

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 **22/04/2025**:

**User Rights overturns Instagram's decision to leave the content on the platform.
The content violates Instagram's Policy on Hateful Conduct.**

I. Summary

User Rights finds that Instagram's decision to leave the content posted by the user [REDACTED] on the platform was incorrect. The content, which included the statement calling to free Europe from cancer, was reported as hate speech targeting Muslim people by associating them with a disease, a form of dehumanizing speech. This is in violation of Instagram's Policy on Hateful Conduct, which prohibits content that targets individuals or groups based on protected characteristics, such as religious affiliation, with dehumanizing comparisons. User Rights concludes that the content breaches Instagram's terms and conditions and instructs Instagram to remove the content from its platform.

II. Facts of the case

The subject of the complaint is the following content posted by a user with the username [REDACTED] calling to free Europe from cancer, including a hashtag and a crescent with a star emoji.

The complainant notified Instagram of the presence of this piece of content which they believed was incompatible with their terms and conditions. In November 2024, the online platform informed the complainant that the content would not be removed.

On [REDACTED] December 2024, the complainant appealed Instagram's decision to User Rights. When filing their complaint to User Rights, the complainant was asked to provide relevant context. The complainant stated that the comment was hate speech directed against a specific group, namely Islamic people. The crescent with a star, a common symbol for Islam, had been used in the word "cancer," thereby referring to the Islamic religion as a cancer in an unbiased manner.

On 13 December 2024, 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. The platform states that they have reviewed the content

related to the request and concluded that it did not clearly violate their Community Standards.

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 the 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. The content is incompatible with Instagram's terms and conditions. Concretely, the content violates Instagram's Policy on Hateful Conduct. 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

The content violates the policies of the online platform. User Rights has determined that the policy applicable for the assessment of the content in this case is

Instagram's policy on hateful conduct. User Rights reached the conclusion that the content is incompatible with this policy.

The policy explicitly prohibits content targeting a person or group of people on the basis of protected characteristic(s) or immigration status in written or visual form with dehumanising speech in the form of comparisons to or generalisations about animals, pathogens or other sub-human life forms. Protected characteristics include race, ethnicity, national origin, disability, religious affiliation, caste, sexual orientation, sex, gender identity and serious disease.

The statement calling to free Europe from cancer, targets Muslim people by associating them with a disease, which is a form of dehumanizing speech prohibited under the policy.

V. Result

**User Rights overturns Instagram's decision to leave the content on the platform.
The content violates Instagram's Policy on Hateful Conduct.**

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.