

PUBLIC COMMENTS ON CASES 2025-005-IG-UA, 2025-006-IG-UA, 2025-007-IG-MR, AND 2025-008-FB-MR ASSESSING IMPACT OF META'S NUDITY RULES ON INDIGENOUS PEOPLES

Tech Global Institute (<https://techglobalinstitute.com>) is a policy lab with a mission to reduce equity and accountability gaps between technology platforms and the Global Majority. In this submission, we respond to the Oversight Board's [request for public comments](#) on the impact of Meta's nudity rules on Indigenous People, with specific reference to the following two issues.

Insights on the Himba, Yanomami and other Indigenous Peoples' customs of nudity as part of their cultural expression.

For millennia, women in many indigenous communities, shielded from external influences, have preserved traditions of nudity as an integral part of their identity, a practice only disrupted by the imposition of colonial rule and its accompanying norms. Even today, many communities continue to uphold these traditions worldwide. For numerous indigenous communities worldwide, including the [Himba People](#) in Namibia and [Yanomami People](#) in Brazil and Venezuela, full or partial nudity is intrinsic and natural aspects of their cultural and personal identity, deeply intertwined with their aesthetic traditions, social norms, and environmental contexts. Specifically, in many cases, the public appearance of bare-breasted women—the central contention in these cases—embodies a natural, unembellished way of living, symbolizing identity, authenticity, and beauty. Often, attire, ornamentation, and bodily adornment, such as ochre paintings, tattoos, scarifications, and jewelries, serve as nonverbal expressions of individuality, social roles and statuses, artistry, and cultural heritage.

According to the United Nations Permanent Forum on Indigenous Issues, there are [more than 370 million Indigenous Peoples](#) globally. Among these, various communities embrace full or partial nudity as a natural element of their cultural practices. Examples include, but are not limited to, the [Mëbêngôkre and Zo'é Peoples](#) in Brazil, the [Asmat](#) and [Korowai Peoples](#) in Indonesia, the [Zulu People](#) in South Africa, the [Khoisan People](#) (combining the [Khoekhoen](#) and the [Sān Peoples](#)) in southern Africa, the [Surma People](#) (combining the [Suri](#), [Mursi](#) and [Me'en Peoples](#)) in Ethiopia, [Jarawa](#) and [Sentinelese Peoples](#) in India, and the [Aboriginal and Torres Strait Islander Peoples](#) in Australia. Each with distinct knowledge and beliefs systems, and traditions, these communities—some amongst the oldest living populations in the world—maintain social, cultural, economic, and political frameworks that collectively form a unique ontology of daily life, markedly different from those of the dominant societies surrounding them.

Understanding Indigenous Peoples' customs of nudity as a form of social and cultural expression necessitates deconstruction of entrenched assumptions, reevaluation of dominant worldviews, and reorienting existing paradigms as contextually relative rather than universally absolute. As a starting point, it is important to recognize that nudity among indigenous communities, within its social and cultural context, transcends predominant worldview and modern constructs of immodesty, moral decay, voyeurism, provocation, objectification, sexuality, or taboo. It is also important to recognize that many of these indigenous communities have averted the colonial patriarchal structures, where women have

traditionally been relegated to hierarchical, gendered roles and treated as secondary members of society; instead, these communities tend to be more egalitarian, with men and women sharing social and economic responsibilities in a more balanced, and often equal, manner. On the contrary, nudity, in many respect, represents a natural aspect of their existence and is a medium of cultural expression and storytelling. For instance, among the *Yanomami People*, partial nudity is emblematic of their [harmonious coexistence with the rainforest and their cosmological beliefs](#), where the human body is seen as an integral part of the natural world.

Ethnocentrism, influenced by the worldview of the Abrahamic religions and intensified during classical antiquity, has long been imposed on societies with non-dominant worldviews and belief systems. For indigenous communities, cultural expressions such as nudity are often mischaracterized as signs of savagery or sinfulness. Historically, this imposition began with territorial and settler colonial frameworks, and persists today through modern neocolonial and techno-colonial structures. Cultural chauvinism, reinforced through moralistic interpretations incongruent with indigenous perspectives—such as failing to recognize nudity among indigenous women as a fundamental element of their identity and a deliberate, meaningful cultural expression—further entrenches misguided beliefs that bare breasts are inherently indecent or sexual. As a result, it universalizes narrow standards of modesty, disregarding the vast diversity of cultural norms, and perpetuates cultural parochialism, stigmatization, and erasure.

We draw attention to Meta's [Community Standard](#) and its commitment to 'create a place for expression and give people a voice ... even if some may disagree or find them objectionable.'

It is crucial, therefore, to acknowledge nudity as a culturally relative practice, shaped by diverse social and cultural norms that influence perception of what it means to be bare-breasted. Embedding this understanding into policy frameworks would not only foster respect for the ways communities express their identities and connect with their environments but also avoid illegitimate censorship of cultural expression, including nudity, due to ethnocentric biases.

Any impacts on the rights to expression and the ability to maintain a presence on social media for Indigenous Peoples with a tradition of partial nudity, particularly on platforms that prohibit such nudity.

Meta has a well-documented record of censoring cultural expressions depicting bare-breasted Indigenous women. For instance, in Australia, content showing [elderly indigenous women with their breasts painted in ochre as part of a traditional ceremony](#) was removed in 2015 under nudity guidelines, with a notification labeling the video as containing potentially offensive nudity. Similarly, in 2016, [an account was suspended](#) for publishing a keynote speech delivered at the Queen Victoria Women's Centre on the intersection of feminism and indigenous rights, accompanied by an image of two bare-chested indigenous women painted in ochre during a traditional ceremony in the remote Central Australian community of Ampilatwatja. Meta also censored historical and cultural images, including a [nineteenth-century indigenous couple](#) from Brazil and depictions of [courtship and funeral ceremonies](#) from Papua New Guinea, both of which featured bare-breasted women.

What remains unclear, however, is how expressions of cultural identities and traditional practices spanning millennia—documented in historical records and protected by international human rights instruments—can be deemed offensive or sexual and subsequently removed. Yet Meta’s [adult nudity and sexual activity policy](#) allows images of women in micro-bikinis, breastfeeding, naked acts of protest, or displaying post-mastectomy scars. Defaulting to presumptive sexualization of female breasts—a problematic policy stance in itself—exacerbates the marginalization of indigenous communities and their expressions by applying a narrow lens to cultural expression, reinforcing [occidental standards and systemic racism within the platform](#).

Furthermore, under its [existing policy](#), Meta employs content labeling for specific types of sexual imagery, including depictions of birth and postpartum moments, gender confirmation surgery, medical self-examinations, and implicit sexual activity within health or sexual wellness contexts. Additionally, for potentially violating content, such as satire or counter-speech, Meta often seeks supplementary context before determining enforcement. However, indigenous cultural expressions receive no comparable consideration, underscoring a stark imbalance in the platform’s recognition of contextual and culturally nuanced content. Exclusion of indigenous cultural expression results in inconsistent content moderation policy and embed colonial attitudes of viewing bare breasted indigenous women as overtly sexual. While recognizing Meta’s effort to balance its values of “dignity” and “privacy,” these cultural expressions nonetheless merit protection as free speech due to their cultural significance—much like the exemption granted to the [image of the napalm girl](#).

Censorship policies that remove or restrict cultural depictions of partial nudity undermine the rights of Indigenous Peoples to express their traditions and maintain visibility in digital spaces. For communities whose traditions include partial nudity, such censorship limits their ability to share authentic representations of their heritage, engage in cross-cultural dialogue, and reclaim indigenous identities in public discourse. Ultimately, these policies and practices perpetuate stereotypes, reinforce marginalization, and risk excluding certain indigenous communities from Meta’s platforms simply for failing to conform to dominant worldviews that dismiss the legitimacy of their cultural norms.

Notably, content removal in all the four cases appear to deviate from the normative standards Meta has committed to uphold, including the [United Nations Guiding Principles on Business and Human Rights](#), as well as the [Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#), the [Convention on the Elimination of All Forms of Discrimination against Women](#), the [International Covenant on Civil and Political Rights](#), the [International Covenant on Economic, Social and Cultural Rights](#), the [International Convention on the Elimination of All Forms of Racial Discrimination](#), the [United Nations Declaration on the Rights of Indigenous Peoples](#). Meta’s obligations are reinforced by requirements to integrate these standards ‘into company decision making and culture through responsible policies, procedures and processes’ under the Global Network Initiative’s [Principles on Freedom of Expression and Privacy](#) and the [Implementation Guidelines](#).

Furthermore, earlier decisions of the Oversight Board in the [Wampum Belt](#) and the [Nazi Quote](#) cases emphasized the importance of contextual awareness in content moderation

decisions, particularly in cases involving cultural expressions and sensitive issues. Additionally, the cases underscored the need to ensure adherence with principles of necessity, proportionality, and fairness in enforcement actions. Particularly, the [Reclaiming Arabic Words](#) case has drawn attention to the issues associated with inadequate contextualization in cases involving marginalized identities and expressions, including over-enforcement threatening freedom of expression for minority and marginalized groups, while reinforcing the need for moderation systems to integrate local linguistic, historical, and cultural knowledge to avoid ethnocentric enforcement. Similarly, Meta's [reversal of decision to censor the iconic image of the napalm girl](#) and subsequent reinstatement of the content came with an [acknowledgement](#) of the historical and global context of the content, stating that 'the value of permitting sharing outweighs the value of protecting the community by removal.' Subsequently, Meta's [adult nudity and sexual activity policy](#) clarified that it allows full and partial nudity 'in the context of famine, genocide, war crimes or crimes against humanity.'

As an information ecosystem gatekeeper, Meta plays a critical role in contemporary storytelling and cultural preservation. Both human and automated content moderation actions currently lack the [nuance and contextual variance](#) to assess nudity content. However, when universal nudity guidelines are imposed without cultural nuance, they risk erasing indigenous voices and invalidating their cultural practices. By silencing these expressions, social media platforms inadvertently perpetuate cultural imperialism, creating barriers for Indigenous Peoples to engage, educate, and advocate for their rights on a global stage.

We echo the observation made in the [report on the promotion and protection of the right to freedom of opinion and expression](#) by the Human Rights Council that 'engagement with a geographically diverse range of indigenous groups may help companies develop better indicators for taking into account cultural and artistic context when assessing content featuring nudity.' Aligned with the observation, we recommend that Meta actively engage with a broad representative spectrum of Indigenous Peoples to develop nuanced frameworks that contextualize nudity within cultural and artistic traditions, ensuring the preservation of cultural expression while promoting inclusivity and protecting freedom of expression.