

Decision

- Case ID: [REDACTED] -

In the out-of-court dispute settlement process between

[REDACTED]

- Complainant -

and

Instagram

- Online Platform -

because of

Instagram's decision not to remove content

the certified out-of-court dispute settlement body User Rights decided through its independent reviewers on **25/03/25**:

**User Rights overturns Instagram's decision to leave the content on the platform.
The content violates Instagram's Policy on Bullying and Harassment.**

I. Summary

The complaint concerns an Instagram reel posted by a third user, accusing the complainant of stealing music and encouraging viewers to leave hate comments on the complainant's social media accounts. The complainant reported the post for harassment due to receiving numerous hateful comments, but Instagram chose to keep the content on the platform. The complainant then appealed to User Rights.

User Rights finds Instagram's decision unjustified, as the content violates Instagram's Policy on Bullying and Harassment. The reel explicitly calls for harassment by instructing viewers to leave hate comments, which led to actual harassment of the complainant. Additionally, the content includes targeted cursing and dehumanizing language. Therefore, User Rights overturns Instagram's decision and recommends removing the content from the platform.

II. Facts of the case

The complaint concerns an Instagram reel that was posted by a third user operating under the name [REDACTED] on March [REDACTED], 2025.

In the video the complainant who is leading an Instagram account under the name [REDACTED] is blamed for making money on social media, such as Spotify, by stealing people's music, also the song [REDACTED] composed by the third user. The video consists of a sequence of screenshots from the complainant's Spotify account, his Instagram account as well as Instagram memes. Accompanying this is an audio track in which the third user comments on the complainant's behavior. In addition, he performs a presumably self-composed song about the complainant, in which he describes his alleged misconduct. In his self-composed song, the third user includes several insulting remarks regarding the spelling of the complainant's name and music. In between segments of his track, the third user plays the complainant's version of the song [REDACTED]. He then reacts, insulting the song of the complainant, claiming that he stole the music because no one would listen to his music and he would be less of a burden to society as a drug addict stealing copper. At the end of the video, the third user calls on viewers to visit the complainant's

Instagram account and TikTok account and leave hate comments. He announces that he will tag the complainant — and proceeds to do so. On one of the last screenshots, which can be seen in the video, there is text claiming that the complainant tried to replace his song. The third user's reel has [REDACTED] likes and [REDACTED] comments.

As the complainant appealed the third user's content to Instagram they decided to leave it on the platform.

As a consequence, also on March [REDACTED], 2025, the date when the disputed content was published, the complainant appealed to User Rights. When filing his complaint to User Rights, the complainant was asked to provide relevant context. The complainant stated that he would disagree with Instagram's decision because at [REDACTED] in the video, the person urges other users to leave hate comments on the complainants account and tag him. The complainant reports the post for harassment because he received numerous hateful comments, yet Instagram did not delete the post.

On March 20, 2025, User Rights informed Instagram about the complaint to User Rights and gave it the opportunity to provide a submission. User Rights invited Instagram to provide additional information justifying its contested content moderation decision. Instagram maintained its decision to keep the content on the platform.

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. Instagram is a social media platform. The relevant content is in English, thus a language for which User Rights is certified. The complainant notified Instagram of content which they believed was illegal. Instagram notified the complainant that it would leave the content on the platform. In accordance with Art. 20 para. 1 a) and 21

para. 1 DSA, the decision to leave content on the platform can be appealed to the out-of-court dispute settlement body User Rights.

IV. Merits

The complaint is justified.

User Rights overturns Instagram's decision to leave the content on the platform. User Rights found that it is incompatible with Instagram's terms and conditions. Concretely, the content violates Instagram's Policy on Bullying and Harassment. Instagram should, therefore, remove the reported content from its platform.

1. Scope of review

When platforms' decisions to leave content on the platform following a notice of a potential violation of platform policies, User Rights examines solely whether the content actually violates the platform's policies. In such cases, User Rights does not assess whether the content breaches any legal provisions. This applies even if the complainant raises an allegation of a legal violation with User Rights for the first time.

2. Substantive Assessment

User Rights found that the policy most relevant to the content in this case is the Policy on Bullying and Harassment. User Rights reached the conclusion that the content is incompatible with this policy.

Instagram's policy on bullying and harassment explicitly prohibits calls for bullying and harassment. The policy states that content calling for or stating an intent to engage in bullying and harassment will be removed. This includes content that encourages others to leave hateful comments on someone's account. The policy aims to protect individuals from unwanted malicious contact and threats, ensuring a safe and respectful environment on the platform.

In this case, the reel explicitly instructs viewers to go to [REDACTED] account and leave hate comments, which is a direct call for harassment. The complainant has

reported receiving numerous hateful comments as a result of this reel, indicating that the content has led to actual harassment.

Furthermore, the policy explicitly prohibits “targeted cursing” as well as “dehumanizing comparisons to animals and insects”. The third user’s several insulting remarks have to be considered as targeted cursing. The third-party user insults and mocks the complainant in connection with his version of the song [REDACTED]. Whether or not the complainant actually committed copyright violations, as stated by the third user, is not relevant in this context. Such allegations do not justify the use of bullying or harassing language. The third user even compares the complainant to a “leech,” alluding to his asserted acts of stealing.

The platform's decision not to remove the post contradicts its own policy, as the content clearly violates the rules against calls for bullying and harassment. Therefore, the platform should have removed the content to uphold its Community Standards.

V. Result

**User Rights overturns Instagram’s decision to leave the content on the platform.
The content violates Instagram’s Policy on Bullying and Harassment policy.**

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.