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DIGITAL RIGHTS FOUNDATION PUBLIC COMMENT ON OVERSIGHT BOARD CASE 2023-001-FB-UA (BRAZILIAN GENERAL'S SPEECH)

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Submission Date: 23rd March 2023

In September 2022, an op-ed published in Al-Jazeera surmised that in case of the loss of incumbent contender, former president Jair Bolsonaro, Brazil may experience something equivalent to the January 6th storming of the Capitol in the US¹ because Bolsonaro had been making false claims of election fraud and rigging.² Even without the benefit of hindsight, experts and human rights defenders on the ground were raising the alarm for a potential situation like the one that occurred on January 8th. The problematic nature of the post under consideration is contingent on two factors: fake news/misinformation and political volatility. Meta has a responsibility to uphold the rights of its users to protest and express themselves and their political views - regardless of political leaning - on its platforms. However, given the potential for imminent violence, Meta also must temper this responsibility with the duty to preserve human life and security offline by moderating posts inciting violent protests in the interest of maintaining peace and public safety. In doing so, however, Meta must strive to achieve a balance based on human rights standards since, historically, restrictions under the pretext of "maintaining order" have been exploited by repressive regimes to curb freedom of expression. Additionally, bans on grounds of political volatility may have a detrimental effect on legitimate self-determination movements, especially in places where electoral processes are less secure and may warrant citizen protests, civil disobedience and social media speech to uphold true democratic sentiment. Meta cannot ignore the fact that the right to peaceful protest (including protesting election outcomes) is a fundamental characteristic of the democratic process.

Regarding the aforementioned posts, Meta should conduct both a risk assessment and sentiment analysis that takes into consideration (1) the potential for the outbreak of violence, (2) the volatility of the protestor, and (3) the potential for virality in the

¹ [Brazil may have its own January 6 moment – or worse | Politics | Al Jazeera](#)

² [Bolsonaro's election fraud claims spark 'unprecedented crisis' | Elections News | Al Jazeera](#)

particular context. It is important to point out that if this is implemented at scale by automated systems, then guardrails should be present in the form of human reviewers from the local context who can make an analysis based on the power relations between the poster and the target of the post. Aggressive language, in and of itself, cannot be a criterion for removing content. If the sentiment analysis shows a predominance of aggressive and violent sentiment, and if the risk assessment shows a likelihood of imminent violence, then the post should be flagged.

Furthermore, there should also be a distinction based on the position and status of the poster, i.e. in the capacity of a civilian or state actor. Posts containing calls to action issued by state actors have a higher potential for violent outcomes and, depending on the volatility of the political situation, should be taken down. Additionally, whenever doubts are raised regarding the validity and authenticity of the electoral process and results, social media companies must work with independent fact-checkers and third-party civil society claims. The impact of unsubstantiated claims can be mitigated through a disclaimer based on factual information from official and third-party sources, in a manner similar to that deployed during the Covid-19 pandemic. Regarding election integrity efforts, it is important to account for post-election violence, especially since, in most democracies, the transfer of power is slow, subject to an interim period, and in some cases, overseen by caretaker governments. In these contexts, specificities of the political system should be taken into account to extend integrity efforts beyond the “official election period. Lastly, it is essential for Meta to invest specific resources for election integrity in each context as there is no one-size-fits-all solution for the complex and diverse political systems it operates in.

*To the read the Oversight Board’s full decision on this case:

<https://oversightboard.com/attachment/947696483169770/>

**To read see all submitted Public Comments:

<https://oversightboard.com/attachment/1260838204805836/>