User Rights

2025 Transparency Report

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EXECUTIVE SUMMARY

User Rights is the first certified out-of-court dispute settlement body under Article 21 of the Digital Services Act (DSA) specialising in content moderation decisions by social media platforms. This transparency report follows the recommendations of the User Rights Advisory Board and documents the results of 2025 — based on approximately 4,400 admissible and over 3,600 completed cases from all EU Member States, four languages, and five platforms.

Five Trends

1. **Out-of-court dispute settlement is rapidly gaining significance.**
   The monthly caseload has nearly quadrupled compared to early 2025. Complainants from all 27 EU Member States have used the procedure — despite the fact that out-of-court dispute settlement for social media platforms remains largely unknown.

2. **Independent review is necessary.**
   In almost 85% of the completed cases, User Rights found that the original platform decision was unfounded. In absolute terms: of the nearly 3,600 complainants who received a decision in 2025, over 3,000 were successful. In complaint cases — meaning cases in which users contest restrictions taken against them — this figure is as high as 94%. Where all information was available and a full legal review was conducted, 80% of moderation measures proved unjustified. These figures demonstrate a substantial need for independent review.

3. **Where platforms cooperate, out-of-court dispute settlement works.**
   With TikTok, the final outcome is aligned in almost nine out of ten cases: either the platform was right and User Rights confirmed it, or the platform made an error and corrected it — a considerable achievement for an instrument that is still in its early stages of development. In more than two

out of three cases, complainants obtained the outcome they sought — erroneously imposed moderation actions were overturned or content violating the rules was removed. The data demonstrate how effective dispute settlement can be when platforms cooperate.

4. **Lack of cooperation jeopardises the entire system.**
   The data show that out-of-court dispute settlement only works well when platforms actually participate. In many cases involving Meta (Instagram and Facebook), limited engagement has posed significant challenges to the process. To make Article 21 DSA work in practice, regulators may need to spell out more clearly what is expected of platforms.

5. **Out-of-court dispute settlement strengthens legal protection in the digital space.**
   In over 3,000 cases, the procedure led to a correction of the original platform decision — whether through an immediate remedy by the platform or a substantive decision by User Rights. The systematic documentation of these decisions across five platforms and 27 Member States provides, for the first time, a structured empirical basis for content moderation practice in the EU — and ensures that platforms do not have the last word.

2025 IN NUMBERS

Figure 1: Overview of Cases Received in 2025

8,749
Filed Applications
Jan 2025 – Dec 2025

4,468
Admissible Proceedings

4,281
Inadmissible Proceedings

3,630
Completed Proceedings

1,601
Immediate Reversals

47
Days Avg. Proceeding Duration

5
Platforms

Filings by Platform

4,036
TikTok

3,197
Instagram

1,302
Facebook

194
LinkedIn

4
Proceeding Languages

27
EU Member States

Top 5 Countries of Origin

DE	Germany	5,208
FR	France	1,663
IT	Italy	229
ES	Spain	222
AT	Austria	190

Without Pinterest (see page 13).

GLOSSARY

This report uses a number of terms that arise from the procedure under Article 21 DSA and the practice of User Rights.

Case Categories	
Complaint (against restrictions)	Complainants challenge actions taken against their own content or accounts (removal, suspension, demonetisation, etc.). Also referred to as **"complaint cases"**.
Report	Complainants report third-party content on the basis of platform community guidelines or legal violations; the platform decides not to remove the reported content, or fails to respond to the report within seven days. Also referred to as **"report cases"**.
Case Outcomes	
Immediate Remedy	The platform grants the user's request immediately after being contacted by User Rights, without our case reviewers having to issue a decision on the merits.
Overturn	**Outcome in a complaint against a restriction.** Following a legal review, User Rights determines that the platform's action was not justified and recommends that it be overturned.
Uphold	**Outcome in a complaint against a restriction.** Following a legal review, User Rights confirms the platform's action as lawful and proportionate.
Report Justified	**Outcome in a Report.** User Rights determines that the report was well-founded: the third-party content reported violates platform community guidelines or applicable law, and the platform should have acted.
Report Not Justified	**Outcome in a Report.** User Rights determines that the report was unfounded and that the platform was right not to remove the reported content.

Procedural Terms	
Complainant	Person or organisation filing a case.
Admissible Case	A case that meets the admissibility requirements of User Rights' Rules of Procedure (including subject-matter and territorial jurisdiction, timely submission, and complete information). Only admissible cases are reviewed on the merits.
Substantive Decision	Substantive decision by User Rights. Encompasses: overturn, uphold, report justified, report not justified. Immediate remedies are not substantive decisions in the strict sense but are included in the overall statistics.
Completed Case	A case in which a final decision has been issued — either through an Immediate Remedy or a Substantive Decision.
Substantive Submission	A substantive response by the platform on the subject matter of the case. Typically includes a justification of the moderation action in question.
Objections to Admissability	Raised by platforms when they contest the admissibility of the case or their obligation to participate. User Rights reviews these objections and, where they are not justified, issues a decision based on the available information.
Implementation	The platform actually implements a substantive decision by User Rights (e.g. restoring removed content or lifting an account suspension).
Pre-Screener	A legally qualified member of the case management team who conducts the admissibility review and prepares the case file. Pre-screeners do not issue decisions on the merits.

Case Reviewer	An independent decision-maker holding a completed law degree who conducts the substantive review and issues the decision. Case Reviewers are not subject to instructions.

Regulatory and Technical Terms	
DSA (Digital Services Act)	Regulation (EU) 2022/2065 on a Single Market for Digital Services. Forms the legal basis for the dispute settlement procedure at User Rights (Article 21).
Digital Services Coordinator (DSC)	The national supervisory authority responsible for enforcing the DSA in the respective Member State. Responsible, among other things, for the certification and oversight of dispute settlement bodies.
Signposting	The obligation of platforms under Article 17(3)(f) and Article 20(5) DSA to inform users of the possibility of out-of-court dispute settlement — in particular in the context of content moderation decisions.
Community Guidelines / Community Standards	The rules set by platform operators governing which content is permitted or prohibited on the respective platform. In complaints against restrictions, these form the primary standard of review and constitute legally binding terms and conditions (T&Cs).
Content Moderation	The totality of measures by which platforms review and, where applicable, restrict content on their services — including removal, suspension, labelling, reach restriction, and demonetisation.
ODS Network (Out-of-Court Dispute Settlement Network)	A European network of certified Article 21 dispute settlement bodies. Coordinates common standards, best practices, and structured dialogue with platforms and regulatory authorities.
Key Performance Indicators	
Outcome in Favour	The proportion of completed cases resolved in favour of the complainant — through an Immediate Remedy, an Overturn, or a Report Justified.
Effective Resolution Rate (Complainant Perspective)	The proportion of all cases in which the complainant obtained the desired outcome: either a decision was issued in their favour and implemented, or the platform acknowledged an error and corrected it.

Successful Dispute Settlement	The proportion of completed cases in which the final treatment of the content or account corresponds to User Rights' recommended outcome. This category encompasses both decisions implemented in favour of complainants and cases in which the platform's original decision was confirmed (Uphold, Report Not Justified).
Implementation Rate	The proportion of substantive decisions in favour of complainants (Overturns and Reports Justified) that were actually implemented by the platform. This measure reflects the platform's willingness to cooperate in cases decided against it.
Overturn Rate	The proportion of substantive decisions in complaints against restrictions in which User Rights overturned the platform's action. Refers only to substantive decisions, not to Immediate Remedies.
Justified Report Rate	The proportion of substantive decisions in Reports in which User Rights found the report to be justified. Refers only to substantive decisions, not to Immediate Remedies.
Immediate Remedy Rate	The proportion of completed cases in which the platform independently corrected the disputed action after the case was opened and prior to the issuance of a substantive decision was issued.

All metrics refer to completed cases (N = 3,630). The complete KPI architecture, including shorthand notation, case flow, derivation, and scope distinctions, is documented in Annex C.

DSA Articles	
Art. 3(h) DSA	Statutory definition of "illegal content". Determines the threshold at which content violates not only platform community guidelines but applicable law.
Art. 17 DSA	Requires platforms to inform users of content moderation decisions and to provide reasons for them. Article 17(3)(f) contains the obligation to refer users to the possibility of out-of-court dispute settlement (Signposting).

Art. 20 DSA	Internal complaint-handling system of platforms. Users must have the option to challenge content moderation decisions internally within the platform. Together with Article 21 DSA, this forms the basis for the standard of review applied by dispute settlement bodies.
Art. 21 DSA	Users' right to refer disputes with platforms over content moderation decisions to a certified out-of-court dispute settlement body. The body must operate independently, impartially, and transparently (para. 3) and issue a non-binding decision (para. 4). Platforms are required to engage in good faith with the procedure and to give due consideration to the decision within a reasonable timeframe (para. 4). Certification is granted by the Digital Services Coordinator of the relevant Member State (para. 3). Article 21 DSA constitutes the central legal basis for User Rights' activities.
Art. 86 DSA	Enables organisations and associations to assert rights under the DSA on behalf of users — including initiating dispute settlement proceedings under Article 21 DSA.

General Notes on Data Analysis.
User Rights operates a technical case management system that was continuously developed throughout 2025. In this process, individual data fields were added, refined, or structurally adjusted. In preparing the data presented here, all cases and available data points were fully and consistently taken into account despite these system adjustments. Nevertheless, the ongoing expansion of the system may have led to minor inaccuracies or inconsistencies in individual analyses.

General Notes on the Data Included.
Of the 8,749 cases received in 2025, User Rights had transmitted decisions to the respective platforms in 3,753 cases as of 12 February 2026. The implementation metrics presented in this report refer to the 3,630 cases in which the one-week implementation period had already expired by the reporting date.

These cases form the basis for the implementation data presented in this report, as well as for the core metrics calculated from those implementations.

For the **platform Pinterest,** User Rights received a total of 20 cases in 2025, of which 18 were admissible. Due to this low case volume, Pinterest is not reported separately in the metrics, as the sample size would be insufficient for meaningful analysis.

1. ABOUT USER RIGHTS

What does User Rights do and what is the legal framework for our work? This section introduces our mission as well as the foundations and principles of our activities.

1.1 Mission and Activities

From Practice:

(No) Time to Say Goodbye (TikTok, Report).
On TikTok, a user posted a video addressing Syrian immigrants in Germany. The video underlays a call for their "return" with the song "Time to Say Goodbye" and attributes sweeping negative characteristics to the group. Another person reports the video. TikTok decides not to remove it. User Rights finds that the content violates the hate speech policy.

Bullying of Minors (Instagram, Complaint).
On Instagram, a profile exists whose username names a child and associates the child with derogatory comments about their weight. The mother reports the account four times – Instagram refuses to suspend it. In proceedings before User Rights, Instagram declines to participate. User Rights examines the case nonetheless and determines that the profile violates Instagram's own guidelines on bullying and harassment and should be suspended.

Trump and the Dictators (TikTok, Report).
On TikTok, a person publishes a satirical caricature showing Donald Trump alongside known dictators – a critique of the punishment of

political opponents. TikTok removes the post for violating guidelines on dangerous organisations and individuals. User Rights determines that the post is permissible political satire. TikTok has failed to apply its own exception for criticism and satire.

These cases illustrate the breadth of User Rights' activities: from protecting minors from cyberbullying to defending political satire against overzealous moderation – and the necessity of an independent oversight body when platforms do not consistently apply their own rules.

Our Mission.
User Rights reviews moderation measures of major social media platforms **independently**, **quickly**, and with **legal rigor.**

To this end, we offer users and organisations, in accordance with our statutory mandate, a **low-barrier** and fundamentally **cost-free access point**. In this way, User Rights makes a central contribution to **enforcing fundamental rights** in the digital space.

1.2 Our Certification under Article 21 of the DSA

The Digital Services Act (DSA) has applied directly in all EU Member States since February 17, 2024. It requires online platforms to cooperate with certified dispute settlement bodies and to regularly bear the costs of proceedings.

User Rights was certified on August 12, 2024 by the Federal Network Agency (Bundesnetzagentur, BNetzA) as the first German dispute settlement body under Article 21 DSA. The certification is valid EU-wide for a period of five years.

The certification process was preceded by a comprehensive regulatory review.

The Examination Covered in Particular:

- Impartiality and independence (including financial independence)
- Professional expertise of decision-makers
- **Rules of Procedure** and **Schedule of Costs** (including fee structure)
- Online accessibility and efficiency of proceedings

1.3 Out-of-Court Dispute Settlement in the Digital Space

Article 21 DSA provides users and organisations an additional alternative alongside the platform's internal complaint mechanism and court proceedings: out-of-court dispute settlement through independent, certified bodies. User Rights is currently one of nine European dispute settlement bodies and reviews content moderation decisions for their compatibility with platforms' terms of service, applicable law, and users' fundamental rights.

The decisions of dispute settlement bodies are not legally binding. However, the parties are required to cooperate in good faith in the proceedings and to engage seriously with the decisions of the dispute settlement body. In practice, User Rights decisions frequently lead platforms to correct erroneous moderation decisions. Furthermore, they provide users with a substantiated foundation to explore further legal steps if necessary.

1.4 Independence and Financing

The DSA requires that dispute settlement bodies be independent and impartial – particularly vis-à-vis the platforms whose decisions they review.

User Rights ensures this independence through structural organisational separation from online platforms. Our legally qualified case reviewers are not subject to substantive directives in the performance of their dispute settlement activities.

User Rights is also financially independent and is financed exclusively through procedure fees, ordinarily paid by social media platforms.

If User Rights decides in favour of users, the platforms bear the entire costs of the proceedings. Even in the case of complainants being unsuccessful, platforms must ordinarily bear the costs associated with the decision itself. Costs are incurred by users only in cases of abusive conduct.

Depending on the complexity of the individual case, fees range between €144.20 and €700. User Rights' Schedule of Costs is publicly accessible.

In practice, all platforms now reimburse the procedure fees charged to them. TikTok and LinkedIn reimbursed the incurred costs in full and in a timely manner. In contrast, reimbursements relating to Meta's platforms, Instagram and Facebook, were initially subject to delays. However, all outstanding amounts have ultimately been paid.

The obligation of platforms to bear costs as set forth in Article 21 DSA enables users and organisations to have low-barrier access to out-of-court legal protection. User Rights counters any potential misaligned economic incentives that might arise from the legally prescribed compensation model through several structural safeguards.

Outcome-Independent Fee Structure.
Procedure fees are ordinarily borne by platforms regardless of the outcome of the proceedings. Whether User Rights confirms or overturns the platform's decision, the fee obligation remains the same. There is therefore no financial incentive to decide in favour of platforms or complainants.

Outcome-Independent Compensation of Case Reviewers.
Case Reviewers are compensated independently of the outcome and complexity of proceedings. No performance-based compensation occurs. The substantive decision has no impact on the level of compensation.

Comprehensive Pre-Screening.
User Rights ensures through a multi-stage admissibility review that abusive or inadmissible applications are excluded without cost consequences for platforms. In the reporting year 2025, 4,281 of 8,749 applications (49%) were classified as inadmissible.

Third-Party Financing of the Setup Phase.
Founding and setup costs were financed through a market-standard loan. User Rights has at no time received funds, grants, or other payments from platforms, industry associations, investors, or governmental bodies beyond regular procedure fees.

1.5 Out-of-Court Dispute Resolution Network and Academic Advisory Board

Beyond its direct activities as a dispute settlement body, User Rights is organised in the Out-of-Court Dispute Resolution (ODS) Network as an EU-wide interest representative. With the *Article 21 Academic Advisory Board* (AAB), it has additionally created an institutionalised forum for dialogue with academia and civil society.

1.5.1 Out-of-Court Dispute Resolution Network

User Rights is a founding member of a growing European network of Article 21 dispute settlement bodies. Within the Out-of-Court Dispute Resolution Network (ODS Network), we coordinate with other certified bodies and develop common standards and best practices.

Together with the network, we have initiated a dialogue process with the industry association of online platforms (Digital Trust & Safety Partnership, DTSP) to address outstanding questions in the context of effective dispute settlement activities. While the involved actors generally agreed on certain matters – such as the necessity of common communication channels – their

legal perspectives diverge significantly on other central issues. Accordingly, the ODS Network intensifies engagement with member state regulatory authorities and the European Commission, for instance regarding the scope of platforms' cooperation and justification obligations, to ensure uniform and efficient interpretation of Article 21 DSA.

The ODS Network also monitors and documents the extent to which platforms fulfill their obligation to inform users of out-of-court dispute settlement options. In 2025, the network developed proposals to improve these so-called "signposting" obligations and submitted them to online platforms and the relevant authorities (see also Chapter 6.3).

1.5.2 Article 21 Academic Advisory Board

In August 2024, User Rights established the Article 21 Academic Advisory Board (AAB) to institutionalise expert exchange with academia and civil society.

The independent body consists of experts in out-of-court dispute settlement and platform regulation: Prof. Dr. João Pedro Quintais (University of Amsterdam), Prof. Dr. Giovanni De Gregorio (Oxford Internet Institute), Prof. Dr. Iva Nenadic (London School of Economics), and Prof. Dr. Hannah Ruschemeier (University of Osnabrück).

The goal of the AAB is to address central legal questions surrounding proceedings under Article 21 DSA according to the highest scientific standards. The Advisory Board thereby develops guidelines and reference points for out-of-court dispute settlement bodies and regulatory authorities. It furthermore contributes to the broader development of content moderation on platforms in Europe and worldwide.

Together with various experts, the AAB published two of a total of four "Discussion Reports" in 2025:

- **Review of Moderation Decisions on Disinformation by Out-of-Court Dispute Settlement Bodies**, with Tommaso Canetta, April 2025: The Advisory Board members and their guest examine the tensions under which out-of-court dispute settlement bodies operate when dealing with (allegedly) false information. In addition to comprehensive analysis, the Discussion Report sets out best practices for handling such cases.

- **Reporting and Transparency of Out-of-Court Dispute Settlement Bodies under Article 21 DSA**, with Prof. Dr. Lorenzo Gradoni and Prof. Dr. Pietro Ortolani, August 2025: In the Discussion Report, the AAB and the invited experts outline appropriate transparency standards for out-of-court dispute settlement bodies and set out recommendations on how they should report on their activities.

2. PROCEDURES AND METHODOLOGY

How do proceedings at User Rights work, and how do we review content? This section describes the working methods and normative framework of User Rights' activities.

2.1 Case Categories

There are two categories of cases :

Complaints against Restrictions (Complaint Cases).
Users or organisations challenge measures affecting their own content or accounts – such as content removal, account suspension, demonetisation, or other functional restrictions.

Reports (Report Cases).
Users or organisations submit a case to User Rights because they have reported third-party content as unlawful or as violating platform community guidelines, but the platform has rejected the report or failed to process it for more than seven days. Users need not – beyond the original report to the platform – proceed through an internal platform complaint mechanism before initiating proceedings at User Rights.

2.2 Scope of Activities

User Rights reviews content in English, German, French, or Italian. Additionally, cases must concern the (alleged) violation of Union law, Italian law, or specific German criminal statutes or platform community guidelines for which User Rights is competent.

User Rights excludes certain areas of activity from its scope of review. This includes, for example, content involving Child Sexual Abuse Material (CSAM). Alleged violations of copyright and competition law are likewise currently outside the scope of review.

For a detailed overview of the scope of activities, including all platform community guidelines and legal provisions reviewed by User Rights, see Annex.

2.3 Standards of Review

The standards applied by User Rights in reviewing moderation measures derive generally from Article 21(1) in conjunction with Article 20(1) DSA.

With respect to certain aspects where the legal framework allows for interpretive discretion, User Rights has designed its procedures following extensive engagement with legal scholarship and relevant case law, consultation with the Article 21 Academic Advisory Board, internal discussions, and exchanges with legal scholars, supervisory authorities, other dispute settlement bodies, and online platforms.

The following presentation of our standards of review serves not only transparency but also aims to contribute to public debate.

The specific standard of review to be applied differs depending on the case category.

2.3.1 Complaints against Restrictions

When users themselves are affected by a moderation measure (complaint against restrictions), platforms must explain to them the basis for the action taken. This justification substantially determines the standard of review User Rights applies in these proceedings.

Compatibility with Platform Community Guidelines.
Where the platform acted due to a violation of its community guidelines, User Rights reviews whether the platform correctly applied them. In the vast majority of cases, platforms take measures based on community guidelines.

Platforms must specify in their justification the “relevant contractual provision” which users (allegedly) violated. Accordingly, we review only whether the moderation measure is compatible with the specific guideline on which the platform bases its action.

Online platform operators set out in their guidelines which content is prohibited or permitted on their platforms.

For example, a guideline on bullying and harassment may prohibit posts that demean other people based on their physical appearance or that threaten to publish others’ private information. At the same time, criticism of the actions of other people may be permissible.

If a platform removes a user’s comment based on such a guideline, our case reviewers examine whether it actually violates the guideline ("Does the comment insult another person?"). If no violation is found, the platform’s moderation action is considered unjustified and our case reviewers recommend that it be overturned.

If a violation of the guideline is found, a second step involves reviewing whether the content is (exceptionally) permitted and the measure should therefore be overturned ("Does the comment criticise another person’s action and not their appearance?").

Compatibility with Fundamental Rights.
If our case reviewers find a guideline violation, they additionally review – when a fundamental rights violation is at issue – whether the platform has sufficiently considered users’ fundamental rights. The review is guided by three key questions: is there a substantive basis for the measure or was it arbitrary? Is the measure proportionate? Are similar contents treated similarly?

The fundamental rights particularly relevant to content moderation – and thus to our activities – include freedom of expression (Article 11 of the Charter of Fundamental Rights of the European Union, CFR), the prohibition of discrimination (Article 21 CFR), the freedom to choose an occupation and the right to engage in work (Article 15 CFR), and the freedom to conduct a business (Article 16 CFR). The fundamental rights review is not conducted routinely but rather through case-by-case evaluation. The Academic Advisory Board has developed guidelines on this in **Discussion Report No. 2**.

Compatibility with Legal Provisions.
In rare cases (<1% of complaints), users challenge measures taken by platforms on the basis of (allegedly) unlawful content. In this category of cases, User Rights reviews the specific legal provision on which the platform bases its action. If, for example, a platform removes content because it (allegedly) constitutes an insult under Section 185 of the German Criminal Code (StGB), our case reviewers review whether a violation of this provision exists.

2.3.2 Report Cases

When users complain that despite a report, the platform has taken no action against content from other users, our standard of review depends on whether a violation of platform community guidelines or legal provisions was reported to the platform.

Compatibility with platform community guidelines: When users report content for violating platform community guidelines, User Rights reviews whether the reported content violates *any* guideline of the respective platform (for the scope of User Rights' activities, see Annex).

Most users are unfamiliar with platform guidelines in detail. Therefore, they cannot be required to select the correct guideline when reporting content. If, for example, a user reports content for violating a hate speech guideline, our case reviewers also assess whether the content may violate other applicable guidelines. Even if the content does not violate the hate speech guideline but violates a guideline on harassment, User Rights recommends removing the

reported content.

Compatibility with Legal Provisions.
When users report third-party content for violating legal provisions, our case reviewers review whether the reported content violates any legal provision within the scope of User Rights' activities (for the scope of User Rights' activities, see Annex).

In this context, users cannot be expected to select the correct legal provision when reporting allegedly unlawful content. By way of example under German law, if a user reports content as constituting defamation (e.g. Section 186 or 187 StGB), our case reviewers also assess, for instance, whether the content may qualify as an insult (Section 185 StGB). If we conclude that content violates laws – for instance, because it contains insulting statements within the meaning of Section 185 StGB – we recommend its removal. This applies regardless of whether the reporting user believed the content constituted defamation under Section 187 StGB.

2.4 Procedural Flow

Proceedings at User Rights proceed as follows:

Phase 1 | Application

The application is submitted via an online form or XML template. The complainant must provide their full name and contact information and submit screenshots demonstrating that the platform has taken action against them, such as removing a comment.

Phase 2 | Admissibility Review (Pre-Screening)

We review whether the case is admissible and can be processed further. A first review is conducted and includes checking whether User Rights is competent to examine the community guideline or legal provision in question, whether the case was filed within six months of the platform's decision, and whether sufficient link to the European Union exists. Proceedings are also terminated where the dispute has already been resolved or where the complainant acts abusively. Proceedings may also be (temporarily) rejected if the dispute settlement body is overwhelmed.

Phase 3 | Notification to Platform

The case is transmitted electronically to the platform. The platform's response period is seven days and may be extended by fourteen days upon request. The platform may provide an immediate remedy, raise objections to the admissibility, or provide a substantive submission. All objections must be raised in the first submission.

Phase 4 | Substantive Review

After the response period expires, a Pre-Screener concludes the pre-proceedings. An assessment of the case's complexity is also made.

Classification: Complexity of procedures and fees

The platform overturns the measure.
(Immediate Remedy: €144.20)

Obvious error by the platform. User Rights decides against the platform on formal grounds.	The case is neither "simple" nor "complicated."	The facts or legal assessment are particularly complex.
Simple (€206)	**Average (€440)**	**Complicated (€700)**

If the platform fails to provide necessary information despite its obligation to cooperate, a decision may be rendered on the basis of the complainant's submission.

Phase 5 | Decision

In Complaint cases, the moderation measure may be overturned or upheld. In Report cases, User Rights declares the report justified or not justified. User Rights issues a detailed legal decision.

Phase 6 | Implementation

User Rights calls on the platform to notify User Rights within one week whether it accepts and implements the decision. The decision itself is not binding but represents an independent and comprehensive legal assessment.

Procedure Duration: The statutory procedure duration is a maximum of 90 days. In complex cases, the duration may be extended by an additional 90 days.

2.5 Ensuring Decision Quality

User Rights ensures that every Substantive Decision is rendered following thorough legal review by qualified case reviewers and is accompanied by appropriate reasoning.

2.5.1 Qualification of Case Reviewers

The professional qualifications we require of our case reviewers depend on the subject matter of the case.

For the review of whether content is unlawful within the meaning of Article 3(h) DSA, User Rights employs exclusively case reviewers who have the qualification for judicial office under § 5 of the German Judiciary Act (DRiG) or an equivalent qualification. Moderation decisions based on a platform's community guidelines are reviewed by case reviewers who hold a law degree and have at least one year of professional experience in mediation or equivalent advanced training completed during the certification process. For proceedings in foreign languages, a language proficiency certificate at level C1 of the Common European Framework of Reference is additionally required.

Our case reviewers undergo comprehensive onboarding at the start of their work, based on the training concept submitted during the certification process. User Rights ensures that regular knowledge transfer occurs and that new developments in case law are taken into account. In addition, expert workshops are held on selected topics such as fundamental rights review.

The User Rights office supports the case reviewers in efficiently conducting proceedings. Pre-screeners, who possess the qualification for judicial office, coordinate case preparation and ensure optimal conditions for dispute settlement. The office exercises no influence over the substantive decisions of the case reviewers.

2.5.2 Comprehensive Review and Reasoning of Decisions

Case reviewers thoroughly examine both the legal situation and the factual circumstances of disputes.

At the factual level, particular attention is paid to clarifying the context in which the disputed content appears – for example, whether it constitutes a reaction to a third party's post and therefore carries specific meaning in that context. Thus, when evaluating a potentially unlawful statement of a polemical nature, it may be necessary to consider whether it is a response to an original contribution that was itself exaggerated.

From a legal perspective, case reviewers consider the current state of the law and consider not only statutory provisions but also the case law of national and European courts, as well as relevant legal scholarship. While the examination of EU law may require the implementation of complex, up-to-date sanction mechanisms, each platform is also subject to its own specific guidelines, which develop a distinct regulatory logic.

To ensure our substantive decisions are understandable for users and platforms while being legally sound, they contain detailed reasoning in which the legal situation is presented with legal rigor.

2.6 Sample Decisions

The following sample cases provide an impression of the broad range of procedural cases and content User Rights has decided in 2025. They are part of a collection of decisions of general interest that User Rights regularly publishes online.

2.6.1 Review of Community Guidelines

The majority of moderation decisions users challenge at User Rights are based on (alleged) violations of community guidelines. In these cases, we review whether platforms correctly applied their own rules and appropriately assessed the content in question.

Decision | **Overturned**

UR_2024_12 TikTok

Skinheads and Pigeonholing

The complainant described in a video a positive experience at the Loveparade in the 1990s: skinheads had danced alongside gay people without issue. The person expressed opposition to modern "pigeonholing." TikTok removed the post for hate speech. Our case reviewers found that the post critically reflected on societal developments without demeaning any group.

Outcome: recommendation to restore the post.

Complaint

Policy: Hate Speech

Decision | **Overturned**

UR_2025_20 Instagram

Hate Campaign

An Instagram post publicly called for hate comments on another person's profile and included a link to that profile. The complainant reported the post to Instagram. The platform refused to remove it. Our case reviewers found that the post violated the guidelines on harassment and bullying.

Outcome: recommendation to remove the reported post.

Report

Policy: Bullying & Harassment

2.6.2 Review of Legal Provisions

A central objective of the DSA is to ensure that illegal content on online platforms is addressed effectively. In our proceedings, we are also regularly faced with the question of whether content violates criminal law or EU law, for example. When assessing the illegality of content under national criminal law, User Rights first determines whether a case falls within the scope of the relevant law and whether its review falls within its certified mandate to assess violations of German and Italian criminal law. The following examples concern cases arising in Germany. In these proceedings, the platforms' moderation decisions were assessed for compliance with the applicable legal framework, in particular the German Criminal Code.

Decision | **Overturned**

UR_2025_08 — Instagram

Emojis with a Message

In 2024, five guests at a celebration in a bar on the German North Sea island of Sylt chanted the slogans "Germany for the Germans, foreigners out!" to the song *L'amour Toujours* by the Italian DJ Gigi D'Agostino. There is a video of this incident, which attracted significant public attention. In a comment referring to this video, an emoji was included that is used in far-right circles as a code for the Hitler salute. Instagram declined to remove the content following a user report. Upon substantive review, it was found that the emoji depiction constituted the use of symbols of unconstitutional organisations within the meaning of Section 86a StGB. Even symbolic or digital representations may qualify as the use of such symbols.

Outcome: Recommendation to remove the reported content.

Report

§ 86a StGB*

Decision | **Uphold**

UR_2026_11 — Instagram

Defamed Protesters

A user challenged the reach restriction imposed on an Instagram post in which they made sweeping accusations against participants in a pro-Palestine demonstration, alleging that they had called for the murder of Israeli nationals. The post was accompanied by a photo showing clearly identifiable individuals. User Rights reached the same conclusion as Instagram: the factual claim was not demonstrably true and constituted defamation under Section 186 StGB.

Outcome: Recommendation to uphold the measure.

Complaint

§ 186 StGB**

* Use of symbols of unconstitutional organisations

** Malicious gossip

2.6.3 Review of Fundamental Rights

In our decisions, fundamental rights assessments play a central role alongside community guidelines and legal requirements. In many cases, our case reviewers must balance the complainant's freedom of expression against the personal rights of third parties.

Decision **Uphold**

UR_2025_09 TikTok

Cyberbullying

The complainant published six videos that portrayed another individual in a degrading manner. TikTok permanently suspended the account. User Rights found that the posts violated the guidelines on harassment and bullying. Given the severity of a permanent account suspension, our case reviewers additionally assessed whether the complainant's fundamental rights had been sufficiently considered. Given the severity and frequency of the violations, the account suspension was ultimately proportionate.

Outcome: recommendation to uphold the measure.

Complaint

Fundamental Rights

Decision **Uphold**

UR_2026_06 Facebook

Secret Recording

The complaint concerned a photo showing the legs and denim shorts of a presumably female person from behind, accompanied by a mocking comment. Facebook removed the post under its policy on sexual exploitation of adults; the complainant objected. User Rights upheld the platform's decision. In the assessment of our case reviewers, the image likely constituted a secretly taken photograph of a sexualised body part, which exposed and ridiculed the depicted individual. The measure was therefore neither arbitrary nor disproportionate and served to protect the personality rights of the person depicted.

Outcome: recommendation to uphold the measure.

Complaint

Fundamental Rights

All published decisions are available at **user-rights.org/en/decisions**.

3. SUCCESS METRICS OF OUT-OF-COURT DISPUTE SETTLEMENT

User Rights looks back on its first full year of operation in 2025. When reviewing the large amount of data generated in the process, the question quickly arises of how to measure the success of out-of-court dispute settlement in numerical terms. To this end, a variety of different perspectives are conceivable.

In the following section, we present three different metrics by which the success of out-of-court dispute settlement can be assessed and analyse the 2025 cases accordingly: **successful dispute settlement from an institutional perspective**, the **effective resolution rate from the perspective of complainants**, as well as the proportion of cases that **result in favour of complainants**.

A comprehensive presentation of all relevant key figures follows subsequently in the data section (see chapter 4).

3.1 Successful Dispute Settlement (Institutional Perspective)

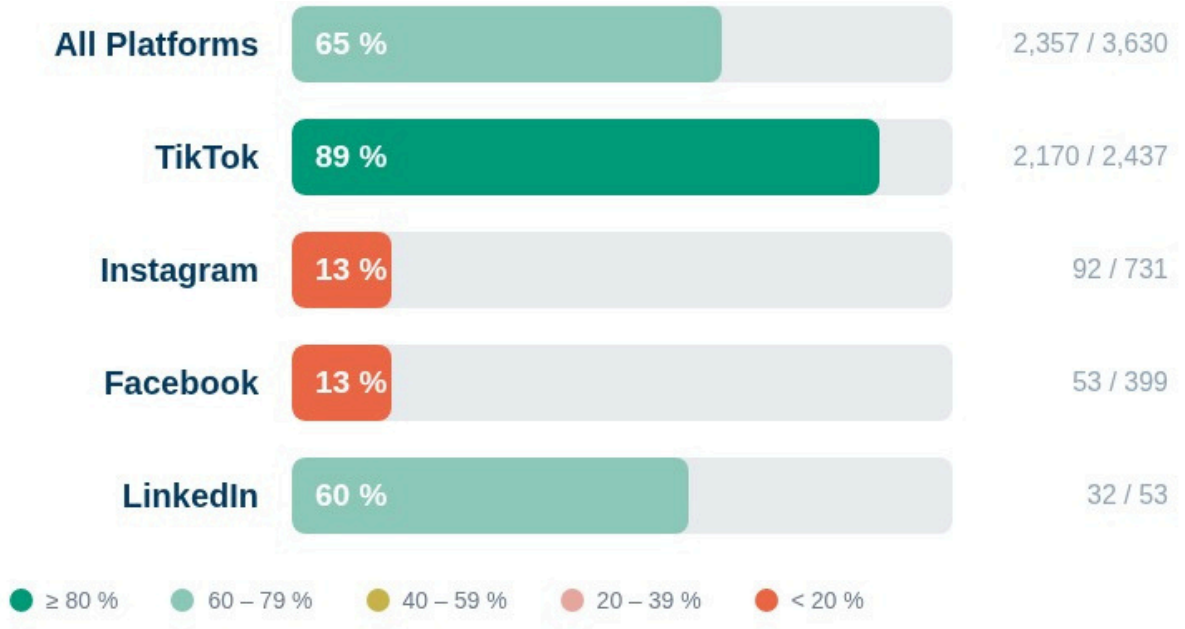
When is a Dispute Settlement Body Successful?

We decide how content on social media platforms should be handled further, for example whether content should be removed or restored. Our recommendation could also be to suspend or restore a user account. User Rights assumes that a dispute settlement case has been successfully concluded whenever content on social media platforms has been handled in accordance with our decision recommendation. In these cases, we speak of "successful

dispute settlement".

Figure 2 the proportion of cases where this occurs. It provides an answer to the question: in how many cases were we able to successfully resolve disputes between users and platforms? Cases are included in which (a) the platform corrected its decision on its own immediately after the case was opened, (b) a decision recommendation in favour of complainants was implemented, or (c) the platform's decision was upheld, for example because our case reviewers decided not to remove reported content or not to restore a suspended account or removed content.

Figure 2: Successful Dispute Settlement (Institutional Perspective)



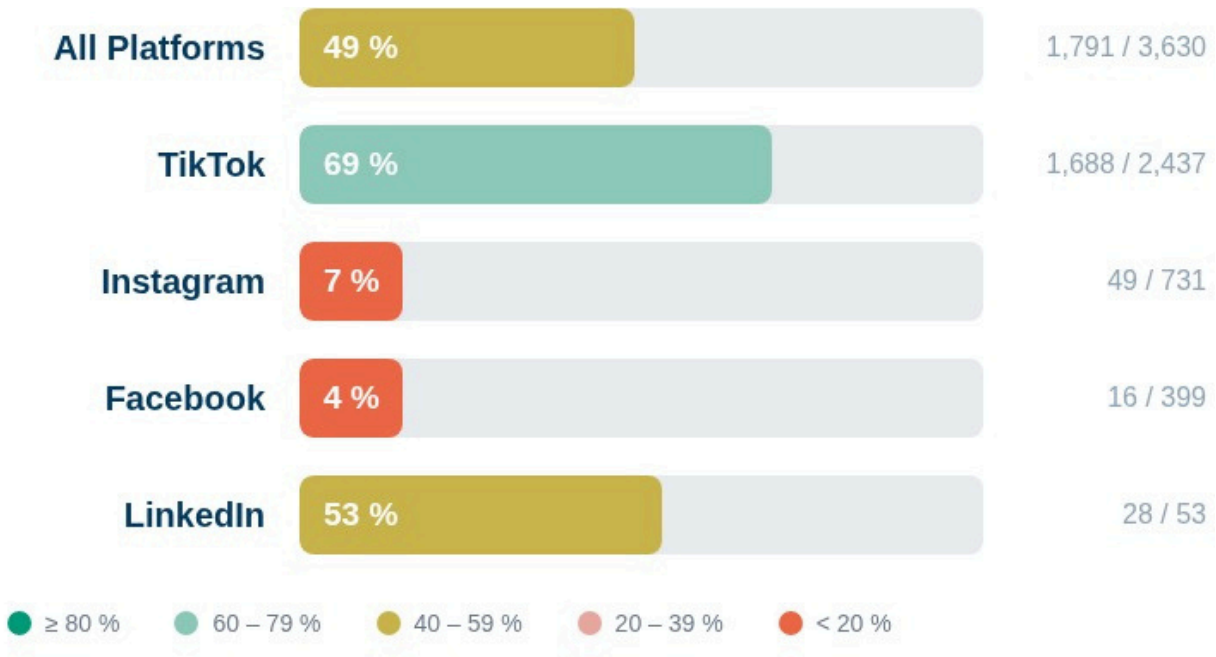
3.2 Effective Resolution Rate (Complainant Perspective)

When is Out-of-Court Dispute Settlement Effective from the Perspective of Complainants?

Users and organisations contact User Rights to regain access to their suspended account, to achieve the restoration of content, or to prompt the platform to remove content posted by other users. From their perspective, out-of-court dispute settlement is effective when the desired outcome is actually achieved.

The following figure 3 provides an answer to the question: In how many cases were complainants able to achieve their desired outcome? The figure shows the proportion of cases in which complainants were actually able to achieve their desired outcome. This includes all cases in which the platform satisfied the complainants' request immediately upon contact by User Rights, without requiring a substantive decision (immediate remedy). The figure also shows cases in which the platform implemented a decision recommendation in favour of complainants.

Figure 3: Effective Resolution Rate



3.3 Case Outcome in Favour of Complainants

How Often do we Decide in Favour of Complainants?

For complainants, it can already constitute a (partial) success when our decision is rendered in their favour. Although they do not directly achieve their desired outcome in these cases, they do receive a detailed and legally substantiated decision. In the course of the dispute settlement case, complainants can often learn more about the background of the platform's decision. On this basis, they can weigh further steps—such as filing a complaint with the competent digital services coordinator or taking legal action.

Figure 4 below shows the number of cases in which the outcome was in favour of the complainant. This includes all completed cases in which the platform satisfied the complainant's request immediately upon contact by User Rights, without requiring a substantive decision (immediate remedy). Also shown are cases in which our case reviewers concluded that the platform's contested decision was not justified.

Figure 4 Case Outcome in Favour of Complainants

3.4 What Do Our Metrics Measure?

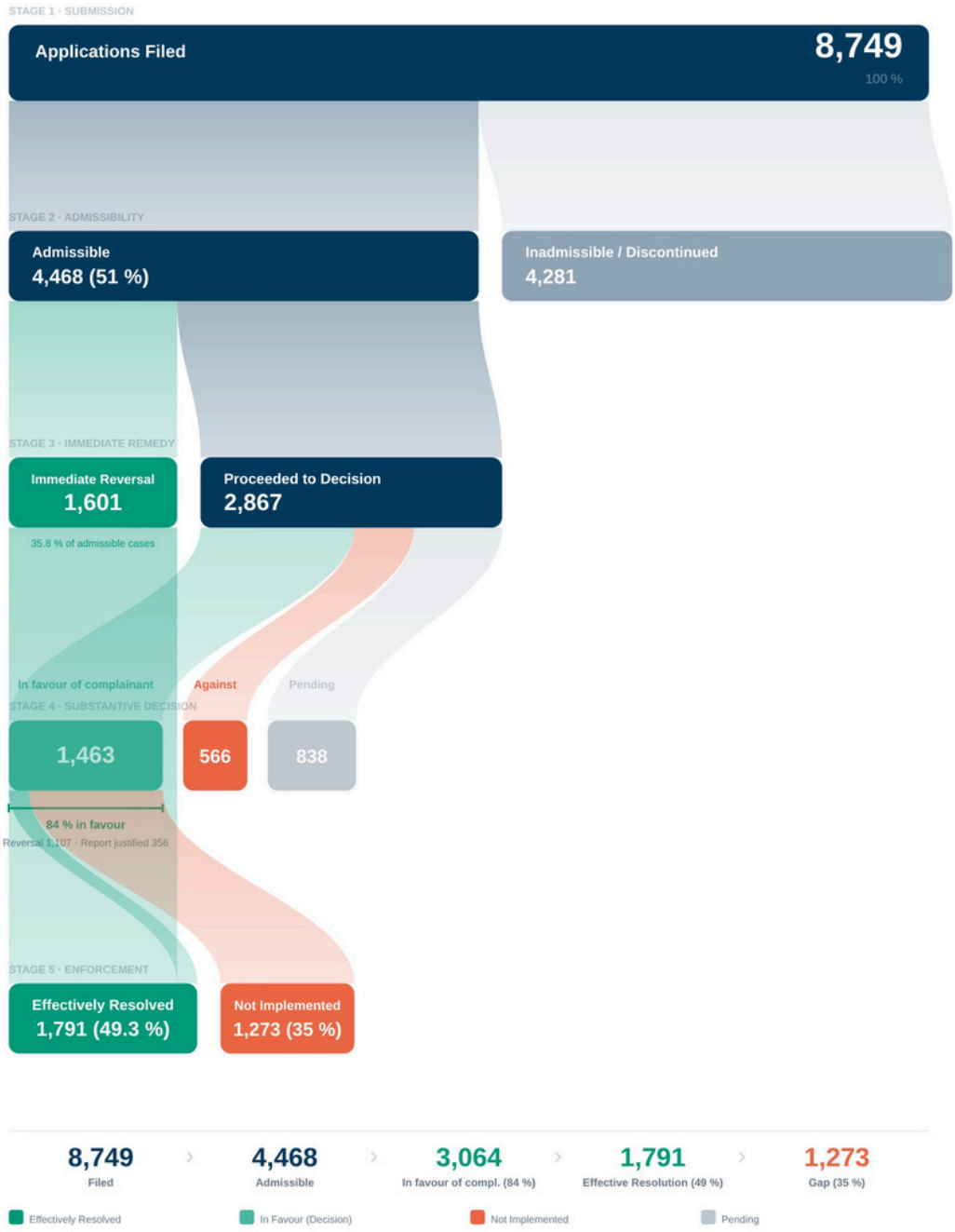
To provide a better overview, the following table shows which case outcomes are included in which metric.

Numerator / Denominator			
Outcome of Proceedings	**Successful Dispute Settlement**	**Effective Resolution Rate**	**In Favour of Complainants**
Immediate Remedy	✓	✓	✓
Overturn, Implemented	✓	✓	✓
Report Justified, Implemented	✓	✓	✓
Uphold	✓	✗	✗
Report not Justified	✓	✗	✗
Overturn decision not implemented	✗	✗	✓
Report justified decision not implemented	✗	✗	✓

4. THE REPORTING YEAR IN NUMBERS

This section presents relevant data on cases filed and completed with User Rights during the 2025 reporting year, as of 12 February 2026.

Figure 5: All cases (including Pinterest, as of 12 February 2026)



4.1 Cases Filed

In the 2025 reporting year, 8,749 cases were filed with User Rights. This growth was driven primarily by three factors: the expansion of the procedure to Facebook in March 2025, the introduction of French (July) and Italian (September) as procedural languages, as well as increasing user awareness of the mechanism. The following sections analyse the platforms and case categories to which the proceedings related, their geographical distribution, and the procedural languages in which they were processed. In addition, the number of proceedings declared inadmissible, as well as the underlying reasons, are examined in detail.

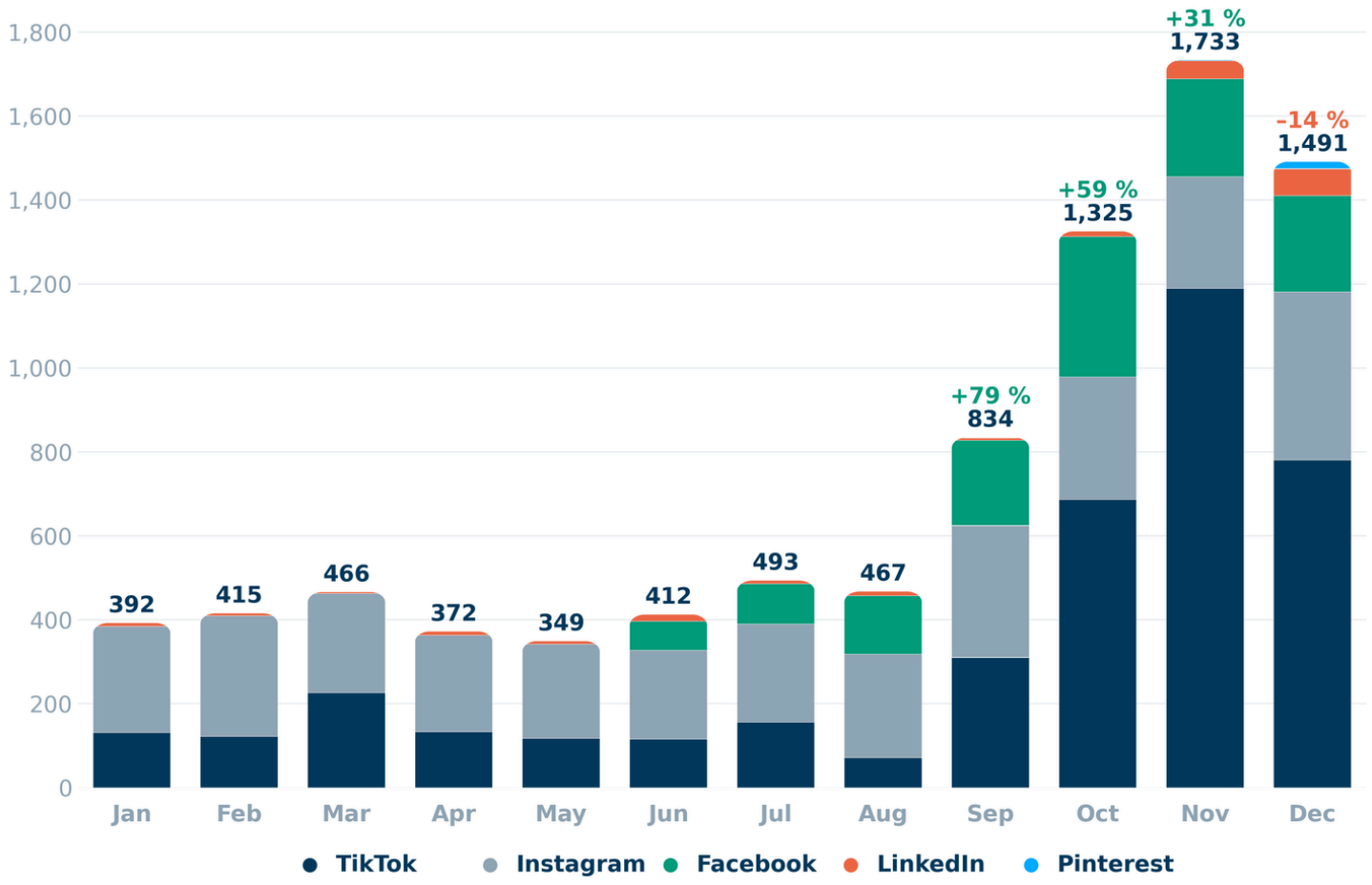
Data Note.
This section presents all cases filed in 2025, regardless of whether they were admissible. Thus, all 8,749 cases are included.

Language limitations.
199 applications (2.2%) could not be processed due to unsupported languages. Spanish and Polish, which together account for approximately 5% of the case volume, are being evaluated for inclusion in an expanded certification.

4.1.1 Monthly Cases by Platform

The monthly caseload multiplied over the course of the year. In December, nearly four times as many cases were filed as in January of the same year; more than half of all cases fell in the final quarter. The largest share of the total caseload was accounted for by cases against TikTok, Instagram, and Facebook.

Figure 6: Monthly Cases by Platform

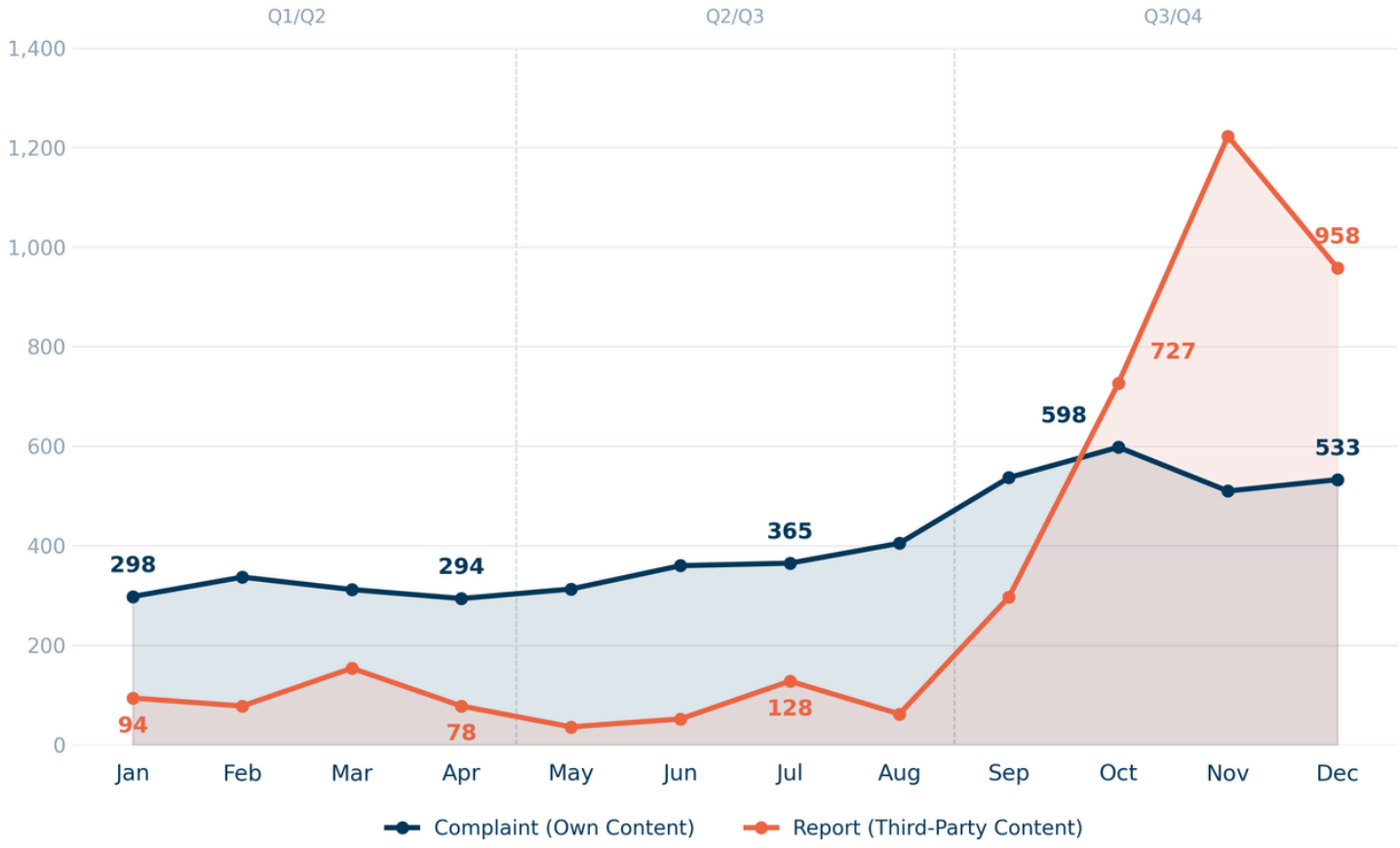


Data note: User Rights has only been certified for Facebook cases since March 2025 and for Pinterest cases since September 2025.

4.1.2 Monthly Cases by Categories (Complaint vs. Report)

From January to September, complaint cases challenging restrictive measures predominated. Subsequently, report cases became more frequent. The increase in filed report cases is due in part to organisations increasingly representing users pursuant to Article 86 of the DSA in proceedings.

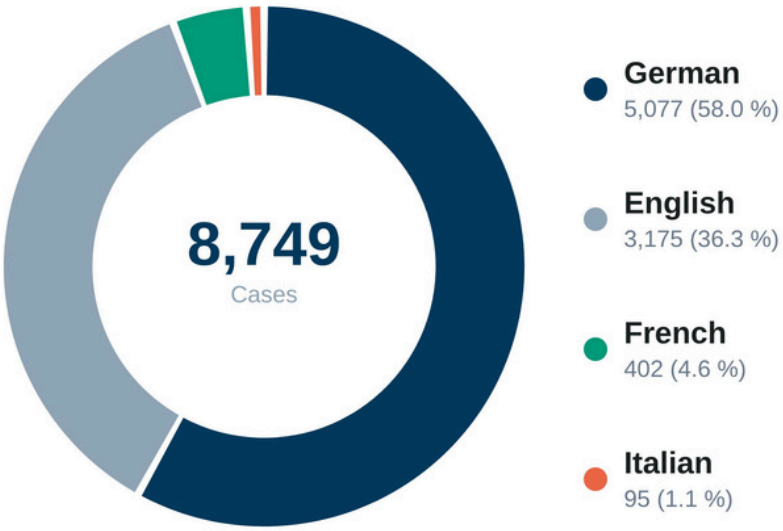
Figure 7: Monthly Cases by Category



4.1.3 Cases by Procedural Language

Initially, User Rights decided cases exclusively in German and English. Since July 2025, we have also accepted cases in French, and since September 2025 in Italian.

Figure 8: Procedural Language



4.1.4 Territorial Distribution

Cases were filed from all 27 EU member states. A large proportion of cases originated from Germany and France.

Figure 9: Complainants' Countries of Origin

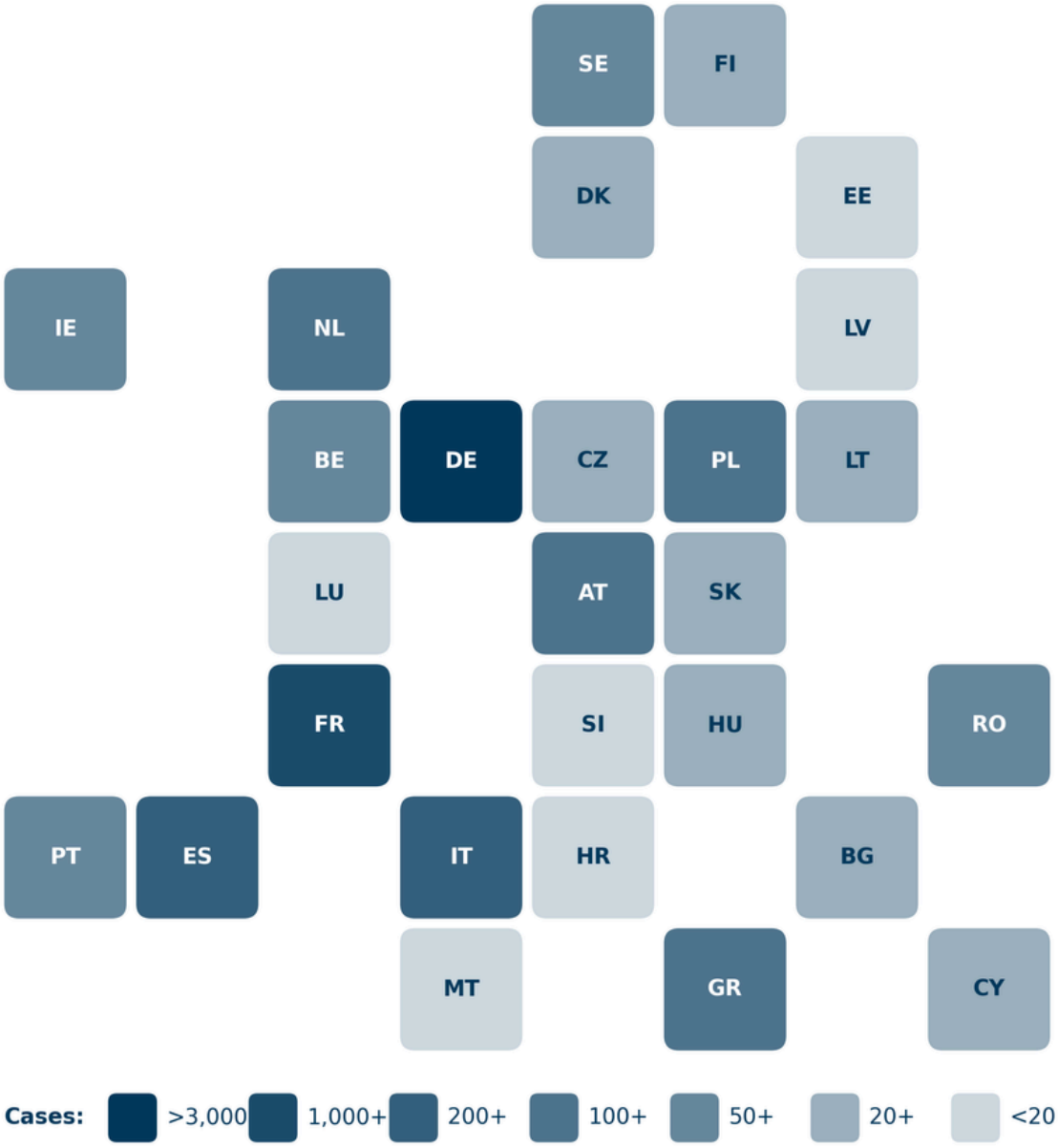


Figure 10: Top 10 Countries of Origin

Countries of origin are ascertained on the basis of self-reporting by complainants.

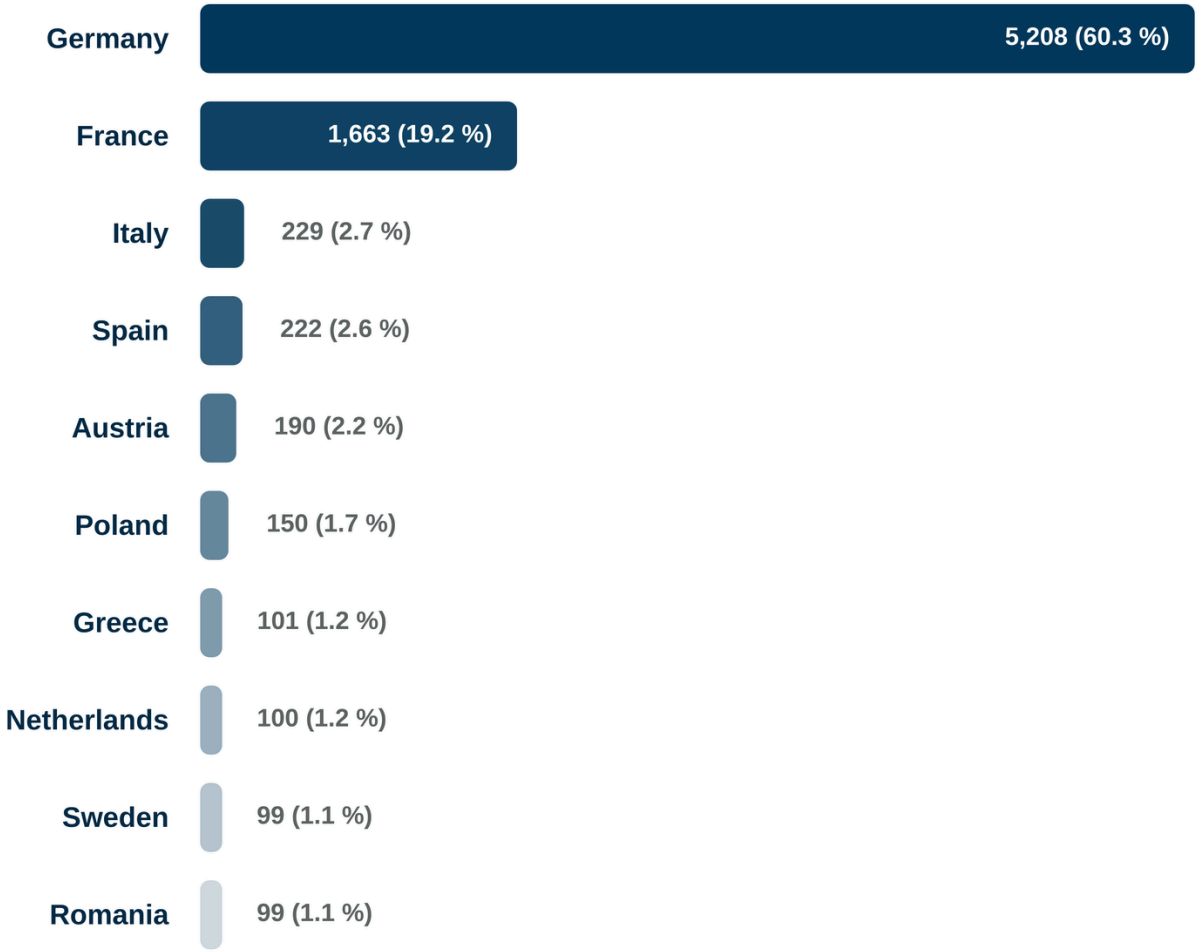


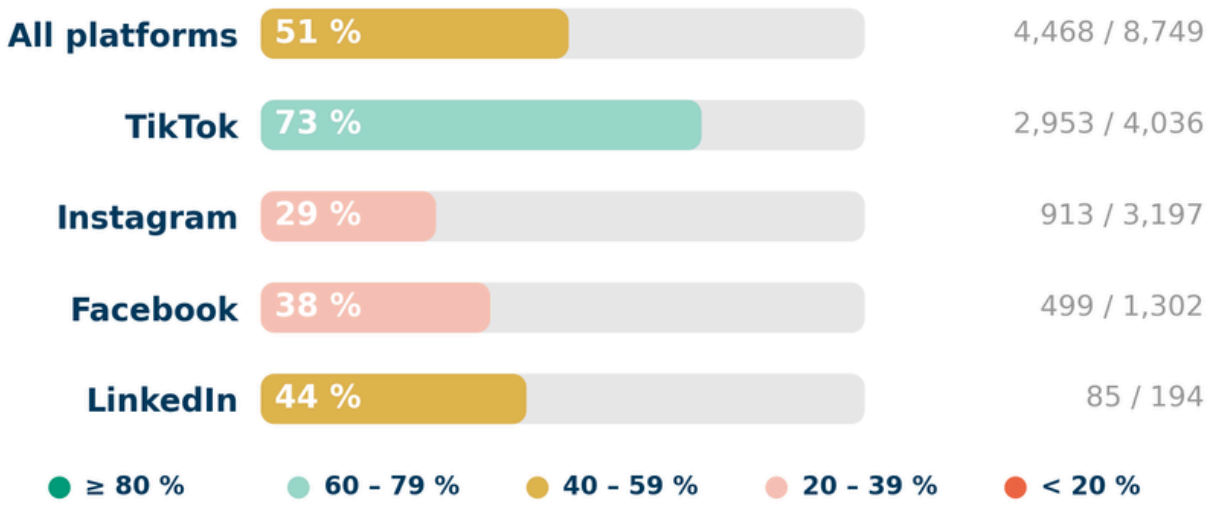
Chart Info: In 108 cases, no country of origin information was provided; these countries are excluded from the evaluation. A complete country table can be found in the Data Appendix.

4.1.5 Admissibility

Admissibility is reviewed in two stages. Immediately after submission, the application is examined based on the documentation provided to determine whether it meets the formal requirements and falls within the material jurisdiction of User Rights. Following receipt of the platform's substantive submission, a further review is conducted, during which additional grounds for inadmissibility may emerge – for example, where it becomes apparent from the submission that the moderation measure falls outside the scope of User Rights' jurisdiction.

In 2025, 4,468 of the 8,749 cases filed met admissibility requirements (51%). A breakdown by platform shows that the rate of admissible cases is by far highest for TikTok and lowest for Instagram and Facebook.

Figure 11: Admissibility by Platform



Cases may be declared inadmissible for the following reasons, among others:

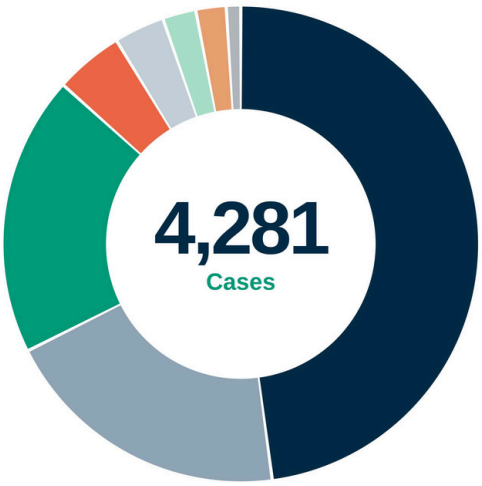
- The complainant is not resident in the European Union.
- The content to be reviewed is written in a language for which User Rights is not certified.
- Evidence required for processing the case is lacking.
- The case was not filed within a period of six months following the platform's moderation decision.

- The complaint concerns a subject matter for which User Rights is not competent (see 2.2), or there is no dispute within the meaning of Article 21 of the DSA.

The last-mentioned ground for inadmissibility is by far the most significant. Disputes not covered by Article 21 of the DSA are moderation decisions where users have no right to invoke a dispute settlement body. There is legal uncertainty about which moderation decisions fall outside the scope of Article 21 of the DSA. This particularly affects measures that are not based on the content of a post, but on the conduct of the user—such as the hacking of third-party user accounts. The wording and purpose of Article 21 generally suggest that these types of moderation measures cannot be challenged before dispute resolution bodies.

Beyond this legal uncertainty, the question arises as to what evidence platforms must provide to demonstrate that, in a specific case, a measure does not fall within the scope of the law. User Rights is actively engaging with the ODS Network, platforms, and supervisory authorities to clarify the scope of Article 21 DSA and to define the evidentiary requirements that platforms must meet.

Figure 12: Grounds for Inadmissibility



Subject-Matter Incompetence	**2,050** (47.9 %)
Insufficient Application	**844** (19.7 %)
Other Grounds for Discontinuation*	**814** (19.0 %)
Procedural Language Not Supported	**199** (4.6 %)
Territorial Incompetence	**147** (3.4 %)
Subject/Platform Not Covered	**97** (2.3 %)
Time-Barred	**88** (2.1 %)
Other	**42** (1.0 %)

** "Other Case Closure" includes in particular cases where the complainant withdrew the application or the dispute has been otherwise resolved.*

4.2 Completed Cases

3,630
Decisions
of 4,468 admissible cases

47.3
∅ Procedure Duration
Median: 42

As of 12 February 2026, final decisions have been issued in 3,630 of the total 4,468 admissible cases. The following section focuses on these completed proceedings. The average procedure duration was 47.3 days.

In the following presentations, figures have been rounded to full percentages.

4.2.1 Platform Response

Once User Rights has determined admissibility in its pre-screening review, we request a substantive submission from the respective platform. The submission is then reviewed by User Rights. If the platform has provided substantiated grounds for inadmissibility, the case is closed. Additionally, platforms correct the moderation measure on their own in some cases after being contacted by User Rights. Otherwise, the proceedings will continue as normal. In the further decision-making process, all information that the platform may have provided to User Rights in its submission will be taken into account.

The following description provides an overview of the platform reaction in all admissible cases.

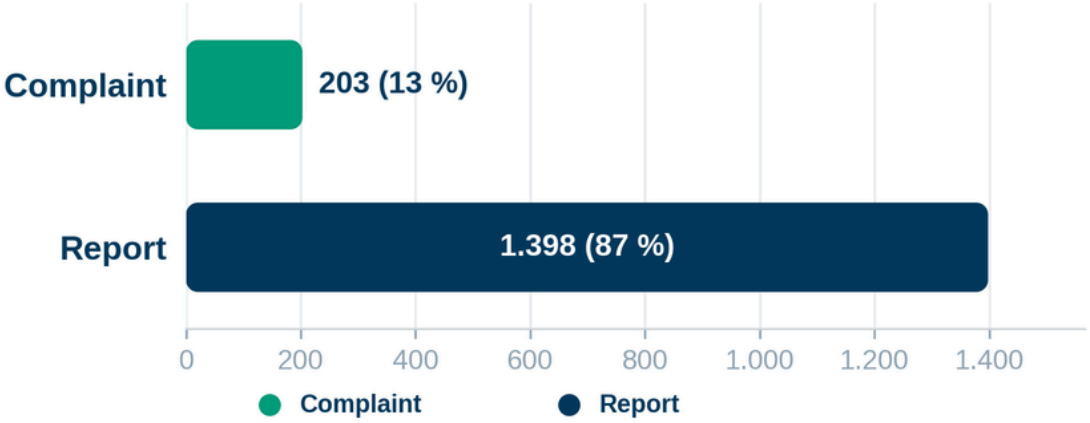
Figure 13: Platform Response

Data Info: the figures for "All Platforms" also include cases against Pinterest. Due to the small number of procedures, the platform is not listed separately in the platform breakdown.

User Rights categorises platform substantive submissions into four categories:

1. **Substantive Submission.**
   The Platform submits a statement in which it explains its position on the dispute and provides relevant information. User Rights takes this statement into account in the subsequent proceedings.

Figure 14: Immediate Remedy; Complaint vs. Report



2. **Immediate Remedy.**
   After reviewing the information provided by User Rights, the platform corrects the original moderation decision immediately. User Rights reviews whether the platform's statement—acknowledging the error and reversing the initial decision—satisfies the complainant's request. If this is the case, User Rights documents the circumstances in a decision and closes the case. No legal review of the content is carried out.

3. **Platform Does Not Respond.**
   In some cases, platforms do not respond within the set timeframe and do not submit a statement. User Rights continues the procedure based on the available information.

4. **Objections to Admissibility.**
   Raised when platforms contest that a dispute exists under Article 21 of the DSA or that User Rights has jurisdiction over the matter. If a platform raises such objections with sufficient substantiation, User Rights examines whether they are justified. Where this is the case, the proceedings are closed and the complainant is informed. However, if the objections are not sufficiently substantiated or justified, User Rights continues the proceedings, typically after issuing a renewed and unsuccessful request for a statement from the platform. The subsequent decisions set out in detail the reasons why objections to the admissibility of the proceedings were rejected. Chart 14 above shows how frequently platforms have raised such objections in proceedings classified as admissible by User Rights.

In 2025, Meta's platforms in particular frequently raised objections to admissibility. The majority of cases in which Meta raised objections and User Rights nevertheless continued the proceedings concerned two specific grounds:

1. In approximately **40%** of these cases, Meta stated that the **original moderation measure** challenged by the complainant **was no longer in effect**. This includes situations in which an account had been temporarily suspended and was subsequently reinstated. User Rights takes the view that a dispute may nevertheless exist in such circumstances and that it falls within the remit of out-of-court dispute settlement bodies to issue a decision: if a platform claims that content has violated its rules and then takes action against users, these users have the right, according to the wording of the law, to defend themselves against it. The interest in obtaining a determination persists even after a measure has expired. Absent a finding that the platform's temporary measure was unjustified, there is a risk that similar measures may continue to be imposed in the future. There is therefore a danger that users will become overly cautious and adjust their behaviour to avoid further—albeit temporary—moderation measures. In addition, expired measures can have further consequences: If the platform repeatedly takes (temporary) measures against users, this can later lead to a permanent account suspension. Therefore, users must have the ability to challenge temporary platform measures. In these cases, User Rights continues the proceedings despite the platform's objections.

2. In approximately **30%** of cases, the **objection related to the fact** that the **affected content was no longer available on the platform** and that the dispute had therefore been resolved. This is particularly relevant in the Report cases, where users have reported content and the platform initially decided not to remove it, but the content was ultimately removed nonetheless—either because the platform later removed it or because it was only temporarily available (e.g., Instagram Stories). User Rights generally terminates proceedings if reported content has already been removed before a case is submitted to User Rights. If the contested content is still present on the platform at the time the case is submitted

and the platform removes it after the proceedings have been initiated, this is classified as an Immediate Remedy. However, such classification requires that the platform acknowledge that its original legal assessment was incorrect. If such acknowledgment is lacking, User Rights continues the proceedings. Diverging views between Meta and User Rights regarding admissibility requirements —as well as between platforms and dispute settlement bodies more generally—are not isolated. Since the beginning of our activities, we have discussed these matters with the German Federal Network Agency, the Irish Coimisiún na Meán, and the European Commission. Together with the ODS Network, we have now also submitted these positions in a joint letter to the competent authorities.

In 92.6% of cases where platforms raised objections and User Rights continued the proceedings, User Rights concluded that the original platform decision was not justified. Only in 7.4% of cases did User Rights uphold the platform decision.

In a substantial proportion of cases in which objections to the proceedings were raised, User Rights issued its decision without conducting a substantive review of the content. In complaint cases in particular, it is the platform's responsibility to provide the relevant content. If the platform raises objections to the proceedings but does not make the relevant content available, User Rights must decide the case on the basis of the available information, taking into account the applicable allocation of the burden of proof. If a platform deletes content but then fails to provide it in the proceedings, it does not substantiate that the content violated any rules, and the decision is therefore rendered in favour of the applicant.

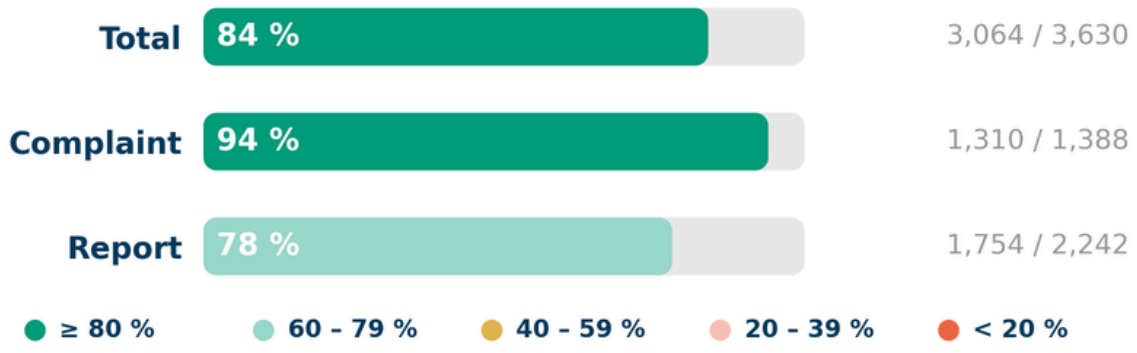
4.2.2 Decision in Favour of Complainants (including Immediate Remedy)

Overall, the majority of cases are decided in favour of complainants. This means that either the platform takes immediate remedial action or User Rights conducts a substantive review and renders a decision in favour of the complainant.

Outcome in Favour of Complainants (incl. Immediate Remedy)	
84.4 %	How often are disputes decided in favour of complainants?
Definition	Share of all concluded proceedings in which the platform's original decision was found to be erroneous — either through the platform's self-correction (Immediate Remedy) or through legal review by User Rights (Overturn or Report Justified).

Numerator / Denominator	
Outcomes of Case	**Included**
Immediate Remedy	✓
Overturn	✓
Report Justified	✓
Uphold	✗
Report Not Justified	✗

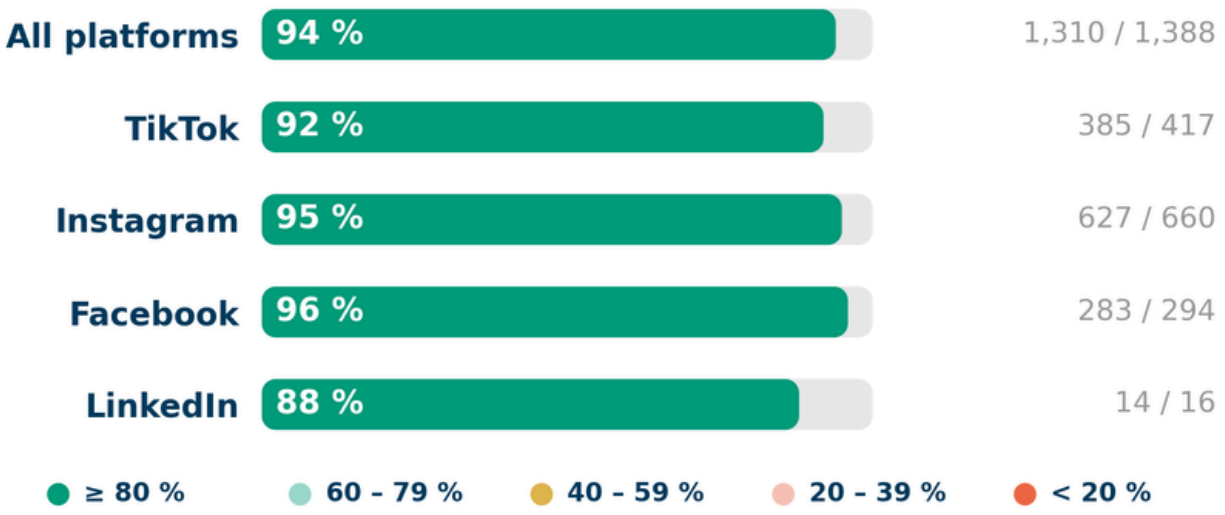
Reference Base	All concluded proceedings including immediate remedy.



In complaint cases challenging restrictive measures, the proportion of cases decided in favour of the complainant is particularly high, at well over 90%. The differences between platforms are comparatively minor.

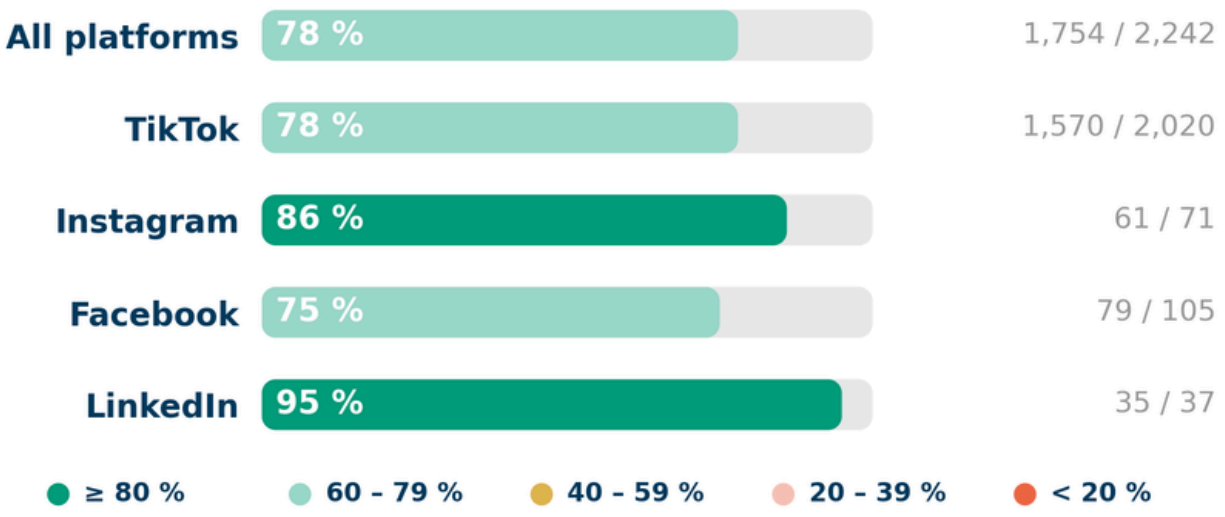
This rate encompasses both substantive decisions on the merits and cases in which the platform failed to provide the information required for substantive review or did not identify the contractual or statutory basis.

Figure 15: Decisions in Favour of the Complainant by Platform - Complaints against Restrictions



In report cases, however, the proportion of cases decided in favour of complainants is slightly lower, at 78%. The rate is highest for LinkedIn and lowest for Facebook.

Figure 16: Decisions in Favour of Complainants by Platform - Report Cases



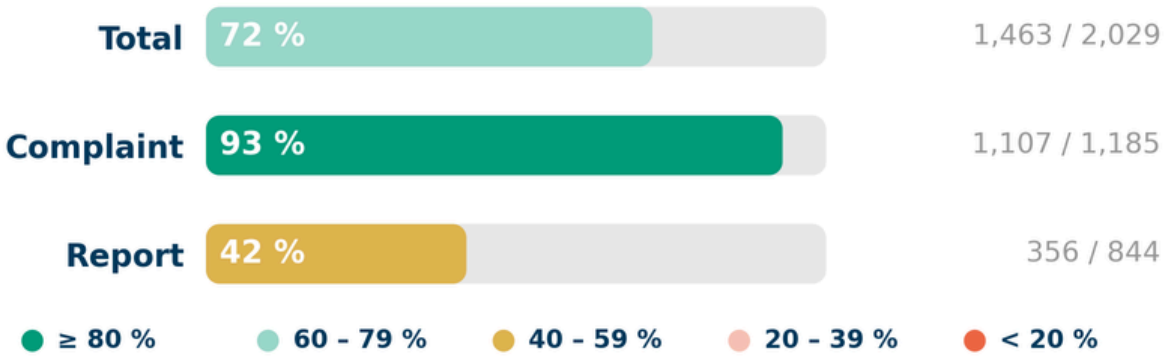
4.2.3 Decision in Favour of Complainants (excluding Immediate Remedy)

Excluding cases in which immediate remedy was taken—that is, considering only cases in which User Rights conducted a substantive legal review—the proportion of cases decided in favour of complainants decreases. This is particularly pronounced in report cases. An important reason for this is that justified reports are often already granted immediate redress and no substantive legal review is carried out in these cases.

Outcome in Favour (excl. Immediate Remedy)	
72.1 %	When User Rights legally reviews complaints: how often does User Rights decide in favour of applicants?
Definition	Share of substantive decisions in which User Rights evaluated the complaint or report as justified. All proceedings with a substantive decision are included; immediate remedies are excluded. Substantive decisions encompass both proceedings with a complete review on the merits and proceedings in which the content or the guideline underlying the decision was not available to us.

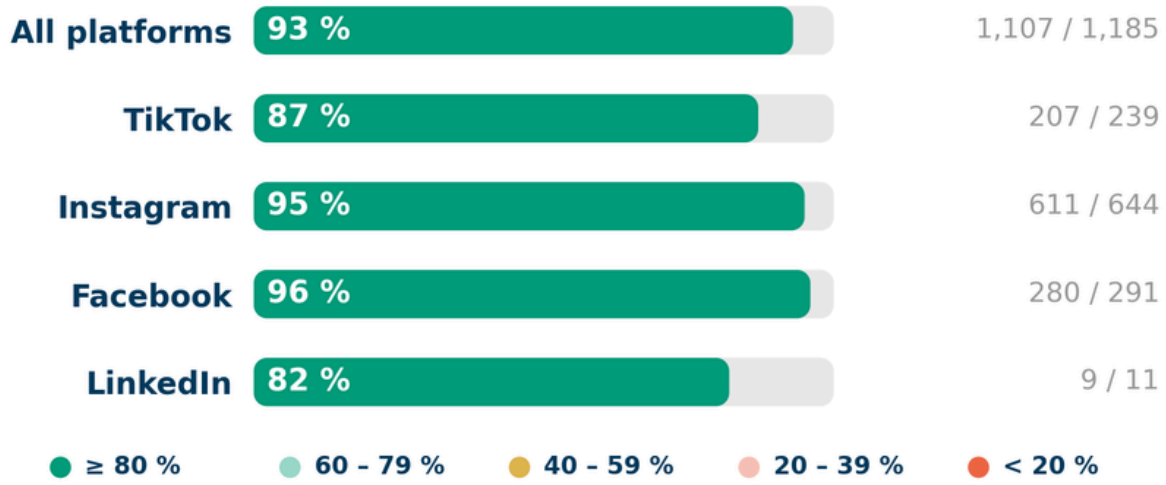
Numerator / Denominator	
Outcomes of Case	**Included**
Overturn	✓
Uphold	✗
Report Justified	✓
Report not Justified	✗

Reference Base	Only proceedings with completed legal review; immediate remedies are excluded.



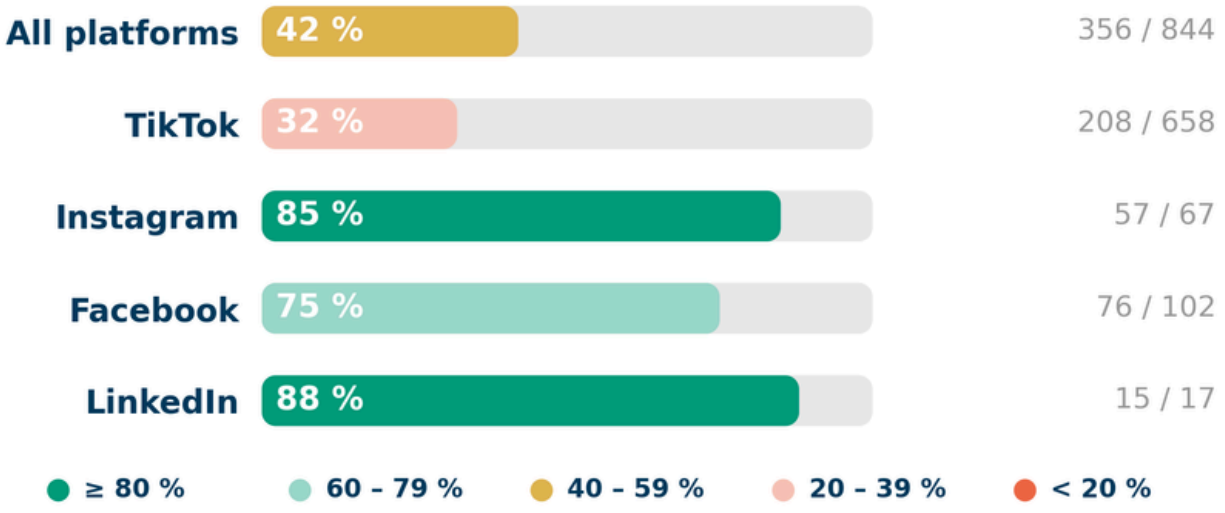
A breakdown of the figures by platform and category shows that the figures hardly change in the category of complaints against restrictions, but change significantly in the category of reports.

Figure 17: Decisions in Favour of Complainants by Platform - Complaints against Restrictions



TikTok frequently corrects erroneous decisions through immediate remedy. As these corrections occur at an early stage of the proceedings, the proportion of cases proceeding to substantive legal review - and ultimately decided against TikTok - is correspondingly lower. Only 32% of substantive legal reviews result in an outcome in favour of complainants—meaning that in approximately 68% of cases, the decision is rendered in favour of TikTok. On the other platforms, substantive legal review results in an outcome in favour of complainants in the vast majority of cases.

Figure 18: Decisions in Favour of the Complainant by Platform - Reports Cases



Decisions due to missing information.

Not every decision in complaint cases is based on a complete legal review of the disputed content. User Rights therefore distinguishes between two types of decisions:

1. **Decision on the merits.**

User Rights had access to both the disputed content and the relevant platform guideline or statutory basis. The case reviewers were able to conduct a complete legal assessment — that is, to review whether the specific content actually violated the rule cited by the platform.

2. **Decision due to missing information.**

At least one of the two prerequisites for a review on the merits was not met: the platform did not provide us with the disputed content and this content was not otherwise available to us, or the platform did not communicate the contractual or statutory basis of the measure. In the first case, the decision is rendered on the basis of the burden of substantiation: in complaint cases, it is incumbent upon the platform to set out the facts and circumstances underlying its measure. If the platform fails to meet this obligation, this is to its detriment. In the second case, we decide against the platform because it failed to meet its obligation to identify the legal basis of its measure.

The following analysis covers all 1,185 substantive decisions in complaint cases.

Results.

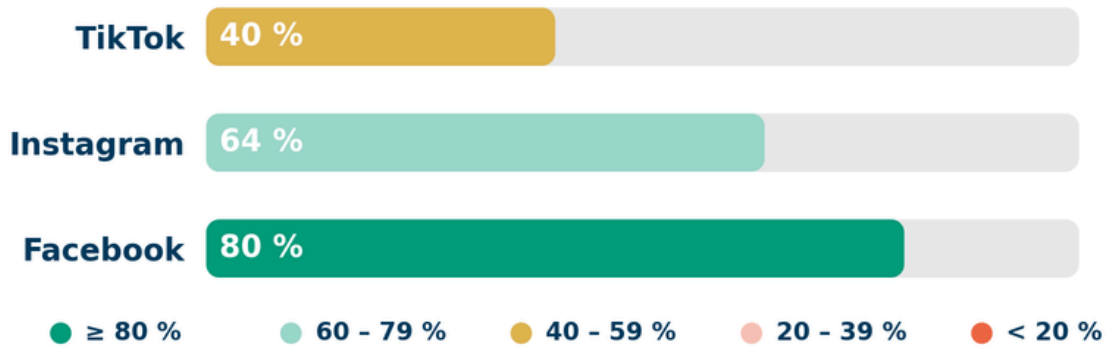
Of these, 400 (34%) were substantive decisions on the merits and 785 (66%) were decisions rendered on the basis of missing content or missing contractual or statutory basis.

In substantive decisions on the merits — that is, cases in which User Rights was able to review the content and the applicable guideline — the decision was in favour of applicants in 81% of cases. This rate is stable across all platforms (TikTok: 76%, Instagram: 83%, Facebook: 83%). Even when platforms provide all relevant information, their original moderation decision are found to be incorrect in four out of five cases. For LinkedIn, the data basis of 11 evaluable decisions was too small for a reliable statement.

In decisions due to missing information, the decision was in favour of applicants in nearly 100% of cases. This is consistent with expectations : if the platform cannot substantiate its own decision, this operates to its detriment.

Platform comparison.
The distribution differs considerably between platforms:

Figure 19: Share of decisions due to missing information by platform (complaint constellation)



Data note: LinkedIn is not shown in this analysis. With only 17 evaluable substantive decisions in the complaint constellation, the data basis is too small for a reliable statement.

At TikTok, the ratio between substantive decisions on the merits and decisions due to missing information is approximately balanced. At Meta's platforms, by contrast, such decisions are predominant: at Facebook, three out of four decisions are not based on a review on the merits, but on the fact that Meta failed to provide the required information.

Overall, 86% of all decisions attributable to missing information concern Instagram and Facebook.

4.2.4 Implementation Rate

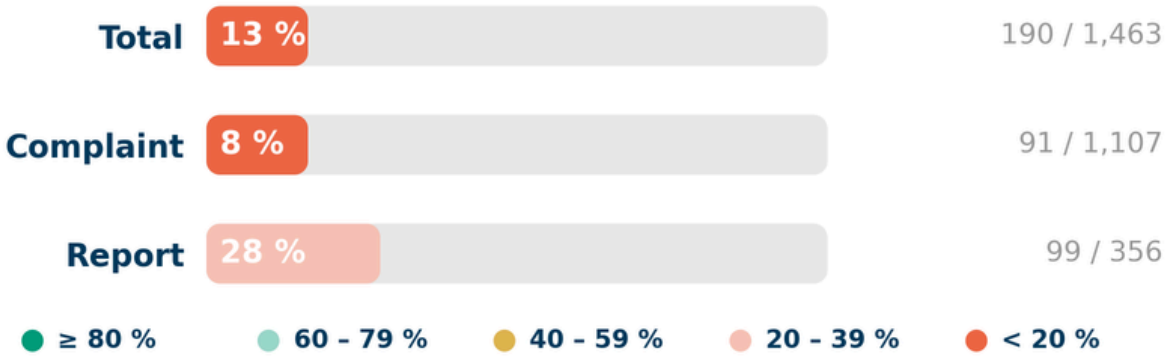
If User Rights conducts a substantive legal review of the content and renders a decision in favour of the complainant, we request that the platform implement the decision—for example, by deleting content or restoring previously removed content. The implementation rate records how often platforms actually comply with this request.

The following figures therefore answer the question: If User Rights determines after legal review that the platform was wrong, how often is the decision implemented?

Implementation Rate	
13.0 %	When User Rights legally reviews the content and determines that the platform was wrong: how often is the decision implemented?
Definition	Share of decisions in which content was legally reviewed and decided in favour of complainants (overturns and justified reports), and which were actually implemented by the platforms. Immediate remedies are not included, as these are by definition already implemented.

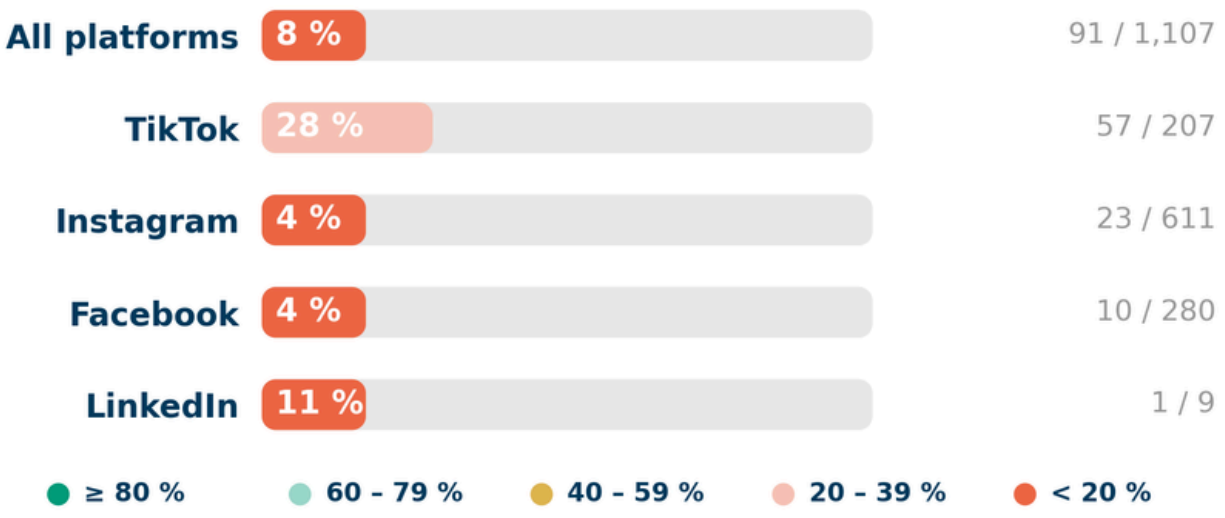
Numerator / Denominator	
Outcomes of Case	**Included**
Overturn implemented	✓
Justified report implemented	✓
Overturn not implemented	✗
Justified report not implemented	✗

Reference Base	Only substantive decisions in favour of applicants (excl. immediate remedy).



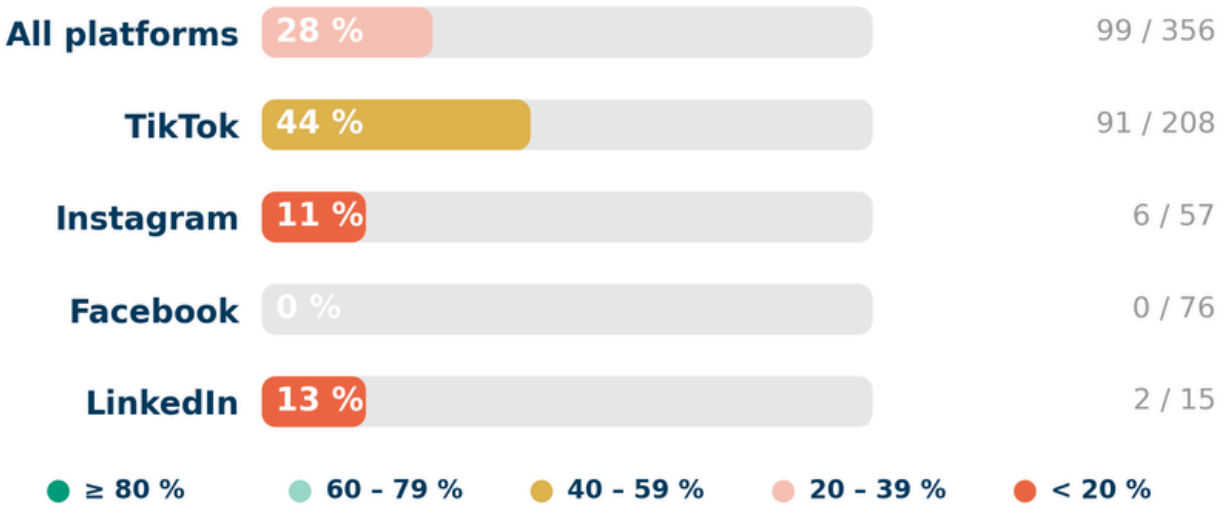
A breakdown by platform and case category shows that TikTok implements decisions most frequently across both categories.

Figure 20: Implementation Rate by Platform - Complaints against Restrictions



Report cases are implemented significantly more often than complaints against restrictions; in other words, platforms comply more frequently with decisions requiring the removal of content than with decisions requiring the restoration of previously restricted content. However, this ratio is mainly due to a relatively high implementation rate by TikTok.

Figure 21: Implementation Rate by Platform - Report Cases



The overall low implementation rates represent a significant deficit and a substantial challenge to the effectiveness of the dispute settlement mechanism itself. User Rights issues legally sound and comprehensively reasoned decisions developed by independent, qualified legal professionals. These reviews are frequently far more thorough than those conducted internally by platforms.

While the decisions are not legally binding, there are strong reasons to expect that platforms should not decline to implement them without compelling grounds. It is for the competent regulatory authorities to clarify the expectations to platforms—in particular, the circumstances and grounds under which implementation may be refused without breaching the obligation to cooperate in good faith.

4.2.5 Effective Resolution Rate (Complainant Perspective)

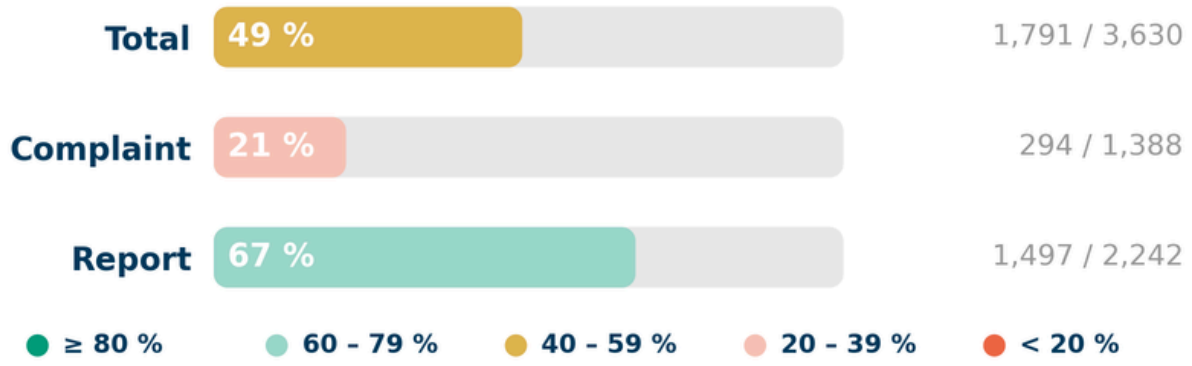
To assess the effectiveness of the procedures from the complainant's point of view, the following questions are crucial: how often do complainants obtain the outcome they sought? If complainants object to the restriction of content, how often is it restored? Conversely, where they request the removal of illegal content, how often is it removed following a decision by User Rights?

The effective resolution rate covers all cases in which complainants got what they wanted—either through immediate remedial action by the platform or through the implementation of a substantive decision by User Rights.

Effective Resolution Rate (Complainant Perspective)	
49.3 %	How often do complainants actually get what they wanted?
Definition	Share of all concluded cases in which complainants actually received their desired outcome: either through immediate remedy or through an implemented substantive decision in their favour.

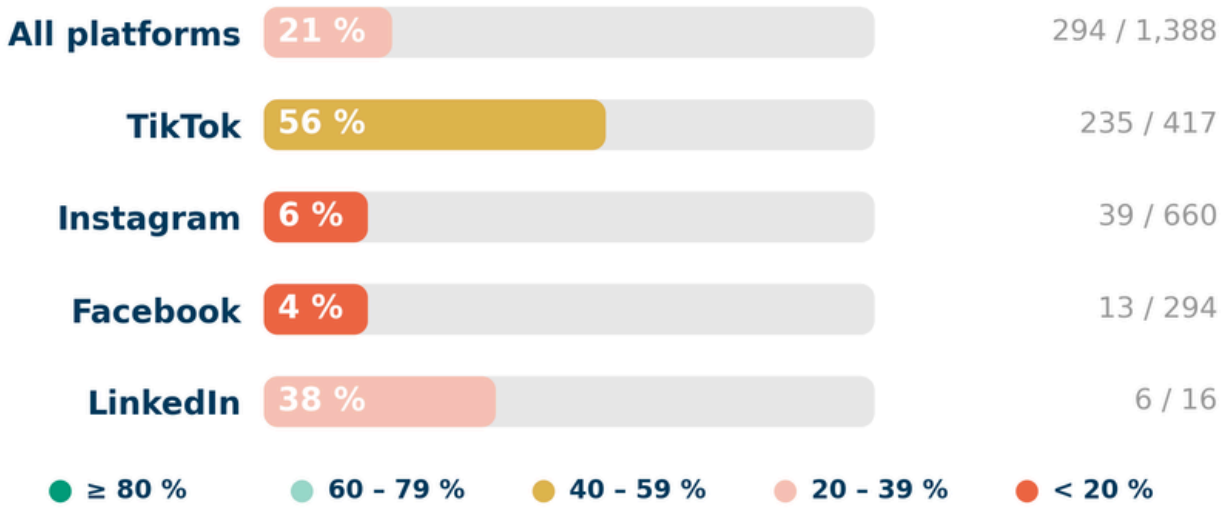
Numerator / Denominator	
Outcomes of Case	**Included**
Immediate Remedy	✓
Implemented Overturn	✓
Implemented Report Justified	✓
Not Implemented Overturn	✗
Not Implemented Report Justified	✗
Uphold	✗
Report not justified	✗

Reference Base	All concluded proceedings incl. immediate remedy.



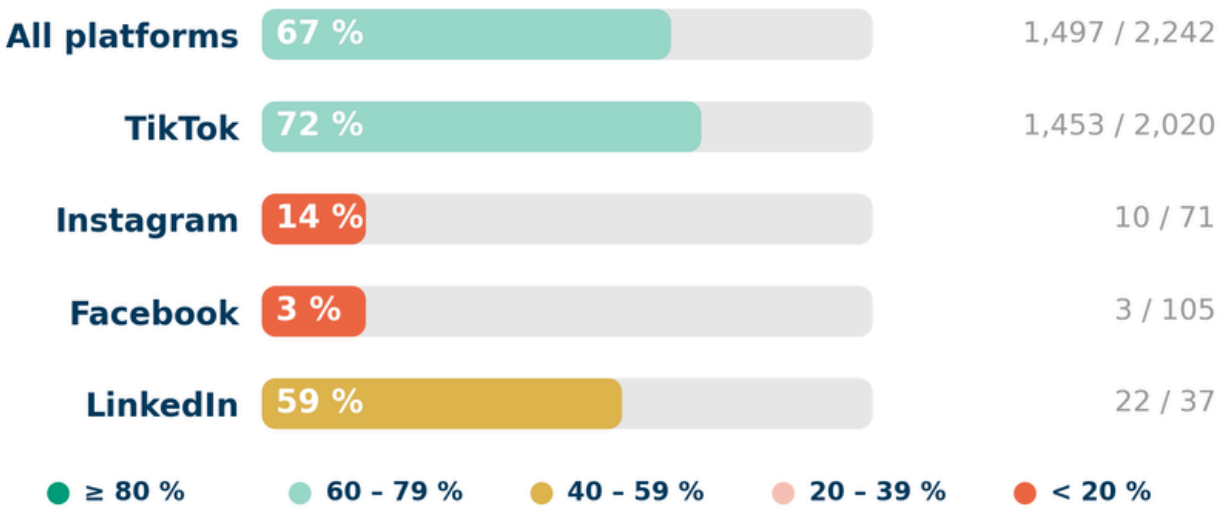
Overall, complainants receive the remedy they seek in just under half of all cases. This figure results from a relatively high success rate in report cases—where users report alleged policy or rights-violating content—and a low success rate in complaint cases—where complainants seek the overturn of suspensions and restrictions.

Figure 22: Effective Resolution Rate - Complaints against Restrictions



In both report cases and complaint cases, proceedings involving TikTok are the most successful. This is attributable to the fact that TikTok frequently corrects its decisions through immediate remedy and has the highest implementation rate among the platforms. The success rate is particularly high in report cases.

Figure 23: Effective Resolution Rate - Report Cases



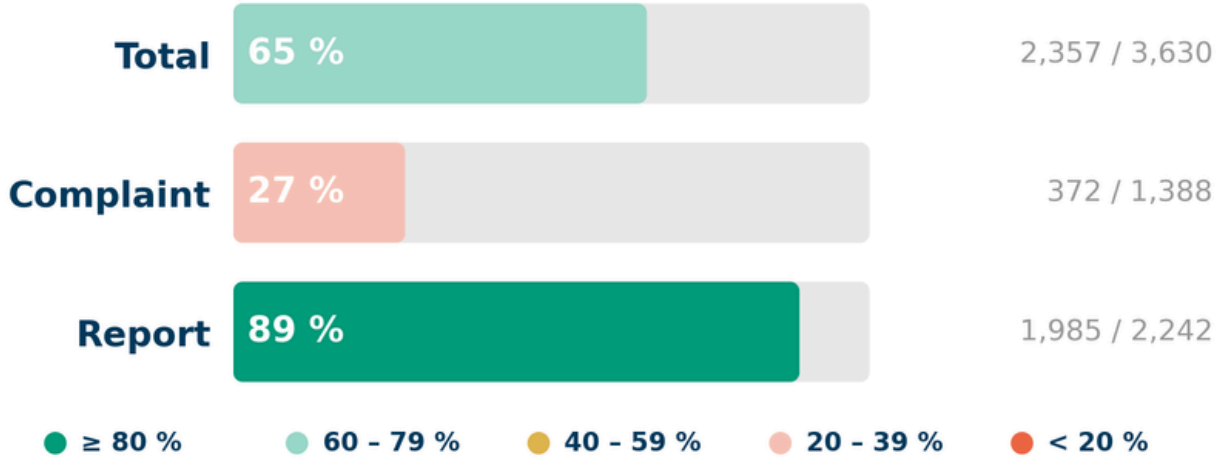
4.2.6 Successful Dispute Settlement (Institutional Perspective)

A key question in assessing out-of-court dispute settlement is how often platforms treat content in accordance with the outcome of the proceedings. The "successful dispute settlement" metric captures precisely this. It includes cases in which the platform corrected its decision through an immediate remedy, implemented a substantive decision in favour of the complainant, or where the original platform decision was confirmed.

Successful Dispute Settlement (Institutional Perspective)	
64.9 %	In how many proceedings does the final treatment of content align with the dispute settlement outcome?
Definition	Share of all concluded proceedings in which the final treatment of content corresponds to the dispute settlement outcome. Captures cases in which (a) the platform itself corrected its decision (immediate remedy), (b) a substantive decision in favour was implemented, or (c) the platform's decision was confirmed (uphold, report not justified).

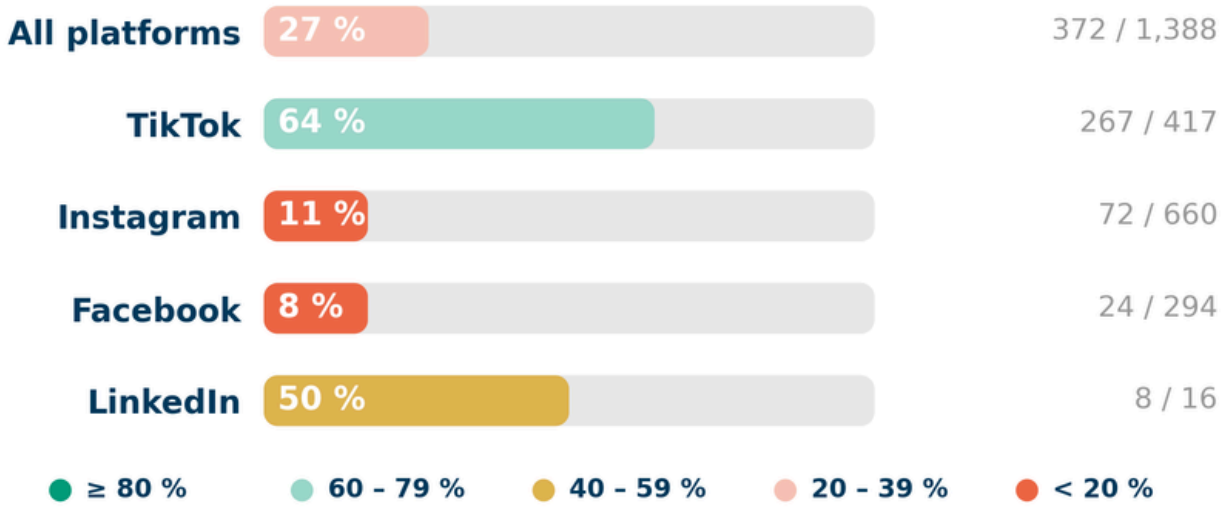
Numerator / Denominator	
Outcomes of Case	**Included**
Immediate remedy	✓
Implemented overturn	✓
Implemented report justified	✓
Uphold	✓
Report not justified	✓
Not implemented overturn	✗
Not implemented report justified	✗

Reference Base	All concluded proceedings. N = 3.630.



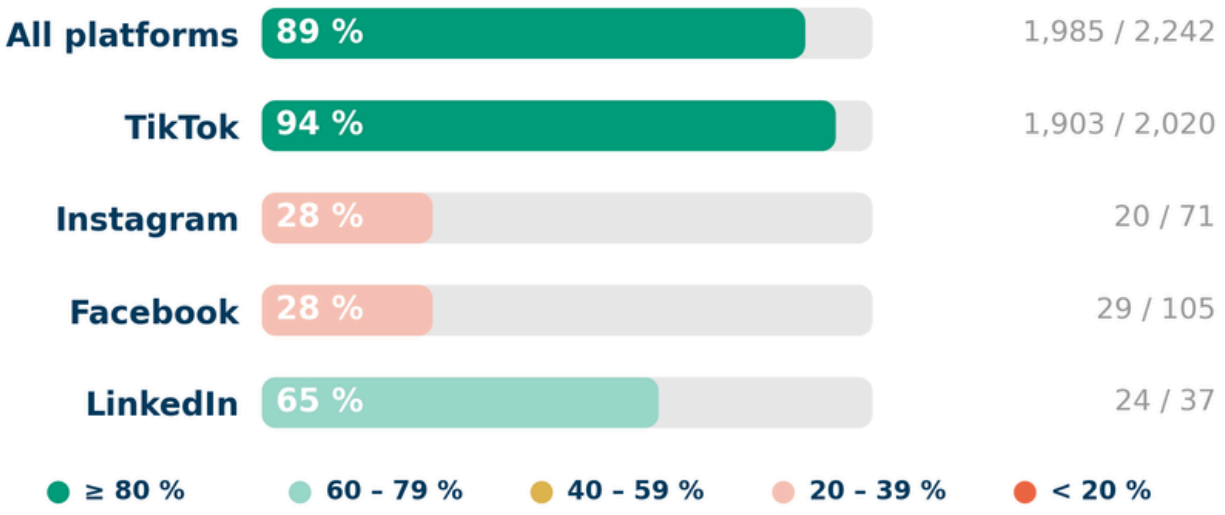
The overall rate of 65% is driven by a particularly high success rate for TikTok and comparatively low rates for Instagram and Facebook. Complaint cases at both TikTok and LinkedIn are successful in more than half of cases.

Figure 24: Successful Dispute Settlement - Complaints against Restrictions



In report cases, the successful dispute settlement rate is particularly high for TikTok and LinkedIn. For Instagram and Facebook, although the rate is higher than in complaint cases challenging restrictive measures, it remains below 30%.

Figure 25: Successful Dispute Settlement - Report Cases



4.2.7 Standards of Review

The data on standards of review show that most proceedings are decided on the basis of community guidelines. In complaint cases, this is almost exclusively the case: fewer than 1% of proceedings are decided on the basis of statutory provisions. In report cases, by contrast, the review of statutory provisions plays a significantly larger role, accounting for more than 40% of decisions.

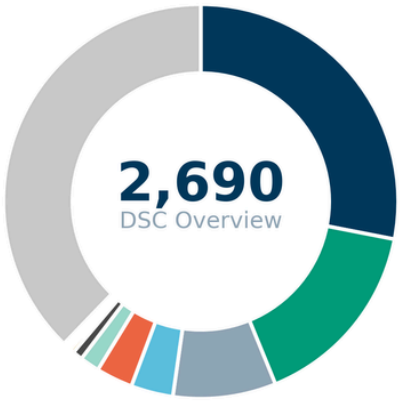
The criminal provisions most frequently reviewed concern incitement to hatred, defamation, and threatening behaviour.

Figure 26: Legal Basis of Review

Among community guidelines, policies on bullying and harassment, account integrity and authentic identity, and hate speech and hateful conduct account for a substantial share of proceedings, totaling 64%. Other relevant categories include nudity and sexual content, sexual exploitation and harassment, misinformation, dangerous organisations and individuals, and fraud and deceptive practices, which together account for 27% of proceedings.

Platforms use their own terminology for their respective community guidelines. The following overview maps these onto the uniform categories defined by the Digital Services Coordinators as part of the certification process.

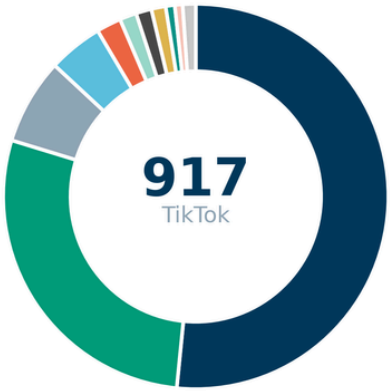
Figure 27: Guidelines by broad categories based on DSC-Guidelines



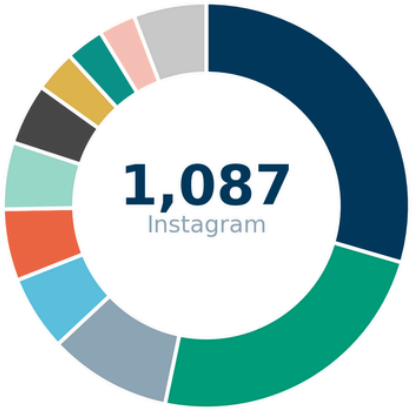
Unlawful speech	755 (28.1 %)
Fraud and/or deception	424 (15.8 %)
Pornography/sexualised content	227 (8.4 %)
Endangering public safety	93 (3.5 %)
Neg. impact on discourse/elections	81 (3.0 %)
Unsafe/illegal products	43 (1.6 %)
Non-consensual behaviour	22 (0.8 %)
Incitement to self-harm	9 (0.3 %)
Other	7 (0.3 %)
Violence	6 (0.2 %)
Intellectual property infringements	3 (0.1 %)
Offences against minors	3 (0.1 %)
No indication of guideline affected	1,017 (37.8 %)

The following breakdown shows which platform-specific guidelines formed the basis for the procedures.

Figure 28: Platform-Specific Guidelines



Harassment and bullying	473 (51.6 %)
Hateful behaviour	258 (28.1 %)
Misinformation	66 (7.2 %)
Sexual exploitation	42 (4.6 %)
Dangerous organisations	19 (2.1 %)
Violent behaviour	13 (1.4 %)
Nudity and body exposure	12 (1.3 %)
Sexual solicitation	11 (1.2 %)
Restricted goods	7 (0.8 %)
Suicide and self-harm	6 (0.7 %)
Other	10 (1.1 %)



Account integrity	321 (29.5 %)
Hateful behaviour	258 (23.7 %)
Nudity and body exposure	106 (9.8 %)
Fraud/scams	65 (6.0 %)
Misinformation	62 (5.7 %)
Sexual solicitation	58 (5.3 %)
Dangerous organisations	53 (4.9 %)
Restricted goods	36 (3.3 %)
Adult sexual exploitation	33 (3.0 %)
Spam	32 (2.9 %)
Other	63 (5.8 %)

Account integrity	321 (36.8 %)
Nudity and body exposure	104 (11.9 %)
Fraud/scams	65 (7.4 %)
Misinformation	62 (7.1 %)
Sexual solicitation	58 (6.6 %)
Dangerous organisations	53 (6.1 %)
Hateful behaviour	49 (5.6 %)
Restricted goods	36 (4.1 %)
Adult sexual exploitation	33 (3.8 %)
Spam	32 (3.7 %)
Other	60 (6.9 %)

Misinformation	77 (71.3 %)
Hateful behaviour	16 (14.8 %)
Violent and graphic content	5 (4.6 %)
Restricted goods	5 (4.6 %)
Harassment and bullying	2 (1.9 %)
Dangerous organisations	2 (1.9 %)
Fraud/scams	1 (0.9 %)

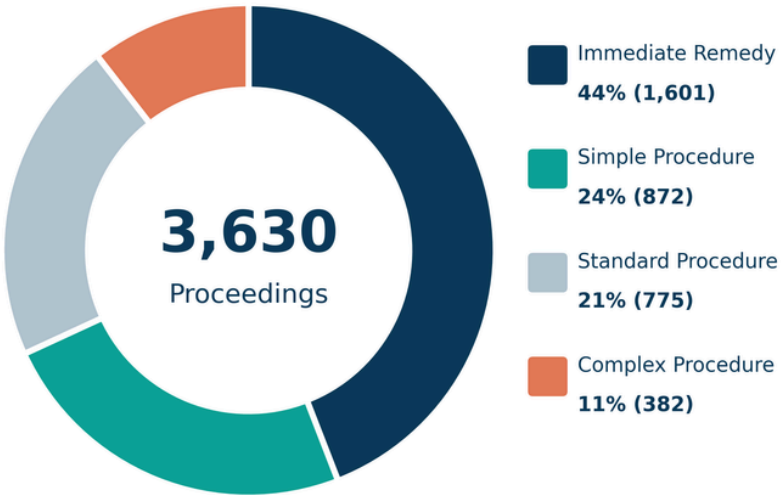
In 80 cases—representing approximately 4% of proceedings in which a legal review was conducted—our case reviewers carried out a fundamental rights assessment. In 36% of those cases, User Rights identified a disproportionate interference with fundamental rights, predominantly with freedom of expression (Article 11 CFR).

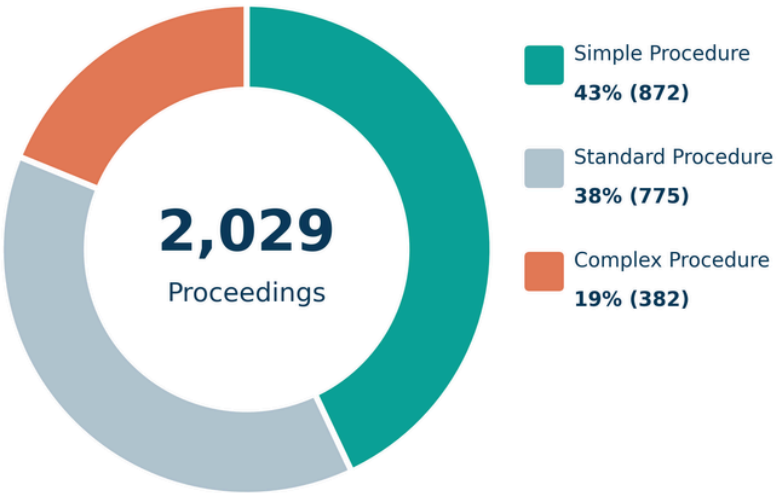
4.2.8 Case Complexity

The majority of concluded proceedings were resolved through immediate remedy, followed by simple, average, and finally complex proceedings.

Proceedings are classified as simple where the platform has not submitted substantive documentation or information regarding the contractual or legal grounds for the measure, or where the case is clearly justified or clearly not justified. User Rights classifies proceedings as complex where the legal assessment involves multiple statutory provisions or community guidelines, where a fundamental rights review is required, or where the factual assessment requires extensive analysis, such as the review of lengthy video or audio material. Proceedings that do not meet any of these criteria are classified as average.

Figure 29: Completed Cases by Complexity (with and without immediate remedy)





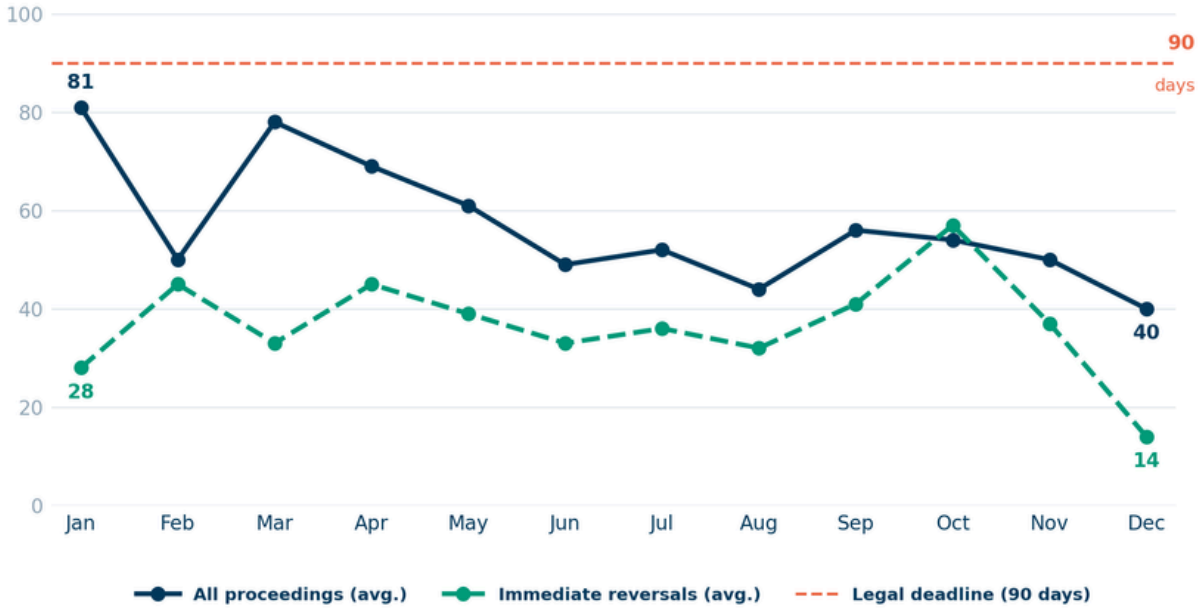
4.2.9 Procedure Duration

The average duration of completed procedures was 47.3 days, well below the statutory maximum period of 90 days.

Figure 30: Procedure Duration by Complexity

The average procedure duration decreased over the course of the year from just under 60 days to under 30 days in December.

Figure 31: Monthly Average Procedure Duration: Immediate Remedy vs. Full Assessment



See the table (A5) in the data appendix for the monthly duration of proceedings according to complexity.

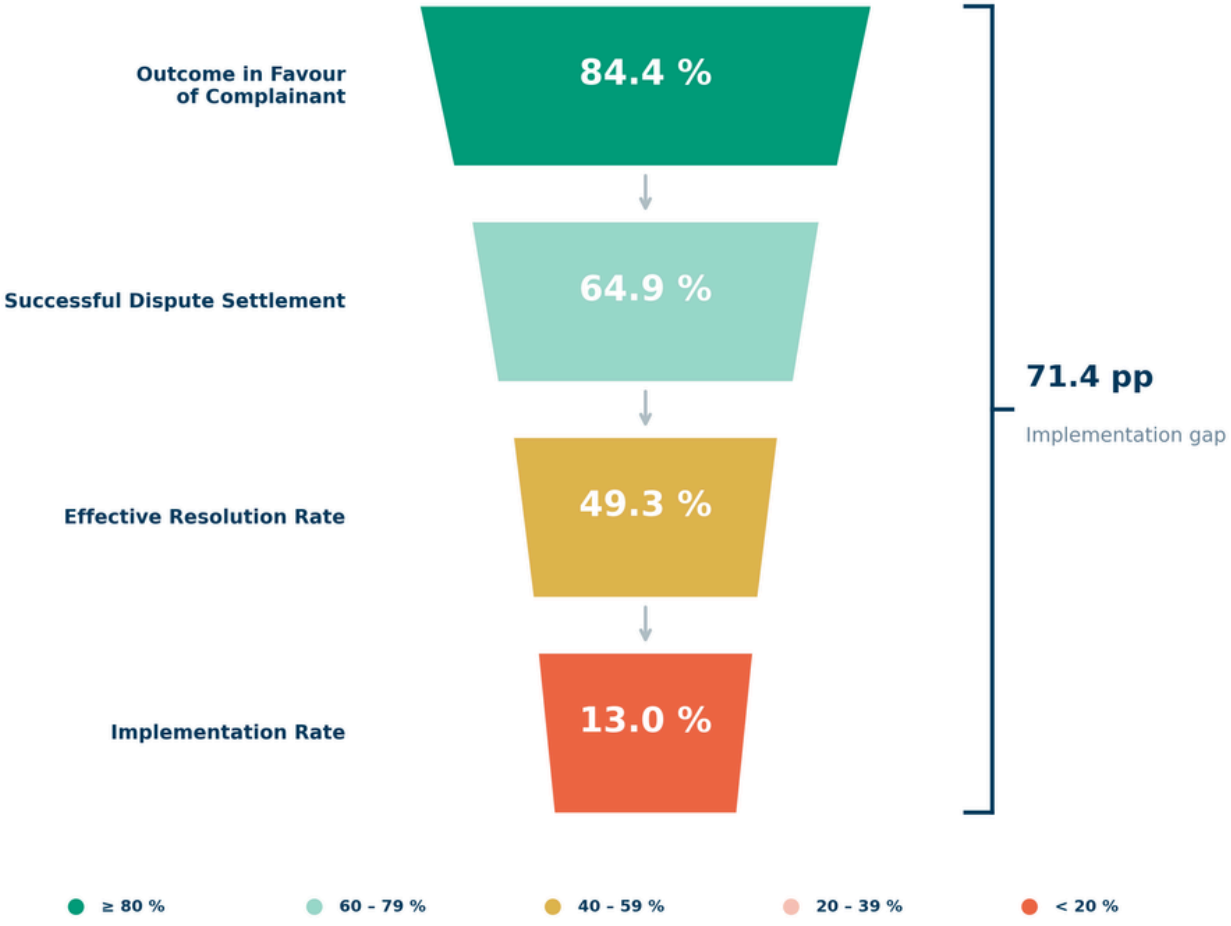
4.3 Overview

For a better understanding and comparison, this section provides an overview of the most important figures.

4.3.1 Comprehensive Overview

The comprehensive overview demonstrates that the course and outcome of proceedings vary considerably across platforms. While disputes involving TikTok are generally resolved efficiently and effectively, challenges in cooperation are particularly evident in proceedings involving Instagram and Facebook.

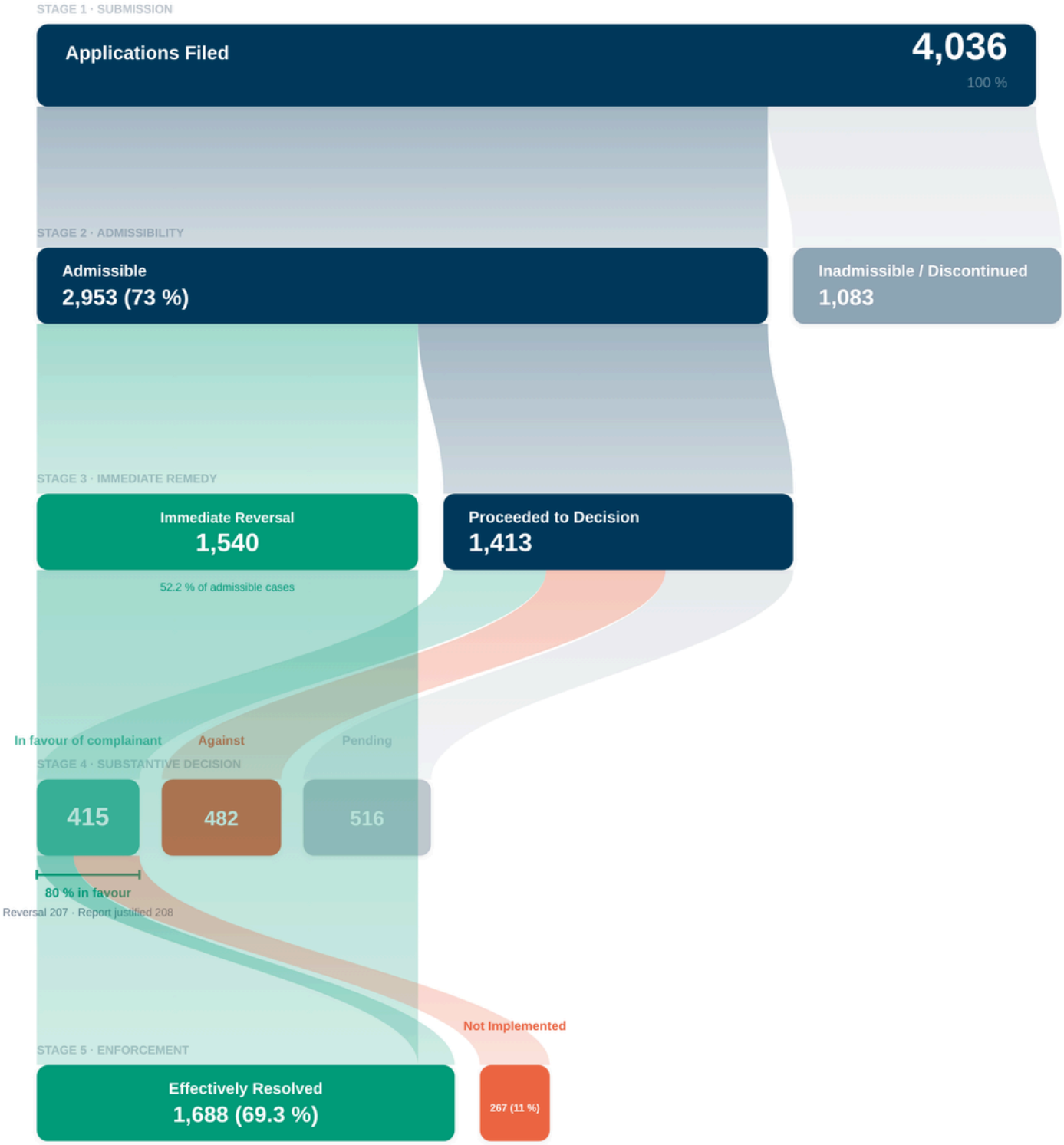
Figure 32: Success Numbers



	Outcome in Favour of Complainant	Successful Dispute Settlement	Effective Resolution Rate	Implementation Rate
All platforms	84.4 %	64.9 %	49.3 %	13.0 %
TikTok	80.2 %	89.0 %	69.3 %	35.7 %
Instagram	94.1 %	12.6 %	6.7 %	4.3 %
Facebook	90.7 %	13.3 %	4.0 %	2.8 %
LinkedIn	92.5 %	60.4 %	52.8 %	12.5 %

● ≥ 80 % ● 60–79 % ● 40–59 % ● 20–39 % ● < 20 %

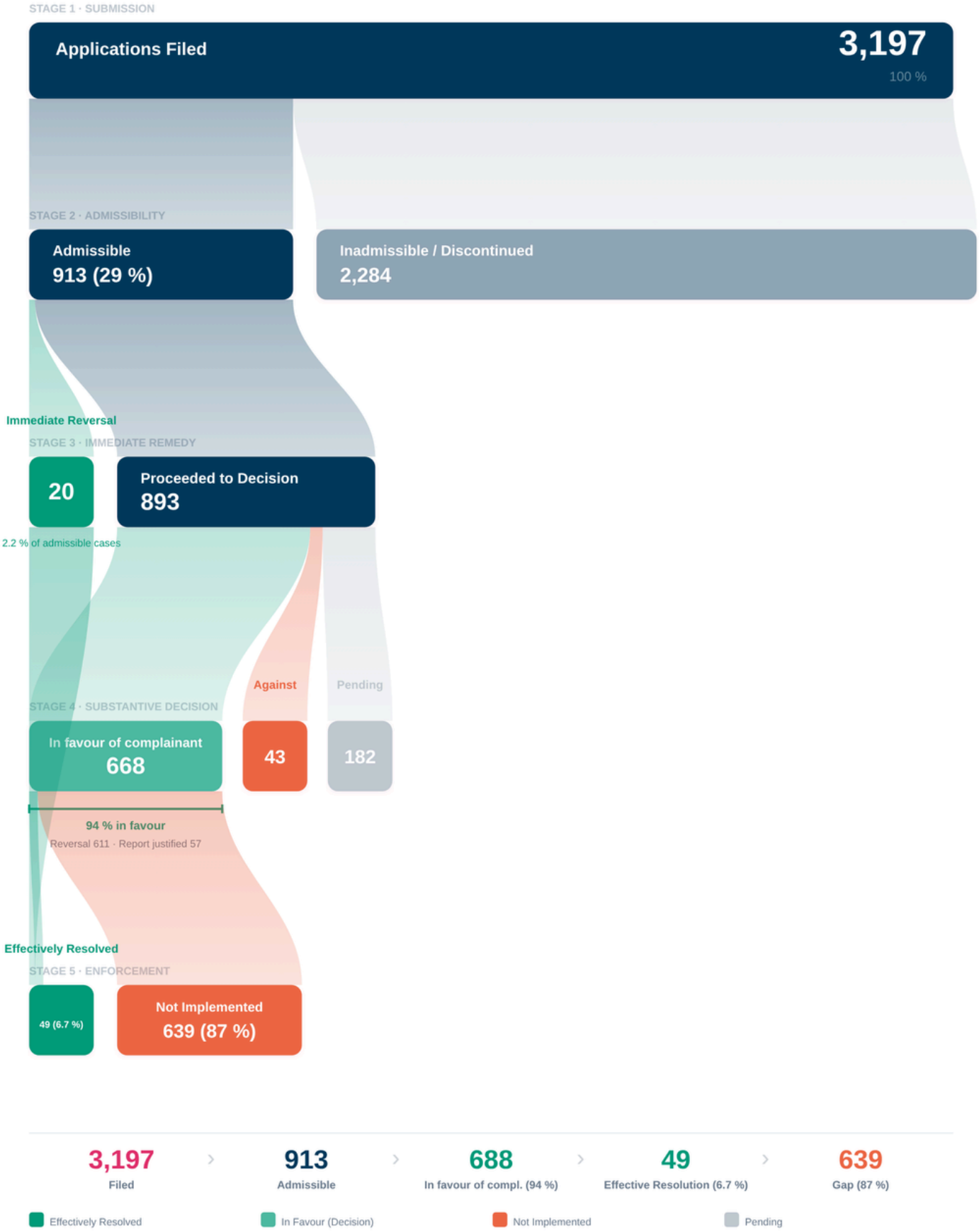
4.3.2 Caseflow TikTok



4,036	2,953	1,955	1,688	267
Filed	Admissible	In favour of compl. (80 %)	Effective Resolution (69 %)	Gap (11 %)

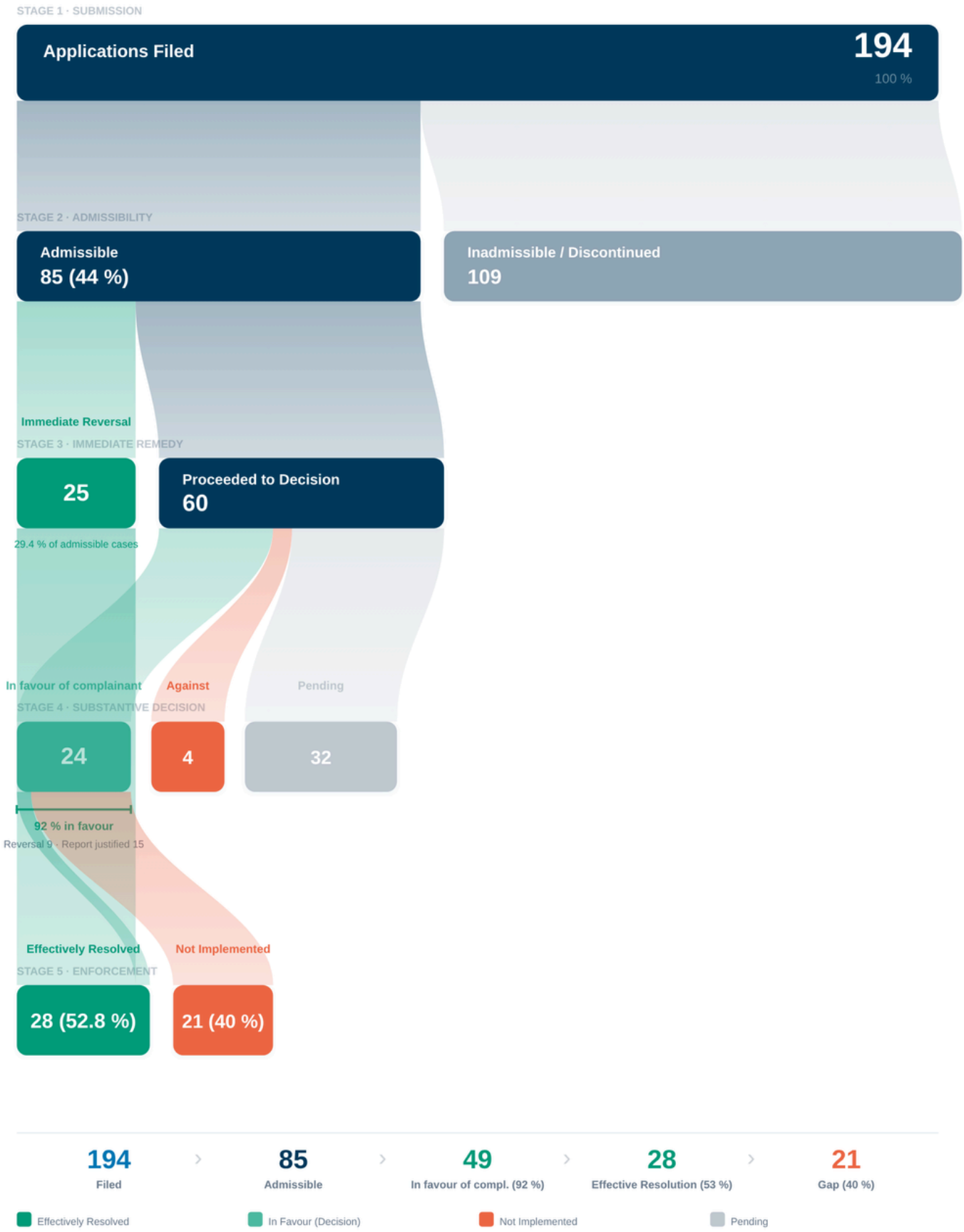
Effectively Resolved · In Favour (Decision) · Not Implemented · Pending

4.3.3 Caseflow Instagram



4.3.4 Caseflow Facebook

4.3.5 Caseflow LinkedIn



5. FINDINGS AND TRENDS

Out-of-court dispute settlement pursuant to Article 21 DSA is a comparatively recent legal instrument and is still in the early stages of development. Data from User Rights' first full operating year provide for the first time reliable findings and reveal trends that are likely to be defining for the further development of the entire sector.

5.1 Out-of-Court Dispute Settlement is Rapidly Gaining Importance

The steady increase in case numbers throughout the year demonstrates that out-of-court dispute settlement is rapidly gaining importance.

Despite this growth, only a small portion of users are currently aware of the existence of this legal protection instrument. Platforms therefore play a key role: they are legally required to inform users of the availability of out-of-court dispute settlement. To date, however, this obligation has not been fulfilled to a satisfactory extent. The increase in case numbers to date therefore represents only an early indication of the growth potential that may materialise as the procedure becomes more widely known.

5.2 Independent Review of Moderation Decisions is Required

The results of the first operating year demonstrate a substantial need for independent review of moderation decisions. In the vast majority of concluded proceedings, complainants prevailed—the originally contested moderation

measures were indeed erroneous.

Across all platforms, User Rights decided in favour of the complainant in nearly 85% of concluded proceedings. In complaint cases, this figure rises to almost 95%, indicating that the vast majority of contested moderation measures reviewed were found to be unjustified. In report cases, the corresponding figure is approximately 78%. In absolute terms, of the nearly 3,600 complainants who received a decision in 2025, more than 3,000 prevailed. These figures include both cases in which a full substantive review was conducted and cases in which the platform failed to provide the necessary information (see Section 4.2.3). Even when considering only substantive decisions, 80% of moderation actions are found to be incorrect.

Independent review of content moderation by online platforms is necessary to help users enforce their rights in the digital space.

5.3 Out-of-Court Dispute Settlement is Effective when Platforms Cooperate

Complainants and platforms must "engage in good faith" in resolving the dispute. Data from TikTok demonstrate what is possible when platforms fulfill this obligation.

In more than half of admissible proceedings, TikTok provided immediate remedy—the platform reviewed its decision immediately upon commencement of proceedings and corrected it. Early self-correction by the platform is for complainants the quickest path to their desired outcome and thus a sensible mechanism for effective dispute settlement.

In the remaining cases, User Rights conducted a substantive legal review. Unlike for Instagram or Facebook, this review upheld TikTok's original decision in slightly more than half of cases. This comparatively high affirmation rate also reflects the platform's use of immediate remedy: manifestly erroneous

decisions are corrected at an early stage and therefore do not proceed to substantive legal review.

Where User Rights rendered a decision against TikTok, the platform implemented that decision in just over 35% of cases. From User Rights' perspective, this indicates scope for improvement here. However, this rate relates exclusively to proceedings involving a substantive decision with an outcome adverse to TikTok; it does not take into account the substantial number of cases resolved earlier through immediate remedy. When measured against all admissible proceedings involving TikTok, non-implemented decisions account for only 9% of cases.

The effective resolution rate—that is, the proportion of proceedings in which complainants actually achieved their desired outcome—is just under 70%. The successful dispute settlement rate - defined as the proportion of cases in which the final handling of a content issue corresponds to the outcome of the dispute resolution process - is even close to 90%. These results are based on the fact that TikTok raised objections to admissibility in less than one percent of cases.

Where Independent Review Corrects Errors:

From Practice:

AfD Speeches (TikTok, Complaint).
A video reproduced direct quotations from Germany's right-wing AfD politicians—including statements such as "camel drivers," "monument to shame," and "clean out." It then presented election results and called on viewers for voting for democratic parties. TikTok removed the post for hate speech. TikTok's own community guidelines contain explicit exceptions for educational content and counter-speech. In this case, those exceptions were not applied. The moderation decision therefore captured content that constituted counter-speech.
Outcome: Overturn.

Contextualised "Remigration" (TikTok, Complaint).
A user shared on TikTok audio recordings of a speech by an Austrian journalist that critically addresses the concept of "remigration." TikTok classified the content as hate speech and permanently suspended the account. The case reviewers found: The posts engage critically with far-right ideology. This is expressly permitted under the community guidelines. TikTok followed the recommendation to overturn the account suspension.

Where Platforms were Correct:

From Practice:

Symbols of Hatred (Instagram, Complaint).
An Instagram account used runes in the profile description that represented the SS motto—the permanent account suspension was justified.

Incitement to Violence (Instagram, Complaint).
An Instagram comment called for "heads to roll"—referring to members of an ethnic minority. The permanent account suspension was proportionate given the particularly severe violation.

Suicide Suggestion (TikTok, Complaint).
A TikTok post contained suicide references. User Rights upheld TikTok's decision to remove the content, finding that the protection of vulnerable users outweighed the complainant's fundamental rights.

5.4 Out-of-Court Dispute Settlement Cannot Function Without Platform Cooperation

The effectiveness of out-of-court dispute settlement depends decisively on the willingness of platforms to cooperate. Data from Meta's platforms, Instagram and Facebook, for 2025 illustrate the consequences where such cooperation is limited and highlight the challenges encountered in practice.

A substantial obstacle to effective cooperation arises at an early stage of the proceedings. Meta raised objections to admissibility in a significant number of cases, many of which were considered by User Rights to be unfounded or insufficiently substantiated (35% of all decided cases at Instagram, 46% at Facebook). Meta provided a timely substantive submission in less than half of all decided cases.

In proceedings where no immediate remedy occurred, User Rights conducted a substantive legal review. For Meta, this review determined in 92.8% of cases that the platform's measure was unjustified (Instagram: 94.0%, Facebook: 90.6%). Where a substantive legal review found that Meta's measures were unjustified, the platform implemented User Rights' decision in only 3.8% of cases. The implementation rate was 4.3% for Instagram and 2.8% for Facebook. Measured against all admissible proceedings involving Meta, non-implemented decisions account for 69.8% of cases.

The successful dispute settlement rate—defined as the proportion of proceedings in which the final treatment of the content corresponds to the decision proposal—is only 12.8% for Meta (Instagram: 12.6%, Facebook: 13.3%). The effective resolution rate—defined as the proportion of proceedings in which complainants actually achieved their desired outcome—is 5.8% for Meta (Instagram: 6.7%, Facebook: 4.0%). For affected users, this means: They submit a case against a platform decision, receive a decision in their favour from User Rights —and the platform changes nothing nonetheless.

While the precise scope of the obligation to cooperate in good faith pursuant to Article 21 Para. 2 DSA has not yet been conclusively clarified, one point is evident: where platforms do not participate effectively in proceedings and decisions in favour of users remain unimplemented, the effectiveness of out-of-court dispute settlement is substantially impaired and users' trust in the mechanism is undermined. This development poses a systemic risk affecting not only User Rights but the functioning of the dispute settlement framework as a whole.

It is therefore urgent to clarify what the obligation to cooperate in good faith concretely requires of platforms in practice. The competent authorities, including the Digital Services Coordinators, must take responsibility for ensuring that this obligation is met and that conditions are created under which dispute settlement can be successful and effective for users.

Where Implementation Fails:

From Practice:

"Vermin" Comment (Instagram, Report).
Under an Instagram post featuring images of leading politicians of Germany's Green Party, a person commented that action must be taken against "vermin" to prevent further disease. The complainant reported the post to the platform without success. The case reviewers found: The designation as "vermin," which spreads disease and must be fought, dehumanises the identifiable persons named and constitutes the offense of insult under Section 185 StGB. Instagram failed to implement the decision. The comment remains visible at the time of publication of this report.

Stolen Identity (Instagram, Complaint).
A fake profile used the complainant's stolen identity. The profile spread false accusations and threatened the publication of intimate images. Instagram initially restricted the fake account temporarily but then allowed the restriction to expire—and subsequently declared that there was no longer any dispute. User Rights identified violations against the guidelines on bullying and harassment and recommended the fake profile's permanent suspension—without success.

Climate Change Hoax (TikTok, Complaint).
A TikTok video denying human-caused climate change was reported. TikTok decided not to remove the post without explaining how the post was evaluated within the platform's own fact-checking process. When asked, TikTok refused to disclose this. User Rights conducted an independent factual assessment based on scientific sources. Without transparency about the platform's internal decision process, effective review is substantially complicated.

5.5 Systemic Significance and Strengthening of Legal Protection

Out-of-court dispute settlement under Article 21 DSA was largely an untested innovation when the regulation was adopted. After the first full operating year, it is now possible to see what role this instrument can play in the protection of user rights and in the broader framework of legal protection on social media and in the digital space.

Individual Legal Protection and Strengthening of Rule of Law in the Digital Space.
In over 3,000 cases, User Rights identified errors in the platform's original decision. Recourse to court is not a realistic option for most users. Out-of-court dispute settlement offers individuals a low-threshold mechanism to

effectively enforce their rights. It therefore performs a fundamental function: platforms make millions of moderation decisions each day that may interfere with fundamental rights. For a long time, such decisions were, in practice, difficult to challenge. Out-of-court dispute settlement breaks this pattern by ensuring that platform decisions are not the final word.

Opportunities for Supervisory Authorities, Academia, and Civil Society. With the constant and systematic collection of content moderation decisions across thousands of cases, dispute settlement bodies create unique insights into the practice of content moderation. This data is available to supervisory authorities, academia, and civil society, and provides them with a basis to address both successes and challenges in the system of digital platform regulation. In this sense, the figures presented here from 2025 mark possible starting points: for example, in complaint cases, more than 90% of reviewed platform decisions were found to be unjustified. At the same time, certain platforms have frequently refused to cooperate - in particular by failing to implement decisions or by not responding to requests for confirmation as to whether a decision has been implemented.

Incentives for Self-Correction and Improvement of Moderation Practices. TikTok's approach of correcting its own errors upon initiation of proceedings shows that dispute settlement can be an occasion for self-correction. Beyond immediate remedy in the individual case, dispute settlement can help platforms identify errors in their moderation practice and create incentives to further develop their systems. Thus, dispute settlement serves not only users —but can also benefit the platforms themselves, provided they engage in cooperation with User Rights and other dispute settlement bodies.

6. OUTLOOK

In the first full operating year, much was accomplished: Over 4,400 admissible proceedings from 27 EU member states, more than 3,600 concluded decisions, and an instrument that demonstrably enforces fundamental rights in digital space. At the same time, 2025 demonstrated that the effectiveness of out-of-court dispute settlement does not depend solely on dispute settlement bodies, but also on regulatory guidance and platform cooperation.

6.1 Further Development of User Rights

User Rights will substantially expand its activities in 2026. Three developments will be central.

1. **Expansion to all Social Media Platforms.**
   User Rights is preparing to include additional platforms and will comprehensively expand its scope of activities by August 2026. The goal is to enable users of all major social media platforms to access out-of-court dispute settlement.

2. **Expansion to New Areas of Law.**
   The previous specialisation in freedom of expression matters will be gradually expanded. User Rights is examining the inclusion of additional areas of law, including consumer protection, data protection, and competition law.

3. **Capacity Expansion and Communication.**
   As of the reporting date, User Rights employs 14 staff members, including case reviewers, preliminary examiners, and operational support staff. A further significant capacity expansion is planned for 2026 in order to cope with the growing caseload and the expansion to new platforms, languages, and areas of law. Based on the operational foundation established to date,

User Rights will also specifically expand its communication with users, civil society, and the public in order to increase its visibility

6.2 Improving Cooperation with Platforms

User Rights conducts, together with the ODS Network—the association of certified European dispute settlement bodies—a structured dialogue with the platforms (Digital Trust & Safety Partnership, DTSP). The aim of the joint discussions is to enhance the efficiency and effectiveness of cooperation. The focus lies on operational issues such as improving and standardising data exchange, introducing uniform case identifiers, and clarifying what information platforms must provide and at what stage of the proceedings.

This bilateral coordination can resolve many practical questions, provided platforms participate constructively. However, it reaches its limits where fundamental differences of opinion exist, such as regarding the scope of application of Article 21 DSA, the obligation to disclose context-related content, or the duty to provide grounds when raising objections to admissibility of proceedings. In these matters, platforms and dispute settlement bodies have so far been unable to reach an agreement. Accordingly, clarification by the competent regulatory authorities may be necessary.

At the same time, the data indicate areas in which cooperation by certain platforms has been limited: necessary information is not always provided, requests may go unanswered, or objections to the admissibility of proceedings are raised without case-specific grounds. From User Rights' perspective, this points to structural weaknesses in the current framework. To ensure that Article 21 DSA functions effectively in practice, clearer regulatory guidance regarding platforms' statutory obligation to cooperate may be required.

6.3 Regulatory Guidance and Enforcement

A best-practices group on out-of-court dispute settlement was established among the national Digital Services Coordinators. In the course of this process, the ODS Network and User Rights have brought a series of open questions for clarification to the regulatory authorities. These concern areas in which the positions of platforms and dispute settlement bodies have been exchanged in previous discussions, but could not be brought into alignment with one another, and in which without regulatory guidelines, no solution is foreseeable.

Central is the clarification of the question of which types of **"behaviour" based moderation decisions** do not fall under Article 21 DSA—and what disclosure obligations platforms have to demonstrate in individual cases that such a measure exists.

Further questions concern the **handling of time-limited moderation measures and removed content**: Some platforms raise objections to the admissibility of proceedings when content is no longer visible or measures have already expired. The ODS Network holds the position that the right to review is tied to the moderation decision itself and not to the continued visibility of the content or the ongoing enforcement of the measure. In addition, moderation decisions can have consequences at the account level, such as through the accumulation of strikes, which ultimately lead to account suspension.

Also of great importance is the question of **signposting**: Platforms are obliged to inform users of the possibility of out-of-court dispute settlement. The current practice of several platforms is insufficient. Information is often difficult to find, incomplete, or designed in such a way that users cannot in practice find the path to dispute settlement. The ODS Network demands that regulatory authorities formulate concrete requirements for the design and visibility of signposting and verify compliance through regular UX audits.

Furthermore, the ODS Network has requested regulatory clarification of the following topics:

- the **obligation to disclose context-related content** by platforms, as a thorough review without the context of a post—such as linked comments, threads, or strike histories—is often not possible;
- the question of the **limitation period for moderation measures and content**, in which platforms take the position that expired measures or content no longer available do not constitute disputes within the meaning of Art. 21 DSA—a position that dispute settlement bodies do not share and which is cited in approximately three-quarters of all cases with admissibility objections as the grounds;
- the **obligation to provide grounds when raising objections to the admissibility of proceedings**, as blanket or standardised rejections without case-specific grounds undermine the effectiveness of the dispute settlement process;
- the **handling of user reports that are rejected by platforms as insufficiently specific**, even though users have provided all essential information, and
- the **handling of non-response from platforms to user reports**, in which platforms argue that without a prior decision, no dispute within the meaning of Art. 21 DSA can arise—a position that the ODS Network considers unfounded, as failure to make a decision also constitutes a contestable measure.

Finally, the **enforcement of the cooperation obligation** as a whole must be on the agenda of regulatory authorities.

6.4 Reaching Affected Persons and Enabling Access

A decisive barrier to the effectiveness of out-of-court dispute settlement arises from the fact that affected users often do not know that this instrument exists. The pathway from a moderation decision to the effective exercise of rights before a dispute settlement body currently breaks down at several points.

This begins with **signposting** by the platforms themselves: as set out in Section 6.3, several platforms fail to inform users, or do so only inadequately, about the possibility of out-of-court dispute settlement. Unless this is improved, access to out-of-court dispute settlement remains blocked for most affected individuals.

Another central problem is the **website of the European Commission**, to which platforms refer users as the central point of contact. In its current form, the website does not fulfill its function adequately. Users often struggle to determine which dispute settlement body is responsible for their case and under what conditions they may submit an application. A high proportion of applications received via the Commission website fall outside the jurisdiction of the requested body. The ODS Network has submitted concrete proposals to the Commission for improving the presentation—including clearer structuring by platform and subject matter of review, as well as the introduction of a filter function.

Finally, clarity must be created regarding the **reimbursement of reasonable expenses**. Article 21 Para. 5 DSA provides that platforms must reimburse users for all costs that are reasonable and incurred in connection with the dispute settlement proceedings. It can involve considerable effort for users to carefully prepare cases and bring them to a dispute settlement body. Without clear guidelines regarding which expenses are reimbursable and how the reimbursement process works, the system of out-of-court dispute settlement risks falling significantly short of its potential. The ODS Network has asked regulatory authorities to create clarity regarding the questions raised.

6.5 Further Development of the Dispute Settlement Sector

Out-of-court dispute settlement for social media platforms is a new field that is still in its infancy. Many practical questions - ranging from the delimitation of the scope of application, to the role of fundamental rights in moderation decisions, to the significance of transparency data - have yet to be conclusively resolved. The (further) development of the sector requires continuous exchange between dispute resolution bodies, platforms, regulatory authorities, academia, and civil society.

An important contribution will be made by the institutionalisation of the Article 21 Advisory Board. Founded in 2024 by User Rights, this academic advisory body has so far published four reports on key issues in dispute resolution (see 1.5.2 for details). Starting in 2026, the Advisory Board will be placed on a broader institutional footing: it will be jointly supported by the University of Osnabrück and the DSA Observatory of the University of Amsterdam and co-chaired by Prof. Dr. Hannah Ruschemeier and Prof. Dr. João Quintais. In addition to academics, civil society representatives will henceforth be included. The Board will meet twice annually, solicit written comments from interested parties in advance, and publish a public Discussion Report after each meeting.

With this, User Rights and the Advisory Board create the framework conditions to enable broad public discourse on the most difficult questions of dispute settlement and to contribute to the development of high standards for the entire sector.

ANNEX

A: Data Annex

The following tables contain the raw data underlying the visualisations in the report. They serve transparency and enable independent analysis.

Note.
Note: The reporting period covers the calendar year 2025. User Rights GmbH was certified as an out-of-court dispute settlement body under Art. 21 DSA in August 2024. The KPIs in Annexes A and C refer to all submissions and decisions of the year 2025 (N = 8,749 submissions, of which 3,630 with a decision).

A.1 Case Volume and Admissibility

	TikTok	Instagram	Facebook	LinkedIn	Total
Proceedings received	4,036	3,197	1,302	194	8,749
of which admissible	2,953	913	499	85	4,468
of which inadmissible	1,083	2,284	803	109	4,281
Admissibility rate	**73.2%**	**28.6%**	**38.3%**	**43.8%**	**51.1%**

Basis: 8,749 submissions. Note: Pinterest (20 submissions) is not shown separately by platform but is included in the total.

A.2 Core KPIs by Platform

	TikTok	Instagram	Facebook	LinkedIn	Total
Immediate Remedy rate	52.2%	2.2%	1.2%	29.4%	**35.8%**
Refusal to cooperate	0.7%	34.7%	45.9%	0.0%	**12.5%**
Outcome in favour of complainant (excl. IR)	46.3%	94.0%	90.6%	85.7%	**72.1%**
Outcome in favour of complainant (incl. IR)	80.2%	94.1%	90.7%	92.5%	**84.4%**
Implemen-tation rate	35.7%	4.3%	2.8%	12.5%	**13.0%**
Effective resolution rate	69.3%	6.7%	4.0%	52.8%	**49.3%**

IR = Immediate Remedy. Bases vary by KPI (cf. Annex C).

A.3 Outcome of Proceedings

Outcome	Count	Share
Immediate Remedy (IR)	1,601	44.1%
Overturned / Report Justified (OV)	1,107	30.5%
Upheld / Report Not Justified (UP)	78	2.1%
Decided in absence of platform participation (AP)	356	9.8%
Non-Implementation (NI)	488	13.4%
Total	**3,630**	**100%**

A.4 Platform Responses to Substantive Decisions

Response	Count	Share
Substantive submission	1,110	54.7%
Objections to admissibility	455	22.4%
Platform does not respond	388	19.1%
Case content not locatable	76	3.7%
Total (substantive decisions)	**2,029**	**100%**

Substantive decisions = all concluded proceedings minus immediate remedy (3,630 − 1,601 = 2,029).

Implementation of decisions in favour of complainant (excl. IR):

	Count	Share
Implemented	190	13.0%
Not implemented	1,270	87.0%
Total (in favour excl. IR)	**1,460**	**100%**

A.5 Breakdown by Complaint and Report

KPI	Complaint	Report	Total
Outcome in favour of complainant (incl. IR)	94.4%	78.2%	**84.4%**
Outcome in favour of complainant (excl. IR)	93.4%	42.2%	**72.1%**
Immediate Remedy rate	12.6%	48.9%	**35.8%**

Complaint (against restrictions): User contests the removal of their own content or restrictions on their account. Report: User reports third-party content on the basis of platform community guidelines or legal violations. All submissions: 55.6% complaints, 44.4% reports. Admissible proceedings: 36.0% complaints, 64.0% reports.

A.6 Case Volume by Month

Month	TikTok	Instagram	Facebook	LinkedIn	Pinterest	Total
January	131	253	-	8	-	**392**
February	122	287	-	6	-	**415**
March	226	236	-	4	-	**466**
April	133	230	-	9	-	**372**
May	117	225	-	7	-	**349**
June	115	212	69	16	-	**412**
July	156	234	95	8	-	**493**
August	71	247	139	10	-	**467**
September	310	314	203	6	1	**834**
October	686	292	334	13	-	**1,325**
November	1,189	266	233	43	2	**1,733**
December	780	401	229	64	17	**1,491**
Total	**4,036**	**3,197**	**1,302**	**194**	**20**	**8,749**

Half-year	Total	Ø/month	Growth
H1 (Jan–Jun)	2,406	401	**-**
H2 (Jul–Dec)	6,343	1,057	**x2,6**

Note: Facebook proceedings from June 2025 onwards (platform activation). Pinterest limited to individual cases (N=20). Data is based on submission date (Date: User appealed to UR).

A.7 Duration of Proceedings

Category	Ø days	Median
All proceedings	47	42
Immediate remedy	38	-
Simple	55	-
Average	54	-
Complex	54	-

A.8 Complexity of Proceedings

Complexity level	Share H1	Share H2
Simple	79 %	68 %
Average	15 %	24 %
Complex	6 %	8 %

Overall distribution (all concluded proceedings, N = 3,630):

Complexity level	Count	Share
Simple	872	24.0%
Average	775	21.3%
Complex	382	10.5%
Immediate Remedy	1,601	44.1%

A.9 Content Moderation Measures

Measure level	Share
Content level (removal, restriction, blocking)	59.0%
Account level (suspension, restriction)	37.6%
Other	3.4%

Note: The categorisation of 2,858 individual measures into measure levels is based on the platform classification.

A.10 Standards of Review

Ground	Share
Community guidelines / Terms and Conditions	72.2%
Legal basis (Illegality)	27.3%

Basis: 4,468 admissible proceedings.

Top categories (Community guidelines, N = 1,673 documented cases): Harassment/Bullying 28.4%, Hate speech 16.4%, Account identity/integrity 15.5%, Sexual content/nudity 13.0%, Fraud/spam 6.4%, Misinformation 4.6%

Note: In 1,017 of 2,690 T&C proceedings, the specific community guideline is not documented (37.8%). Percentages refer to the 1,673 proceedings with a documented category.

A.11 Proceedings by Country and Language

Country	Count	Share
Germany	5.208	59.5%
France	1.663	19.0%
Italy	229	2.6%
Spain	222	2.5%
Austria	190	2.2%
Poland	150	1.7%
Other EU	778	8.9%
Not specified	108	1.2%
Total	**8,749**	**100 %**

Language	Count	Share
German	5,077	58.0%
English	3,175	36.3%
French	402	4.6%
Italian	95	1.1%
Total	**8,749**	**100%**

Basis: 8,749 submissions (all proceedings, regardless of admissibility status).

A.12 Criminal Law Assessment Standards

In 337 proceedings, an assessment under German criminal law was conducted. The most frequent assessment standards:

Criminal offence	Count	Share
§ 130 StGB – Incitement to hatred	100	29.7%
§ 185 StGB – Insult	73	21.7%
§ 130 + § 185 StGB (combination)	31	9.2%
§ 241 StGB – Threat	23	6.8%
§ 185 + § 241 StGB	18	5.3%
§ 130 + § 241 StGB	13	3.9%
Other combinations	10	23.4%
Total	**337**	**100%**

Fundamental Rights Assessments:

In 85 proceedings, a fundamental rights assessment under the EU Charter of Fundamental Rights was required. In 33 cases (38.8%), the platform's moderation measure was incompatible with fundamental rights. In 52 cases (61.2%), the measure was found to be compatible.

B: Scope of Activities

The Rules of Procedure of User Rights GmbH in the version of 20 May 2025 (RoP) govern – in addition to the requirements of Art. 21 DSA – the conduct and execution of dispute settlement proceedings.

B.1 Platform Policies

In accordance with its certification, User Rights is authorised to review the compatibility of content and moderation measures with the following platform policies:

Meta (Instagram und Facebook)

- Advertising Standards
- Adult Nudity and Sexual Activity
- Authentic Identity Representation
- Bullying and Harassment
- Coordinating Harm and Promoting Crime
- Dangerous Organisations and Individuals
- Fraud, Scams and Deceptive Practices
- Hateful Conduct
- Human Exploitation
- Misinformation
- Restricted Goods and Services
- Adult Sexual Solicitation and Sexually Explicit Language
- Suicide, Self-Injury and Eating Disorders
- Violence and Incitement
- Violent and Graphic Content

TikTok

- Advertising Policies
- Adult Sexual Abuse
- Body Exposure and Sexualized Behaviors
- Civic and Election Integrity
- Commercial Disclosure and Paid Marketing

- Dangerous Activities and Challenges
- Eating Disorders, Risky Weight Management and Body Image
- Edited Media and AI-Generated Content (AIGC)
- For You Feed Eligibility Standards · Fraud and Scamming
- Harassment and Bullying
- Hate Speech or Hateful Conduct
- Human Trafficking and Smuggling
- Misinformation
- Personal Information
- Regulated Goods and Services
- Shocking and Graphic Content
- Suicide and Self-Harm
- TikTok LIVE
- Violent and Criminal Behaviour
- Violent and Hateful Organizations and Individuals
- Youth Safety and Well-Being

Pinterest

- Adult Sexual Content & Nudity
- Prohibited and Regulated Goods, Services and Activities
- Hateful Activities
- Harassment and Criticism
- Private Information
- Self-Harm and Harmful Behaviour
- Violence and Threats
- Violent Actors
- Misinformation
- Impersonation
- Comments

LinkedIn

User Rights reviews all LinkedIn Community Policies.

B.2 Legal Provisions

Furthermore, User Rights is authorised to review compliance with European Union law, Italian criminal law and German criminal law:

- **German Criminal Code (StGB):**
  §§ 86, 86a, 89a, 91, 100a, 111, 126, 129, 129a, 129b, 130, 131, 134, 140, 145d, 166, 185, 186, 187, 188, 189, 201a, 241 StGB
- **Italian Criminal Code** *(Codice Penale)*
- **European Union law:**
  e.g. violations of EU sanctions regulations against Russia, including Regulation (EU) No 833/2014

B.3 Exclusions from Scope

User Rights focuses its dispute settlement activities on expression-related disputes. The following areas are excluded from scope:

- **Intellectual property disputes (IP) and competition law:**
  The assessment of copyright and competition law issues requires specialised expertise and falls outside the scope of review.
- **Child sexual abuse material (CSAM):**
  User Rights does not accept complaints concerning depictions of sexualised violence against children (Online Child Sexual Abuse Material).

C: KPI Architecture and Mathematical Relationships

C.1 KPI Definitions

The following KPIs form the assessment framework of User Rights. Each KPI is presented with a guiding question, formula and basis.

Code	Bedeutung	
IR	Immediate Remedy	Platform corrects before substantive review
OV	Overturned / Report Justified	Substantive decision in favour of complainant
UP	Upheld / Report Not Justified	Substantive decision against the complainant
AP	Absence of platform participation	Decision without platform cooperation
NI	Non-Implementation	Decision in favour not implemented by platform
↑	Implemented by platform	↑
↓	Not implemented	↓

Outcome categories:

#	KPI	Formula	Calculation	Result
1	**Outcome in Favour of Complainant**	(IR + OV) ÷ N	(1,601 + 1,107 + 356) ÷ 3,630	**84.4 %**
1a	→ Complaint	(IRc + OVc) ÷ Nc	(203 + 1,107) ÷ (203 + 1,107 + 78)	**94.4 %**
1b	→ Report	(IR^R + OV^R) ÷ N^R	(1,398 + 356) ÷ (1,398 + 356 + 488)	**78.2 %**
2	**Effective Resolution Rate**	(IR + OV↑) ÷ N	(1,601 + 91 + 99) ÷ 3,630	**49.3 %**
3	**Implementation Rate**	OV↑ ÷ OV	(91 + 99) ÷ (1,107 + 356)	**13.0 %**
–	**Overturn Rate (Complaint)**	OVc ÷ (OVc + UPc)	1,107 ÷ (1,107 + 78)	**93.4 %**
–	**Justified Report Rate**	OV^R ÷ (OV^R + UP^R)	356 ÷ (356 + 488)	**42.2 %**
–	**Immediate Remedy Rate**	IR ÷ Admissible	1,601 ÷ 4,468	**35.8 %**

C.2 Note on Interpretation

The KPIs capture exclusively proceedings in which a final decision has been issued (N = 3,630). Proceedings still pending at the reporting date (838 of 4,468 admissible proceedings) are not included. The reporting period covers the calendar year 2025. User Rights GmbH was certified as an Art. 21 DSA out-of-court dispute settlement body in August 2024.

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