

Sikh American Legal Defense

Letter to united states House of Representatives Committee of Energy & Commerce Subcommittee on Communications and Technology Subcommittee

Written Statement of Sikh American Legal Defense and Education Fund Before the United States House of Representatives Committee of Energy & Commerce Subcommittee on Communications and Technology Subcommittee on Consumer Protection and Commerce Hearing on “Disinformation Nation: Social Media’s Role in Promoting Extremist and Misinformation” March 25, 2021 Dear Chairman Doyle, Chairwoman Schakowsky, Ranking Member Bilirakis, Ranking Member Latta, and Members of the Committee: On behalf of the Sikh American Legal Defense and Education Fund (SALDEF) and the Sikh American community, thank you for the opportunity to submit this written statement to the Communications and Technology and Consumer Protection and Commerce Subcommittees. Despite representing a significant portion of the Indian diaspora in the United States, Sikhs are an underrepresented religious minority both here and in India. After 9/11, hate crimes, bullying, and bigotry against the Sikh American community increased significantly, largely due to their visible articles of faith. Now, in the age of social media, these incidents have become systematic in nature, censoring information relevant to Sikhs and promoting disinformation that incites violence against their communities. The Sikh American Legal Defense and Education Fund (SALDEF) was founded in 1996 as an organization to promote awareness about Sikhism. Now, nearly 25 years later, it is the oldest Sikh civil rights organization in the United States working with its partners in Congress and across the nation to increase representation of Sikh Americans in government and policy. On behalf of the Sikh American community, we strongly urge Members of Congress to shed light on the plight of religious minorities on social media platforms, including those of Sikh Americans. We are deeply concerned about ongoing Sikh censorship and the spread of anti-Sikh disinformation on social media platforms, including Facebook, Twitter, and Youtube. Of particular note for the Sikh community is the recent uptick in censorship and disinformation as a tactic of suppression by the Indian government, supporters of the current Administration, and other nationalist groups. While these tactics have been in place for years, they have expanded dramatically due to the resistance against the Indian Agricultural Acts of 2020, commonly known as the Farmers’ Protests. These incidents are having a direct impact on communities across the globe, including in the United States. Oftentimes armed with information obtained from online platforms¹, the Indian government has targeted², arrested³, and tortured⁴ journalists and activists for their advocacy against the actions of the Indian government. Recently, India’s status as a free nation dropped⁵, and what is especially concerning to commentators, political observers, and members of the Sikh American community is how closely these actions mirror those of other governments who place restrictions on the press, social media, and discussion of sociopolitical issues. Recent examples include the Chinese government in spreading disinformation during the Hong Kong protests⁶ and concealing its genocide against the Uyghurs⁷, the Myanmar military in inciting a genocide against the Rohingya people⁸, and Turkish regime in censoring information on social media to favor its autocracy⁹. Of particular note to the Sikh American community are the actions being taken on social media to limit the spread of information about the Farmers’ Protests, Sikh advocacy, and

Sikh holidays with the cooperation of US-based technology companies. Further, the Sikh American community is concerned about the potential for targeting individuals who express support for the protests or speak out against the actions of the Indian government, given its demonstrated history of already doing so. Lastly, Sikh Americans are troubled by the impact of domestic Indian policies on the rights of individuals outside of India. For example, see the reaction to celebrities such as Rhianna¹⁰, Meena Harris¹¹, and Greta Thunberg¹², who expressed support for the Farmers' Protests.

1 Klein, Naomi. "India Targets Climate Activists With the Help of Big Tech." *The Intercept*, 27 Feb. 2021, theintercept.com/2021/02/27/india-climate-activists-twitter-google-facebook/. 2 TNN / Feb 3, 2019. "Youth Detained for 'Mistakenly' Liking Facebook Post Supporting Khalistan: Dehradun News - Times of India." *The Times of India*, TOI, timesofindia.indiatimes.com/city/dehradun/youth-detained-for-mistakenly-liking-facebook-post-supporting-khalistan/articleshow/67821860.cms. 3 Singh, Vijaita. "Evidence Gathered from Social Media Secures Conviction in Khalistani Case." *The Hindu*, *The Hindu*, 12 July 2019, www.thehindu.com/news/national/evidence-gathered-from-social-media-secures-conviction-in-khalistani-case/article28414529.ece. 4 Gopal, Navjeevan. "House Committee to Probe 'Torture' of Sikh Youths in Tihar, Labour Right Activists in Haryana Jail." *The Indian Express*, 6 Mar. 2021, indianexpress.com/article/cities/chandigarh/committee-to-probe-torture-of-sikh-youths-in-tihar-labour-right-activists-in-haryana-jail-no-deep-7216419/. 5 "India: Freedom in the World 2021 Country Report." Freedom House, freedomhouse.org/country/india/freedom-world/2021. 6 Stewart, Emily. "How China Used Facebook, Twitter, and YouTube to Spread Disinformation about the Hong Kong Protests." *Vox*, *Vox*, 20 Aug. 2019, www.vox.com/recode/2019/8/20/20813660/china-facebook-twitter-hong-kong-protests-social-media. 7 Samuel, Sigal. "China Paid Facebook and Twitter to Help Spread Anti-Muslim Propaganda." *Vox*, *Vox*, 22 Aug. 2019, www.vox.com/future-perfect/2019/8/22/20826971/facebook-twitter-china-misinformation-ughiur-muslim-internment-camps. 8 Mozur, Paul. "A Genocide Incited on Facebook, With Posts From Myanmar's Military." *The New York Times*, *The New York Times*, 15 Oct. 2018, www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html. 9 "Turkey: Social Media Law Will Increase Censorship." Human Rights Watch, 28 Oct. 2020, www.hrw.org/news/2020/07/27/turkey-social-media-law-will-increase-censorship#. 10 "Farmers' Protest: Rihanna Tweet Angers Indian Government." *BBC News*, *BBC*, 3 Feb. 2021, www.bbc.com/news/world-asia-india-55914858. 11 "Meena Harris Doubles Down on Support to Farmers, Slams 'Militant Nationalism'." *The Wire*, thewire.in/world/meena-harris-support-farmers-protest-militant-nationalism. 12 "Greta Thunberg Effigies Burned in Delhi after Tweets on Farmers' Protests." *The Guardian*, *Guardian News and Media*, 4 Feb. 2021, www.theguardian.com/world/2021/feb/04/greta-thunberg-effigies-burned-in-delhi-after-tweets-on-farmers-protests.

2Statement of SALDEF March 25, 2021 The actions of the Indian government, in conjunction with the full cooperation of big-tech corporations like Facebook, Twitter, and Google, play into a broader movement¹³ of unapologetic nationalism at the cost of religious minorities on the South Asian subcontinent. This active repression of the freedom of expression, protest, and speech only contributes to a growing instability in the region. As the paragon of democracy, the United States owes it to its citizens—many of whom are Sikhs and descendants of the Indian diaspora—to hold these social media platforms accountable to the freedom of speech. Without this, we will only see an even greater rise in the targeting of Sikh Americans and religious minorities—both at home and abroad. Sikh Censorship on Social Media Prior to the Indian Farmers' Protests

We have chosen to analyze the systematic censorship of the Sikh community in two categories: censorship prior to the start of the Indian Farmers' Protests and censorship during the Indian Farmers' Protests. This lens of analysis is merely a superficial method of breaking down the problem—the same issues of cultural insensitivity, deprioritization of minorities, and easily manipulatable digital infrastructure exist at the root of both. Since the development of social media as the predominant method for political discourse, political actors have hoped to seize control of the medium out of fear of its power for collective engagement. The Indian government has been no stranger to this means of political control in cases dealing with the Sikh community. A July 2020 report from the World Sikh Organization of Canada¹⁴ details hundreds of instances in which Sikhs have been unlawfully arrested without trial because of 'social media activity.' Human rights activists, political dissenters, and members of minority communities, especially Sikhs, have faced the brunt of these charges and arrests because of social media discourse. The lack of pre-existing internationally-enforced norms focused on social media conduct has led to the systematic suppression of peaceful communities. Even if the use of social media platforms for political suppression was conducted without cooperation with these platforms, it would still be incumbent on social media firms to prevent the use of their product for anti-democratic activity. However, social media companies, particularly Facebook through their Facebook and WhatsApp platforms, have on many occasions provided data from their servers for critical evidence in arrests and detainment. For example, in 2019, an 18-year-old boy in India was arrested after liking a poem on Facebook promoting a controversial Sikh-related political doctrine; and was released only after agreeing to deactivate his account.¹⁵ Similarly, the Indian government received assistance from WhatsApp and Facebook servers in 13 <https://www.v-dem.net/en/news/democratic-backsliding-india-worlds-largest-democracy/> ¹⁴ World Sikh Organization of Canada. Enforcing Silence: India's War on Sikh Social Media. July 2020, d3n8a8pro7vhmx.cloudfront.net/worldsikh/pages/824/attachments/original/1595202264/WSO_Social_Media_Crackdown_Report.pdf?1595202264. ¹⁵ TNN / Feb 3, 2019. Youth Detained For 'Mistakenly' Liking Facebook Post Supporting Khalistan: Dehradun News - Times of India. timesofindia.indiatimes.com/city/dehradun/youth-detained-for-mistakenly-liking-facebook-post-supporting-khalistan/articleshow/67821860.cms. ³Statement of SALDEF March 25, 2021 the United States to convict Jarman Singh on political charges.¹⁶ Such instances of anti-democratic cooperation represent a profound failure on the part of social media firms to protect their users of vulnerable minority communities. Social media firms have also been responsible for repeated and flagrant acts of undue content moderation against the Sikh community for much of 2020. With the global pandemic raging, online forums have become increasingly important as centers for political discourse. Additionally, as a diasporic community, online means of communication are essential for Sikh community organizing and information flow. The lack of accountability of these social media firms has disrupted our community's ability to congregate and respond to the growing crisis facing its members. On many occasions, especially around the anniversary of Operation Blue Star (June)¹⁷ and the 1984 anti-Sikh pogroms (November)¹⁸, #Sikh has been blocked by Instagram without any explanation as to why or what decision-making process went into informing those actions. The wholesale removal and suppression of a benign religious channel of discourse is unprecedented in the history of media and should have warranted a more urgent response.¹⁹ Yet, little continues to be said by these social media platforms about how they are ensuring that they protect the right to freedom of speech in and beyond India, especially as it relates to American

citizens. While instances of overt and visible censorship are more eye-catching and easily solvable by social media firms, a worrying undercurrent²⁰ of less visible content moderation remains the largest challenge to the Sikh community. On Instagram, for much of 2019 and 2020, all Sikh-related hashtags (including #Sikh, #Sikhism, #Turban, #Khalsa, and #Gurdwara) were constantly inundated with Turkish-language graphic pornographic bot spam that made these channels unuseable for community members. Additionally—especially around Sikh religious and cultural holidays, days of remembrance, and tragic anniversaries—benign individual posts will be flagged as ‘hate speech’ and removed by Instagram’s algorithm. These same patterns of undue content moderation have similarly been visible on Twitter, alongside the simultaneous allowance of violent hate speech targeted at community members. This level of censorship falls under a broader pattern of systematic oppression against minorities in and beyond India.²¹ Unfortunately, these issues have only heightened with the rise of the peaceful Indian Farmers’ Protest. ¹⁶ World Sikh Organization of Canada. Enforcing Silence: India's War on Sikh Social Media. July 2020, d3n8a8pro7vhmx.cloudfront.net/worldsikh/pages/824/attachments/original/1595202264/WSO_Social_Media_Crackdown_Report.pdf?1595202264. ¹⁷ “Instagram Blocks #Sikh Hashtag for the Second Time.” AsAmNews, 1 Dec. 2020, asamnews.com/2020/12/01/instagram-blocked-the-sikh-hashtag-amidst-the-punjab-farmers-protest/. ¹⁸ Admin, and Admin. “Facebook Censoring Sikhs during #SikhGenocide Week.” SikhPA, 3 Nov. 2020, www.sikhpa.com/facebook-censoring-sikhs-during-sikhgenocide-week/. ¹⁹ Philipose, Rahel. “#Sikh Hashtag Ban Lifted, but Community Still Looking for Answers.” The Indian Express, 15 June 2020, indianexpress.com/article/technology/social/sikh-hashtag-ban-lifted-but-community-still-looking-for-answers-6460117/. ²⁰ Singh, Jagmeet. “Instagram Blocks #Sikh Hashtag Yet Again for Some Users.” NDTV Gadgets 360, Gadgets 360, 28 Nov. 2020, gadgets.ndtv.com/apps/news/instagram-sikh-hashtag-block-facebook-2331467. ²¹ Person. “The Farmers’ Protests Are a Turning Point for India.” Time, Time, 12 Feb. 2021, time.com/5938041/india-farmer-protests-democracy/.

⁴Statement of SALDEF March 25, 2021 Sikh Censorship on Social Media During the Indian Farmers’ Protests In response to the Indian Agricultural Acts of 2020, farmers across India have been protesting since November 2020. Commonly referred to as the Indian Farmers’ Protests, this movement is the largest protest in modern Indian history. What’s more, Sikh and Punjabi Americans across the world, including in dozens of American cities, have also been rallying in support of the farmers and their movement. The response of the Indian government, however, has been particularly alarming.²² While the protests have been overwhelmingly peaceful, and have even served as sites for schooling, makeshift malls, and health clinics, they have been met by force from Indian law enforcement—the nature of which has been both excessive and, in certain cases, unlawful. Specifically, as more than 248 farmers died during the protests,²³ the Indian government and its respective law enforcement arms have taken a systematic approach to suppressing the movement. Human rights activists, including Disha Ravi,²⁴ Nodeep Kaur,²⁵ and Shiv Kumar,²⁶ have been kidnapped, imprisoned, sexually abused, and physically tortured. Journalists, including Mandeep Punia from The Caravan,²⁷ have been targeted,²⁸ illegally detained,²⁹ and charged.³⁰ Even an American physician from New Jersey who had traveled to Delhi in order to provide free medical aid to other injured protestors was brutally beaten by the Indian police.³¹ Most recently, a group of 25 women who refused to remove the Nishaan Sahib flag (i.e. a flag representing the Sikh faith) and the morcha flag (i.e. the flag representing the Farmers’ Protests) were arrested; among those detained was a two-year-old toddler.³² As a result, several Senators and Members of

Congress have spoken out about the human rights violations that have been taking place in India. These members include Senator Robert 22 “US Lawyers Write to President Biden on Farmers' Protests, Modi Govt's Repressive Tactics.” The Wire, thewire.in/rights/farmers-protests-uapa-caa-minority-muslim-sikh-joe-biden. 23 Chaba, Anju Agnihotri. “248 Farmers Have Died during Protest against Three Agri Laws!” The Indian Express, 21 Feb. 2021, indianexpress.com/article/india/248-farmers-have-died-during-protest-against-three-agri-laws-7198797/. 24 “What Exactly Is the Crime Disha Ravi Is Accused Of?” The Wire, thewire.in/rights/disha-ravi-toolkit-sedition-bail-farmers-protest-khalistan. 25 Pandey, Geeta. “Nodeep Kaur: The Jailed Activist Meena Harris Tweeted About.” BBC News, BBC, 17 Feb. 2021, www.bbc.com/news/world-asia-india-56071706. 26 Ajay Sura / TNN / Feb 19, 2021. “Farmers Protests: Punjab and Haryana HC Orders Medical Examination of Labour Activist Shiv Kumar: Chandigarh News - Times of India.” The Times of India, TOI, timesofindia.indiatimes.com/city/chandigarh/farmers-protests-punjab-and-haryana-hc-orders-medical-examination-of-labour-activistshiv-kumar/articleshow/81112915.cms. 27 Bal, Hartosh Singh. “If India Can Charge Journalists with 'Sedition' for Doing Their Jobs, It Has No Free Press.” The Guardian, Guardian News and Media, 6 Feb. 2021, www.theguardian.com/commentisfree/2021/feb/06/india-journalists-sedition-no-free-press-police-farmers-modi. 28 Al Jazeera. “Indian Journalists Accused of Sedition for Farmer Protest Reports.” Freedom of the Press News | Al Jazeera, Al Jazeera, 1 Feb. 2021, www.aljazeera.com/news/2021/2/1/indian-journalists-accused-of-sedition-over-farmers-stir-reports. 29 Kajal, Kapil, et al. “Muzzled, Detained, Jailed: What Journalists Face at Farmers' Protest Site.” The Federal, 1 Feb. 2021, thefederal.com/news/muzzled-detained-jailed-what-journalists-face-at-farmers-protest-site/. 30 “India: Journalists Covering Farmer Protests Charged.” Human Rights Watch, 2 Feb. 2021, www.hrw.org/news/2021/02/02/india-journalists-covering-farmer-protests-charged#. 31 Patel, Bhvishya. “US Doctor and His Team Are 'Brutally Beaten' by Police.” Daily Mail Online, Associated Newspapers, 30 Jan. 2021, www.dailymail.co.uk/news/article-9205129/US-doctor-team-brutally-beaten-police.html. 32 “Women Protesters on Their Way to Gurdwara Rakabganj Refuse to Remove 'Flags', Detained.” Tribuneindia News Service, 3 Mar. 2021, www.tribuneindia.com/news/punjab/women-protesters-refuse-to-remove-flags-detained-220217. 33 Statement of SALDEF March 25, 2021 Menedez (NJ), 33 Senator Cory Booker (NJ), Representative Brendan Boyle (PA-2), Representative Debbie Dingell (MI-120), Representative Jim Costa (CA-16), 34 Representative Josh Gottheimer (NJ-5), Representative Josh Harder (CA-10), 35 Representative Brian Fitzpatrick (PA-1), Representative John Garamendi (CA-3), 36 Representative Pramila Jayapal (WA-7), Rep. Ro Khanna (CA-17), 37 Representative Doug Lamalfa (CA-1), 38 Representative Sheila Jackson Lee (TX-18), Representative Andy Levin (MI-9), 39 Representative Donald Norcross (NJ-1), Representative Ilhan Omar (MN-5), 40 Representative Mary Gay Scanlon (PA-5), Representative Brad Sherman (CA-30), 41 Representative Eric Swalwell (CA-15), 42 and Representative David Trone (MD-6). 43 However, little has been said about the systematic increase in abuse, censorship, and disinformation the Sikh community is facing online as a result of these protests. Of particular note for this Committee is how the response of the Indian government, oftentimes in collaboration with social media companies and their respective platforms, has served to censor the movement. While freezing the assets of non-governmental organizations like Amnesty International in order to prevent them from operating in the nation after publicly denouncing the human rights violations in India, 44 the Indian government has also enforced internet blockages at and around the sites of protests. 45 33 “United States Senate Writes Letter in Support of Indian Farmer Protests.” Daily Sikh

Updates, 12 Dec. 2020, dailysikhupdates.com/united-states-senate-writes-letter-in-support-of-indian-farmer-protests/. 34 Costa, Rep. Jim. "The Unfolding Events in India Are Troubling. As a Member of the Foreign Affairs Committee, I Am Closely Monitoring the Situation. The Right to Peaceful Protest Must Always Be Respected. #FarmersProtest." Twitter, Twitter, 2 Feb. 2021, twitter.com/RepJimCosta/status/1356737481857785858. 35 Harder, Rep. Josh. "Indian Farmers Should Be Able to Express Their Frustrations about the New Laws Rolled out by Prime Minister Modi. I Stand with Indians and Indian Americans in the Valley in Support of Peaceful Protest and the Right to Petition Their Government.T.co/oOqdf6fLqF." Twitter, Twitter, 25 Jan. 2021, twitter.com/repjoshharder/status/1353848427239628802. 36 "Rep. Garamendi, American Sikh Caucus Co-Chair, Stands up for Indian Farmers Met with Violent Backlash During Peaceful Protests." Congressman John Garamendi, 11 Dec. 2020, garamendi.house.gov/media/press-releases/rep-garamendi-american-sikh-caucus-co-chair-stands-indian-farmers-met-violent. 37 Khanna, Rep. Ro. "India & the US Share a Rich Tradition of Democracy & Peaceful Protests. Farmworkers Are the Backbone of Both Our Nations & Must Have Their Voices Heard. I Hope There's a Peaceful and Fair Solution so They Can Provide for Their Families. I Am Encouraged by the Ongoing Dialogue." Twitter, Twitter, 13 Dec. 2020, twitter.com/RepRoKhanna/status/1337918194036535297. 38 LaMalfa, Rep. Doug. "I Stand in Solidarity with the Punjabi Farmers in India Protesting for Their Livelihoods and Protection from Misguided, Manipulative Government Regulations. Punjabi Farmers Must Be Allowed to Protest Peacefully against Their Government without Fear of Violence #IStandWithFarmers." Twitter, Twitter, 7 Dec. 2020, twitter.com/replamalfa/status/1336083214335684612. 39 Levin, Rep. Andy. "Last Week, I Called on the Indian Government to Respect the Vital Right to Peaceful Protest and to Engage in Good-Faith Talks to Ensure Farmers' Livelihoods Are Preserved. Read My Full Statement in the Congressional Record: <https://t.co/JiXazrwCT3>." Twitter, Twitter, 30 Dec. 2020, twitter.com/repandylevin/status/1344314306385620993. 40 Omar, Rep. Ilhan. "Solidarity with All the Farmers across India Protesting for Their Livelihood.India Must Protect Their Basic Democratic Rights, Allow for the Free Flow of Information, Reinstate Internet Access, and Release All the Journalists Detained for Covering the Protests. <https://t.co/uOvwNklu5n>." Twitter, Twitter, 3 Feb. 2021, twitter.com/IlhanMN/status/1357088420443602944. 41 Sherman, Rep. Brad. "I Urged the Indian Government to Make Sure That the Norms of Democracy Are Maintained, That Protesters Are Allowed to Protest Peaceably and to Have Access to the Internet, and to Journalists. All Friends of India Hope That the Parties Can Reach an Agreement. (2/2)." Twitter, Twitter, 5 Feb. 2021, twitter.com/BradSherman/status/1357827849655357445. 42 Swalwell, Rep. Eric. "The USA and India Were Built by Small Farmers, Diversity, and Democracy. We Cannot Stray from Our Shared Values. India Must Commit to Peace, Negotiate with Small Farmers, Restore Internet Access, and Reject Discrimination." Twitter, Twitter, 5 Feb. 2021, twitter.com/RepSwalwell/status/1357791381813608463. 43 "Trone Statement on Indian Farmer Protests." Representative David Trone, 22 Dec. 2020, trone.house.gov/media/press-releases/trone-statement-indian-farmer-protests. 44 Zargar, Arshad R. "India Freezes Amnesty International Bank Accounts after Reports Critical of Government." CBS News, CBS Interactive, 30 Sept. 2020, www.cbsnews.com/news/india-amnesty-international-bank-accounts-after-reports-critical-of-government-new-ngo-funding-law/. 45 Hollingsworth, Julia, and Esha Mitra. "India Cuts Internet around New Delhi as Protesting Farmers Clash with Police." CNN, Cable News Network, 3 Feb. 2021, www.cnn.com/2021/02/01/asia/india-internet-cut-farmers-intl-hnk/index.html. 6Statement

of SALDEF March 25, 2021 More aggressively, the Indian government pressured Twitter to remove over 500 accounts⁴⁶—many of which were based in the United States—and more than 150 tweets⁴⁷ related to Sikhism and the Farmers’ Protests—a significant portion of which were also blocked in the United States. Of the accounts successfully removed was @WorldSikhOrg, an account based outside of India. After being temporarily suspended from Twitter, they posted the letter they received from Twitter Legal, which outlined that the request to remove their account had come directly from Indian law enforcement.⁴⁸ Other accounts suspended include the Caravan, an unbiased news journal with a significant following in the United States; Kisan Ekta Morcha, one of the biggest accounts used to organize peaceful protests for farmers across the world; and activist, Hansraj Meena.⁴⁹ SALDEF also conducted its own qualitative study after the first round of Sikh censorship during the Farmers’ Protests and found that the accounts temporarily or permanently blocked were largely accounts outside of India based in the US, UK, and Canada. They include (but are not limited to) @SherePunjabUK (Twitter), @DalKhalsaUK (Twitter), @22Sxngh (Twitter), @FreeJaggiNow (Instagram), @everything_13 (Twitter), @savingpunjab (Instagram), and @Dawinderpal (Facebook). Facebook and Twitter are not alone in their coordination with the Indian government. In February, YouTube removed several songs by mainstream Punjabi artists at the request of the Indian government.⁵⁰ These songs, whose lyrics demonstrated support for the Farmers’ Protests, have since been unable to be viewed within India. Now, the Indian government is threatening to jail Facebook, WhatsApp, Twitter, and other platform employees who do not comply with their demands to censor content about the Farmers’ Protests.⁵¹ Most appalling, however, is how the Indian government receives direct assistance from big-tech companies to target activists. Companies like Facebook and Google have directly cooperated with the Indian government to provide whatever private information is requested to detain activists who are not explicitly violating the law. For example, Disha Ravi, a climate change activist and supporter of the Farmers’ Protests, was tracked down based on her accessing and editing a Google doc.⁵² Ravi spent 10 days in jail on claims enhanced by data collected by social media companies that were later ruled to have no legitimate basis whatsoever by an Indian Judge.⁵³ These actions by Google and Facebook come in stark contrast to other tech

46 Singh, Karan Deep. “Twitter Blocks Accounts in India as Modi Pressures Social Media.” *The New York Times*, *The New York Times*, 10 Feb. 2021, www.nytimes.com/2021/02/10/technology/india-twitter.html. 47 “Most Accounts Withheld by Twitter on IT Ministry Directions Now Restored.” *The Indian Express*, 1 Feb. 2021, indianexpress.com/article/india/twitter-withholds-multiple-accounts-following-direction-from-it-ministry-7170134/. 48 Garcha, Neetu. “Online Censorship Claims Shadow Indian Farmer Solidarity Protests.” *Global News*, *Global News*, 19 Dec. 2020, globalnews.ca/news/7532961/online-censorship-claims-shadow-indian-farmer-solidarity-protests/. 49 “Farmers Protest: Twitter Restores Blocked Indian Accounts.” *BBC News*, *BBC*, 2 Feb. 2021, www.bbc.com/news/world-asia-india-55898708. 50 Correspondent. “YouTube Takes down Song on Farmers' Protest Following Government Order.” *The Hindu*, *The Hindu*, 9 Feb. 2021, www.thehindu.com/news/national/youtube-takes-down-song-on-farmers-protest-following-govt-order/article33794366.ece. 51 Horwitz, Jeff, and Newley Purnell. “WSJ News Exclusive | India Threatens Jail for Facebook, WhatsApp and Twitter Employees.” *The Wall Street Journal*, *Dow Jones & Company*, 5 Mar. 2021, www.wsj.com/articles/india-threatens-jail-for-facebook-whatsapp-and-twitter-employees-11614964542. 52 Klein, Naomi. “India Targets Climate Activists With the Help of Big Tech.” *The Intercept*, 27 Feb. 2021, theintercept.com/2021/02/27/india-climate-activists-

twitter-google-facebook/. 53 Dutt, Barkha. "Opinion | I'm an Indian Journalist. A Video Called for Me to Be Hanged for My Reporting." The Washington Post, WP Company, 24 Feb. 2021, www.washingtonpost.com/opinions/2021/02/24/barkha-dutt-disha-ravi-video-complaint-journalism/?fbclid=IwAR2UfkNVVDYakiPBLQ DyPDvMMu5n7tvuBPkTCM-cktFJZKP-kwapT0Yjn-Q.

7Statement of SALDEF March 25, 2021 companies like Apple, for example, that have on multiple occasions refused to hand over private information to law enforcement.⁵⁴ Beyond the social media censorship of the Farmers' Movement directed by the Indian government, the algorithmic inconsistencies incorporated into these platforms seem to be biased against content by or about minority communities. For example, supporters of the Farmers' movement have been organizing around several hashtags including #KisaanMajdoorEktaZindabad, #KisaanEktaZindabad, #FarmersProtest, #Sikh, and #Sikhism, since Sikhs overwhelmingly occupy the agricultural sector in India. However, many of these hashtags were blocked in the United States and abroad, including #Sikh for the second and third times in 2020 alone.⁵⁵ Additionally, many popular US- and Canadian-based accounts that frequently posted using these hashtags were prevented from LiveStreaming.⁵⁶ Unfortunately, despite several attempts to gather more information from both Twitter and Facebook, little is known about what procedures were used to justify the removal, blockage, or banning of the hashtags. Similarly, no information is yet available about when these policies were implemented or who was involved in creating these policies. Additionally, since few media outlets report on these hashtag blocks, little is known about the exact number of times or for how long #Sikh and #Sikhism were taken down in 2020 and whether automated systems or humans were responsible for making these decisions.

Anti-Sikh Disinformation on Social Media

Disinformation has been at the center of this Committee and the nation's political discourse since the events of the 2020 election. However, the challenges that disinformation poses to minority communities have not received enough coverage. Social media has been used as a vehicle for anti-Sikh disinformation and for promoting acts of hate, bias, and intimidation against minority communities. Unsurprisingly, while the hashtags that have been used to mobilize the international community around the Indian Farmers' Protests and Sikh awareness have been blocked, banned, and censored, social media platforms have remained a steadfast lightning rod for the promotion of fake news, religiously charged hate speech, doctored graphics, and general disinformation-fueled political vitriol. Pro-government groups in India have leveraged the lack of accountability on social media platforms to coordinate attacks against religious minority groups across India. These activities are rooted in Hindu nationalism, and disturbingly mirror the sentiments of white supremacy in the United States that fueled the Capitol Riot on January 6th, 2021.

⁵⁴Feiner, Lauren. "Apple Refuses Government's Request to Unlock Pensacola Shooting Suspect's iPhones." CNBC, CNBC, 14 Jan. 2020, www.cnbc.com/2020/01/14/apple-refuses-barr-request-to-unlock-pensacola-shooters-iphones.html.

⁵⁵Kim, Yunkyo. "Instagram Blocks #Sikh Hashtag for the Second Time." As Am News, 1 Dec. 2020, asamnews.com/2020/12/01/instagram-blocked-the-sikh-hashtag-amidst-the-punjab-farmers-protest/.

⁵⁶Tera Fufad. "Image: Blocked from Sharing Live Video." Instagram, Tera Fufad, 26 Jan. 2021, www.instagram.com/p/CKf6hb2LKlA/?igshid=16i7r9r5l38yj.

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A World Sikh Organization report⁵⁷ points out how organizations like Asian News International (ANI) have been explicitly deployed to propagate anti-Sikh narratives, spread disinformation about the faith, and position them as anti-nationals and terrorists. These organizations use social media as their platform of operation—in ANI's case, by running several fake Facebook, Twitter, and Instagram

accounts to 'organically' spread their disinformation. In focusing on the Indian Farmers Protests specifically, disinformation in the forms of fake news and manipulated content continues to circulate social media.⁵⁸ Common examples have included falsified content on Facebook and Twitter that misidentifies protestors as known extremists⁵⁹; doctored videos from past protests⁶⁰ that associate current protestors with separatist or terrorist movements⁶¹; and manipulated graphics or photos used to foment anti-Sikh sentiment⁶². All of this information propagated by vigilante groups on Facebook and WhatsApp platforms to incite violence against minorities⁶³ is then legitimized by government Twitter accounts⁶⁴. This ecosystem of disinformation is entirely housed on social media platforms and has been allowed to fester without regulation. As we learned in January, the consequences of these 'Big Lies' are far more than hurt feelings and unproductive discourse. Last month, Twitter did not remove the #Shoot, which called for the murder of protesting farmers, when it began trending⁶⁵. These tools of stirring up violence inevitably result in violence. Specifically, this inaction led to the death of a protestor on-the-ground in New Delhi. No information has yet been released on why the same procedures to block benign Sikh hashtags were not utilized to block #Shoot when it was explicitly attempting to incite violence against vulnerable protestors. The Increasing Threat to the Sikh Community Online On February 25, 2021, the Indian government implemented secondary legislation that dramatically increased its oversight of social media platforms. What is especially dangerous to individuals outside of India is the burden of high liability and quick turnaround time placed on social media platforms to present requested information on its users, particularly those who post content deemed inappropriate by the Indian government. This requirement perpetuates a

57 World Sikh Organization of Canada. India's Disinformation Campaign Against Canada's Sikhs. d3n8a8pro7vhmx.cloudfront.net/worldsikh/pages/1608/attachments/original/1612320038/wso_in_dia_disinfo_report2.pdf?1612320038

8. 58 Dahiya, Himanshi. "We Know Why We Are Protesting': Farmers Respond to Fake News." *The Quint*, 8 Dec. 2020, www.thequint.com/news/webqoof/farmers-at-singhu-border-respond-to-social-media-disinformation.

59 Capron, Alexandre. "Why Are Protesting Farmers in India Being Labelled 'Violent Muslim Infiltrators'?" *The Observers - France 24*, *The Observers - France 24*, 28 Jan. 2021, observers.france24.com/en/asia-pacific/20210128-farmers-india-protests-fake-news-social-media.

60 Alphonso, Anmol. "Farmers' Protests: How Old Visuals Were Used To Peddle A Pro-Khalistan Narrative." *BOOM, BOOM*, 14 Dec. 2020, www.boomlive.in/fake-news/farmers-protests-how-old-visuals-were-used-to-peddle-a-pro-khalistan-narrative-11090.

61 Pathan, Aqib. "Old Video from UK Viral as Farmers Raising pro-Pak and Khalistan Slogans during Protests." *Alt News*, 30 Nov. 2020, www.altnews.in/old-video-from-uk-viral-as-farmers-raising-pro-pak-and-khalistan-slogans-during-protests/.

62 Webqoof, Team. "Fake News From Anti-CAA Stir Now Being Linked to Farmers' Protest." *The Quint*, 2 Feb. 2021, www.thequint.com/news/webqoof/fake-news-from-anti-cao-stir-is-now-targeting-farmers-agitation.

63 Ali, Mohammad. "The Rise of a Hindu Vigilante in the Age of WhatsApp and Modi." *Wired*, *Conde Nast*, www.wired.com/story/indias-frightening-descent-social-media-terror/.

64 Kajal, Kapil, et al. "Protesting Farmers Counter Propaganda, Fake News with IT Cell, Newsletter." *The Federal*, 23 Dec. 2020, thefederal.com/news/protesting-farmers-counter-propaganda-fake-news-with-it-cell-newsletter/.

65 Dixit, Pranav. "Violent Protests Erupted In India. Then Calls For Police To Shoot The Protesters Went Viral On Twitter." *BuzzFeed News*, *BuzzFeed News*, 27 Jan. 2021, www.buzzfeednews.com/article/pranavdixit/india-protests-viral-tweets-police-brutality.

9Statement of SALDEF March 25, 2021 culture of sharing personally

identifiable information under the specter of legal threat that critics argue will have significant consequences on free expression for those outside of India.⁶⁶ This threat, however, is doubled for those in the United States who identify with the broader Indian diasporic community: not only will the sharing of information potentially impact their own ability to travel to and from India or place them under the threat of being doxxed, but the lives and safety of their family members in India will also be at great risk by a government that has had a history of targeting activists, political dissenters, and minorities. Compliance with this legislation demonstrates yet another instance of social media companies prioritizing their business interests over consumer protection. It is imperative that Congress hold these platforms accountable to the safety of their users. In particular, the IT Rules of 2021 put forth a series of problematic measures that include appointing a Chief Compliance Officer (CCO) who is legally responsible for its employer's actions. In other words, if Facebook, Twitter, or Google does not present the Indian government the requested user information in 36 hours, the CCO will face legal punishment.⁶⁷ The CCO is also responsible for ensuring that its employer's platform resolves broader content grievances flagged by the Indian government within 15 days. However, given the sheer amount of content regularly published on these platforms, this places an incredibly onerous burden on social media companies, calling into question whether these platforms will be able to accurately determine if content is worthy of being removed.⁶⁸ This policy is contributing to what some critics are calling a slippery slope: since social media companies and its respective employees do not have enough time to critically examine whether certain flagged content is verifiably problematic, this requirement may lead to otherwise benign content getting censored both in India and abroad. The aforementioned issue is further compounded by the fact that this legislation does not have a mechanism to prevent the lodging of frivolous and baseless grievances.⁶⁹ Equally concerning is their first originator clause that demands platforms to provide the Indian government with the information of the original poster for any flagged content that is deemed problematic by the Indian government. In order to obtain this information, platforms like WhatsApp would be required to break down its end-to-end encryption that has historically served to protect its users.⁷⁰ Of grave importance to Congress is the substantial threat this requirement poses to American users' privacy and safety: given the quick turnaround time legislated by the 2021 IT Rules, it is very plausible that social media platforms may overshare ⁶⁶ Seah, Jessica. "'Future Police State': What India's New Internet Rules Mean for Twitter, Facebook." Law.com International, 17 Mar. 2021, www.law.com/international-edition/2021/03/17/future-police-state-what-indias-new-internet-rules-mean-for-twitter-and-facebook/. ⁶⁷ Makkar, Angad. "INFORMATION TECHNOLOGY RULES 2021- USHERING IN A STRICT REGIME OF INTERNET CENSORSHIP FOR INTERMEDIARIES AND DIGITAL MEDIA." IPRMENTLAW, 7 Mar. 2021, iprmentlaw.com/2021/03/07/information-technology-rules-2021-ushering-in-a-strict-regime-of-internet-censorship-for-intermediariesand-digital-media/. ⁶⁸ Ibid. ⁶⁹ Ibid. ⁷⁰ Pahwa, Nikhil. "View: New IT Rules Are an Overreach, Will Impact Our Freedoms." The Economic Times, Economic Times, 14 Mar. 2021, economictimes.indiatimes.com/news/politics-and-nation/view-new-it-rules-are-an-overreach-will-impact-our-freedoms/articleshow/81491676.cms?from=mdr. ¹⁰Statement of SALDEF March 25, 2021 first originator information, which could ultimately be used against the originator or their family members within the borders of India. With the Indian ministry gaining full authority to block any content it deems offensive, it has gained with it the excessive power to control the narrative of online content.⁷¹ Whenever freedom of speech, protest, and assembly are taken from the people—and placed in the hands of social media companies

themselves or their government allies—the very foundation of democracy is threatened. Especially in today’s globalized world, the 2021 IT Rules threaten the ability of those even outside the borders of India. For this reason, it is even more critical that we hold social media companies accountable to our democratic values, as well as the safety and security of its users across marginalized communities.

Recommendations In light of the systematic increase in censorship of and disinformation against the Sikh community, SALDEF joins other marginalized groups in calling for the immediate implementation of accountability standards for US social media platforms. Congress should mandate oversight measures to monitor the condition of discourse on social media platforms, with a specific eye towards their impact on minority communities. Specifically, such measures should ensure that benign content is neither flagged nor banned simply due to a lack of cultural accountability in algorithmic standards. Instead, we ask for an explicit commitment from these organizations to roll out new content moderation standards that prevent violence against marginalized groups while protecting the safety of users’ rights to speech and congregation. A prerequisite for such standards should be prioritizing working with community-based organizations to ensure they have access to the appropriate datasets and algorithmic inputs that would allow for efficient monitoring of discourse across their platforms. At the same time, it is imperative that these companies implement stronger systems to remove objectionable rhetoric from its platforms whose sole purpose is to spam online spaces for minority community-based organizing. Oftentimes, this spamming takes place in the form of user-generated, mass-file reports against benign content, resulting in their removal. With this in mind, SALDEF urges Facebook, Google, and Twitter to implement more rigorous moderation systems to prevent the misuse of its digital compliance infrastructure. Simultaneously, these platforms should work with minority communities to ensure they have a proper path of recourse to revive their appropriate content. Additionally, SALDEF calls for transparency in both the decision-making behind and implementation of its content moderation standards and policies. As outlined throughout this document, Sikh Americans are especially concerned with how the standards mandated by foreign governments have and will continue to impact their ability to communicate, organize, and post online. In particular, it has become clear that the censorship of content in India has biased algorithmic content to automatically censor the same content in other regions of the world, including the United States. Moving forward, we hope that Congress will urge these 71 Ibid (Pahwa). 11Statement of SALDEF March 25, 2021 platforms to share their plans to prevent the ‘spillover’ of content moderation outside of the borders of specific countries and into the United States. Moreover, SALDEF joins other community organizations in calling for Facebook, Google, and Twitter to specifically outline how they will ensure those in power are not favored at the expense of minority communities. SALDEF also joins the Asian American and Pacific Islander community in calling for increased institutionalized civil rights protections in American telecommunications monitoring. Section 230’s current formulation has allowed for unchecked moderation power on the parts of social media platforms with little demonstrated interest in American civil liberties. Additionally, the FCC has no codified civil rights working group to monitor ongoing potential concerns. We call on Congress to pass legislation that ensures these regulatory gaps are filled. Conclusion SALDEF thanks the Subcommittee on Consumer Protection and Commerce and the Subcommittee on Communication and Technology for bringing awareness to the perpetuation of disinformation on social media platforms, especially as it relates to on-the-ground, real-life harm against individuals. We urge members of these Subcommittees to bear in mind the disproportionate amount of

violence faced by minority communities due to these very issues, including the Sikh American community. With the facts presented during Thursday's hearing and submitted through this testimony, we hope that you will hold Facebook, Twitter, and Google accountable to culturally-competent policies; call for greater transparency in their decision-making; and implement the necessary systems to take into account greater community feedback and improve algorithmic standards. Respectfully submitted, Kiran Kaur Gill Executive Director | SALDEF 12