

Decision

- Case ID: [REDACTED] -

In the out-of-court dispute settlement process between

[REDACTED]

- Complainant -

and

TikTok

- Online Platform -

because of

the removal of content based on TikTok's Policy on Harassment and Bullying

the certified out-of-court dispute settlement body User Rights decided through its independent reviewers on **21/07/25**:

User Rights finds that TikTok's decision to remove the content from the platform was not justified. User Right's assessment is that the content does not violate the Policy on Harassment and Bullying. TikTok should therefore reinstate the content.

I. Summary

The complaint concerns a comment posted by the complainant on TikTok, stating that they hope the missile gets through, accompanied by a praying emoji. TikTok removed the content, citing a violation of its Harassment and Bullying policy. The complainant argued that their comment was a response to another comment requesting prayers for Israel and expressed support for Iran's response, not harassment or bullying.

User Rights finds TikTok's decision to remove the content unjustified. The comment, while expressing a controversial opinion, does not target an individual or directly threaten anyone's safety, thus not violating the Harassment and Bullying policy. User Rights overturns TikTok's decision but notes that it did not assess the content under other policies such as hate speech, which may still be applicable.

II. Facts of the case

The complaint deals with content posted by the complainant. The content is a text stating the complainant hopes the missile gets through.

On June █ 2025 TikTok removed the content from the platform.

On the same day, the complainant appealed TikTok's decision to User Rights. When filing their complaint to User Rights, the complainant was asked to provide relevant context. The complainant stated that their comment was made in response to another comment requesting prayers for Israel. They expressed that they did not support Israel's actions but instead supported Iran's response. The complainant's comment was removed following a complaint from an Israeli supporter, who claimed it constituted harassment or bullying. However, the complainant argued that their comment did not engage in harassment or bullying but simply expressed support for an opposing viewpoint.

On June 23, 2025, User Rights informed TikTok about the complaint to User Rights and gave it the opportunity to provide a submission. User Rights invited TikTok to

provide additional information justifying its contested content moderation decision. The platform did not respond before the deadline expired.

III. Admissibility

The complaint is admissible.

User Rights is certified to resolve disputes between platforms and complainants regarding moderation of content posted on a social media platform in German or English. TikTok is a social media platform. The relevant content is in English, thus a language for which User Rights is certified. TikTok removed content that the complainant had shared on TikTok. The removal of content constitutes a measure which, in accordance with Art. 20 para. 1 a) and 21 para. 1 DSA, can be appealed to User Rights.

IV. Merits

The complaint is justified.

User Rights overturns TikTok's decision to remove the content from the platform. The content does not violate the Policy on Harassment and Bullying.

1. Scope of review

When moderating the content of a user, TikTok has an obligation to provide a statement of reason satisfying the requirements of Art. 17 DSA. This statement of reason must, among other information, reference the specific contractual ground relied on, Art. 17 (3) e) DSA. The subject of the complaint is thus primarily determined by which regulation the platform bases its action on.

Should TikTok later determine that the invoked policy was not violated but a different policy was, it needs to make a new content moderation decision, provide a statement of reason for that decision to the user, and the user has the right to appeal that decision, Art. 20 or 21 DSA.

2. Substantive Assessment

User Rights bases its decision on the most recent version of the platform's general terms and conditions.

TikTok argued that the content posted by the complainant violated the policy "Harassment and Bullying" of TikTok's Community Guidelines. This policy forbids harassing, degrading or bullying statements or behavior, including statements that would undermine an individual's physical safety, by threatening them or expressing a desire for them to die. The content posted by the complainant, by expressing hope that a missile gets through, conveys a wish for certain people to die. However, it does not target an individual person, but rather wishes "some people" to die. It expresses a general desire without directly mentioning individuals. User Rights finds therefore that the content does not violate this policy.

In line with Art. 14 (4) of the DSA, User Rights assesses whether content moderation decisions adequately consider fundamental rights when required. In this case, User Rights determined that no further review was necessary.

User Rights did not perform a review of the compatibility of the content with TikTok's policy on hate speech and hateful behavior.

V. Result

User Rights overturns TikTok's decision to remove the content from the platform. The content did not violate the Policy on Harassment and Bullying. User Rights did not perform a review of other policies such as hate speech, which may apply in the case.

Note: The decisions of out-of-court dispute settlement bodies are not binding for platforms according to Art. 21 para. 2, third sentence of the DSA. However, as part of their duty to cooperate in good faith pursuant to Art. 21 para 2, first sentence of the DSA, platforms must assess whether there are reasons against implementing the decision and must inform the dispute resolution bodies about the implementation of the decision.