



June 29, 2023

Re: United States posts discussing abortion

Dear Members of the Oversight Board,

The undersigned represent social impact organizations and investors working at the intersection of reproductive healthcare and technology. We write this comment in response to the “United States posts discussing abortion” cases under appellate review by the Oversight Board. Specifically, we address the Oversight Board’s request for public comments that address Meta’s moderation of content on Facebook and Instagram related to abortion and how Meta’s enforcement practices may impact current political discussions about abortion in the United States and other contexts.

Problems involving Meta’s moderation of abortion-related content have amplified since the U.S. Supreme Court overturned *Roe v Wade* in June 2022, empowering states to severely restrict or ban abortion. In addition to the three abortion content cases at issue in this appeal, there have been a number of documented cases involving the removal of posts related to abortion access for residents of abortion-restrictive states as well as instances where abortion misinformation was permitted by Meta. In issuing policy recommendations regarding the moderation of abortion content on Facebook and Instagram, we urge the Oversight Board to also consider these related issues, which similarly impact discussions about abortion in the United States.

Meta has continued to remove abortion-related content without providing sufficient transparency as to why it violates the company’s community guidelines. Many Americans turn to Facebook and Instagram to post content about abortion access, such as sharing resources, offering to house individuals who may need to travel out of their home states for the procedure, and publishing information on mailing abortion medication¹ – a legal act pursuant to recent federal guidance.² While Meta justifies the removal of such content under policies that prohibit the sale of certain items like guns, alcohol, drugs, and pharmaceuticals,³ it is unclear how many of these posts actually violate Meta’s community standards, given that the company does not provide users with details on their alleged violations. For instance, Abortion Finder, an online nonprofit platform that connects people to abortion services, had its Instagram account suspended in June

¹ <https://www.thecut.com/2022/07/facebook-instagram-censoring-abortion-posts.html>

² <https://www.washingtonpost.com/national-security/2023/01/04/abortion-pills-mailed-legal/>

³ <https://www.theguardian.com/technology/2022/jun/28/facebook-instagram-meta-abortion-pills-posts>

2022 after publishing a series of posts regarding access to abortion pills. Meta’s only explanation for suspending the account was that it violated its restricted goods policy,⁴ which prohibits “[a]ttempts to buy, sell, trade, co-ordinate the trade of, donate, gift or asks for non-medical drugs.”⁵ The account was restored only after Abortion Finder appealed the suspension and posted a viral tweet about the case.

There have also been inconsistencies in the application of Meta’s content moderation policies, enforcement of which seemingly targets abortion-related content more than blatantly impermissible content. For example, in June 2022, an *Associated Press* reporter tested Facebook’s policy by posting, “If you send me your address, I will mail you abortion pills.”⁶ Almost immediately, the post was removed and the reporter’s account was put on “warning” status for the post. This action was based on purported violations of Facebook standards regarding “guns, animals and other regulated goods,” which are motivated by federal and/or state laws regulating or prohibiting trade in these goods. However, when the reporter made the same exact post but swapped out the words “abortion pills” for “a gun,” the post was not flagged by Facebook or otherwise considered a violation. A post with the same exact offer to mail “weed” also remained untouched. Notably, mailing cannabis is always illegal under federal law, unlike medication abortion.

In turn, Meta has failed to stop anti-abortion misinformation from Facebook and Instagram users, thereby permitting false narratives about abortion to spread on these platforms. In particular, there are reported increases in false information around medication abortion and other reproductive health procedures and how they work. In one example, reproductive justice organization ReproAction and the Center for Countering Digital Hate noted that social media companies, including Meta, permit the circulation of anti-abortion groups’ dangerous “abortion pill reversal” conspiracy theory. To counter this misinformation, ReproAction posted on Facebook “graphics with medically accurate information about abortion pills,” and those factual posts were subsequently removed for violating Meta’s community standards. According to a ReproAction senior research analyst, Meta failed to “explain how or what guideline [ReproAction] had specifically violated” or to provide recourse for appeal.⁷

Abortion misinformation from users in languages other than English has been especially problematic for Meta. According to a report issued by NARAL Pro-Choice America, Meta has allowed several anti-choice Facebook pages with millions of followers to “repeatedly spread medically inaccurate information about abortion” in Spanish.⁸ The NARAL report found that such Spanish-language Facebook pages spread disinformation about the safety of abortion, with

⁴ <https://www.nbcnews.com/tech/internet/instagram-restricts-abortion-resource-posts-hashtags-rcna35522>

⁵ <https://transparency.fb.com/en-gb/policies/community-standards/regulated-goods/>

⁶ <https://apnews.com/article/abortion-technology-politics-health-016eb3efd65d4fc2b568af1495f5bac5>

⁷ <https://msmagazine.com/2021/11/30/facebook-anti-abortion-misinformation-abortion-pill-reversal/>

⁸ <https://tinyurl.com/wppcxx8h>

some falsely claiming that abortion leads to increased risk of breast cancer, infertility, depression, anxiety, and suicide. Some posts were viewed thousands of times with no fact-checking or intervention from Meta. Considering the documented and disproportionate spread of political misinformation in many non-English languages,⁹ it would not be surprising to find similar abortion misinformation circulating on Facebook and Instagram in other non-English languages like Mandarin and Hindi.

With respect to commercial speech, Meta has similarly permitted abortion misinformation to spread through misleading and false advertisements. For instance, it has been reported that Facebook permits ads with “inaccurate medical advice” while simultaneously rejecting ads from legitimate abortion providers.¹⁰ Some of these false or misleading advertisements promote the above mentioned “abortion pill reversal,” despite Meta’s ad policies against health misinformation.¹¹ Crisis pregnancy centers – quasi-health clinics typically managed by religiously-affiliated organizations seeking to divert people from choosing abortion – have been documented as top advertisers of such false and misleading ads,¹² using Meta’s optimization tools to target people around reproductive health clinics.¹³ These egregious advertising practices have received significant government attention, with some federal legislators seeking to ban such practices or otherwise regulate online advertisements platforms allowing misleading or false ads related to reproductive healthcare.¹⁴

Finally, we note that Meta has failed to keep the general public well informed of problems arising from the enforcement of its content moderation policies. For instance, the company’s Community Standards Enforcement Report does not discuss content moderation regarding reproductive healthcare, even though it provides disclosures specific to other policy areas such as hate speech, restricted goods and services, and violence.¹⁵ Similarly, the company has failed to provide meaningful insight into how its artificial intelligence (“AI”) flags inappropriate content for human review. While the company recently published a general overview of its content removal AI¹⁶ in response to European Union regulation,¹⁷ such action falls short since the algorithms underlying the AI are kept private. Many privacy experts instead suggest that algorithmic transparency – that is, making the content removal algorithms open source – would allow for public scrutiny and input, thereby ensuring greater trust in the company’s content moderation mechanisms. With the currently available information, investors and users cannot

⁹ <https://www.nytimes.com/2022/10/12/business/media/midterms-foreign-language-misinformation.html>

¹⁰ <https://www.bbc.com/news/health-61320202>

¹¹ <https://tinyurl.com/bdfh2bz5>

¹² <https://revealnews.org/article/facebook-data-abortion-crisis-pregnancy-center/>

¹³ <https://www.cosmopolitan.com/health-fitness/a26062253/crisis-pregnancy-centers-college-campus/>

¹⁴ <https://tinyurl.com/2dkfmhy5>

¹⁵ <https://transparency.fb.com/data/community-standards-enforcement/>

¹⁶ <https://help.instagram.com/423837189385631>; <https://www.facebook.com/help/1584908458516247>

¹⁷ <https://www.theverge.com/2022/4/23/23036976/eu-digital-services-act-finalized-algorithms-targeted-advertising>

ascertain the magnitude of problems involving abortion-related content or hold the company accountable for employing inappropriate AI in this arena.

In view of the foregoing, we urge the Oversight Board to include the following policy recommendations as part of its decision:

1. Adopt an abortion-specific content removal policy. YouTube rolled out a policy of this nature following the Supreme Court’s decision overturning *Roe v Wade*.¹⁸ Similarly, TikTok includes medical misinformation about vaccines and abortion in its integrity policies.¹⁹
2. Increase the human review capacity of content moderation involving posts in languages other than English.
3. Periodically train content moderators about updates on the legality of abortion procedures – especially medication abortion – in the United States.
4. Make the algorithms used to identify abortion content that may violate Meta’s policies open source and evaluate their performance through periodic independent third-party audits.
5. Make semi-annual public disclosures regarding content removals related to reproductive health, including abortion. The disclosures should include case studies and metrics about the number of posts deleted or accounts suspended by type of violation as well as the result of subsequent appeal decisions, where applicable.
6. Provide users with more information about the reasons underlying a post removal or account suspension as well as how to appeal a post removal or account suspension.
7. Periodically convene reproductive rights and civil liberties organizations for input on modifications to Meta’s community standards and policy enforcement actions.

We strongly believe that Meta’s implementation of these recommendations could ameliorate some of the problems concerning abortion content moderation that may limit or hinder informed discussion about abortion in the United States. By increasing public trust and expanding the company’s capacity to properly moderate abortion content in its social media platforms, Meta will simultaneously reduce its exposure to reputational, regulatory and other material risks that may affect its well-being.

¹⁸ <https://www.cnn.com/2022/07/21/tech/youtube-abortion-misinformation-policy/index.html>

¹⁹ <https://www.axios.com/2022/10/18/abortion-misinformation-social-media-losing-ground>

Please feel free to contact us for further discussion at corporate.engagement@rhiaventures.org.

Sincerely,

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