LGBTQ youth users of Meta platforms. Meta is already facing lawsuits over its harmful impacts on youth mental health. Clarifying and enforcing its content moderation policies to disallow harmful, discriminatory content such as these videos and prioritizing the health and well-being of our youth over “newsworthiness” is a clear and achievable step in the right direction.