

April 10, 2024

Mark Zuckerberg  
Meta  
1 Hacker Way, Menlo Park, CA 94025

**Enforce the political advertising silence period and take comprehensive measures to uphold human rights during India's elections**

Dear Mr Zuckerberg,

**As elections approach in the world's largest democracy, we, members of the Indian diaspora and allies from around the world, are writing to address pressing issues concerning Meta's involvement in electoral processes and associated human rights violations in India.** We call on Meta to take action to uphold integrity of electoral processes and democratic principles in India, and to review its operational policies to ensure neutrality and transparency during election periods.

It is imperative that Meta's terms and regulations do not override the laws established by sovereign states such as that of India, particularly in democracies where such platforms operate. This is also reflected in the UN Guiding Principles on Business and Human Rights: Principle 23 reflects that "business enterprises should comply with all applicable laws". To this end, we are jointly sending you a **10-point-plan attached to this letter**, which contains **measures tailored to the Indian context** that you must urgently implement on your platforms to comply with your obligations to address your adverse human rights impact. We especially call on Meta to reinforce the Election Commission of India's requirement for a **forty-eight-hour silence period for political advertising before each election phase**.

**Specifically, we call on Meta to take urgent measures to implement the following 10-point-plan for India's 2024 elections:**

1. **Adopt election silence period:** Ahead of India's 2024 General Elections, social media corporations should make sure they do not profit from hateful, disinformative, or partisan content, and adopt an election silence period, in accordance with Indian laws which impose a mandatory election silence period of 48 hours prior to voting. Social media has become a virtual town square where people from all walks of life come to share, experience, hear and be heard,

form opinions, and collaborate on agenda-setting. Sections 126, 126A, and 135C of the Representation of the People Act, 1951 (RP Act) delineate regulations concerning election-related activities during the silence period, which begins forty-eight hours before the polling in each phase of India's elections. Specifically, under Section 126: *"no person shall convene, hold, (a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area."*

2. **Ensure transparency by vetting who they are receiving money from:** Social media corporations should ensure transparency by disclosing financial information relating to paid online advertisements, and in accordance with India's election laws regulating campaign finance, establish a strict corporate policy limiting political advertising. As proxy advertisers place advertising for political candidates on their behalf, funding requirements must be uniform across advertisers and advertising types. They must especially ensure that they collect all identifying information about advertisers who donate in excess of the legal limit of INR 20,000 in line with India's Representation of the People Act.
3. **Ban shadow advertisers:** It is imperative that social media town squares are not ceded to bad actors utilizing divisive and hateful rhetoric with malicious intent, or to singular political parties to promote partisan agendas. Therefore, social media corporations should ban the proxy and shadow advertisers who cannot be vetted as legal persons. Social media corporations should ensure that advertising verification processes goes beyond requiring phone number or virtual identifications, as malicious actors may circumvent these processes and remain anonymous, leading to disclaimers becoming defunct.

4. **Ensure that fact-checkers in India can label misinformative and disinformative advertisements:** Social media corporations should apply rules equally to advertising and organic content, to prevent financial incentives for harmful content. Therefore, social media corporations should allow fact-checkers to fact-check and label advertising of any kind.
5. **Ensure fact-checked information is correctly labelled and/or removed in all languages:** Ensure that fact-checking labels are placed for content regardless of the languages that the fact-checked content appears in. Once a fact-checker has flagged the content in any one of the Indian languages, it should be automatically removed/flagged in all other Indian languages as well.
6. **Ensure that dehumanizing, caricaturing, demonizing of women and minorities in India is checked and restricted in line with the platform's hate speech policy:** Social media corporations should ensure that their policies on hate speech and disinformation adequately reflect the gravity of religiously coloured and communal content in India, and the way in which people react to inciteful content, across Indian society, from those with greater education and socio-economic capital to those with little and making certain groups of people, including women and particularly minority women, even more vulnerable. Content may have a toxic effect and generate hate between religious and caste communities solely based on the visual content, even if the accompanying text would give the opposite impression. Therefore, when moderating content and developing policies that target text, social media corporations should recognise that the toxicity of content needs to also be judged based on the graphic content in and of itself, without reference to the accompanying text. Social media corporations should ensure that their staff and automated detection models are adequately equipped for a nuanced understanding of context specific patterns of visual content that may not technically qualify but incites people to violence. To this end, social media corporations should adjust the regular triage for content moderation, which involves human moderators based on severity, virality and likelihood of violating policy, for the Indian elections, and ensure human review of content to increase the accuracy of reviewing decisions. Build

fast-track appeal mechanisms for automated content moderation decisions, to enable users to directly flag content to a human reviewer and bypass algorithmic assessment, which is inherently biased and insufficient. Additionally, they should have online grievance mechanisms with human review for individuals who want to appeal their decisions.

7. **Proactively act to restrict re-spawning disinformation and hate speech pages and profiles:** When social media corporations identify content violating platform policy on incitement to violence, hate speech, dangerous organisations and individuals, and associated harms, including disinformation and gendered disinformation, they should archive the content before removal. Archiving is essential for judicial investigations in posterity and to be able to identify duplicate versions of the same content circulating online. Train and employ AI tools to identify whether content previously identified as violating platform policies resurfacing in identical format, different languages, or on other accounts, and escalate such content during review.
8. **Remove the political exemption on hate speech and viral disinformation:** Social media corporations should ensure that no content, including by political candidates, violates Indian domestic law on hate speech and incitement to violence, and election rules more broadly. This also means that they ensure that all political ads on their platform must be pre-certified by the Media Certification and Monitoring Committees in line with Supreme Court orders.
9. **Allocate resources proportionately to the risk of harm to users:** Social media corporations should allocate budget in proportion to risk of harm and build on conclusions of human rights impact assessments to regulate their content moderation policies. Investment figures and numbers of employees and contractors per language/dialect, for trust and safety efforts specifically for India must be published and resourcing decisions must be justified. Social media corporations should adequately staff content moderation and fact-checking teams, and be transparent about their staffing. Provisions must be made to ensure expertise in content moderation on national and regional context in all

22 official languages and related dialects for content moderation and fact-checking. Social media corporations should allocate budget in proportion to the market size and build on conclusions of human rights impact assessments to regulate their content moderation policies.

**10. Shut down the recommender system and make your algorithms open for public audits by civil societies and academia:** Social media corporations should shut down recommender algorithms in their platform systems based on personal data and personal behavioural profiling. Research has demonstrated that due to cognitive psychological reasons people prefer groups and behaviours like their own. The research has also demonstrated that such group-seeking behaviour on social media reinforces social media's own recommender system that targets individuals based on personal data and has the capacity to create effective polarization in society and harm democracies. To ensure voters have access to all information and not merely information they already align with, social media must shut down recommendation system based on personal data. Social media corporations should also conduct periodic human rights impact assessments, including auditing of algorithms and recommender systems. To this end, social media corporations should proactively seek collaboration with diverse stakeholders, including the Election Commission of India, civil society and academic researchers, to allow auditing of algorithms and recommender systems. Social media corporations should also release the full conclusions in an unredacted format to the public, in compliance with the UN Guiding Principles on Business and Human Rights. Without the full picture of how social media practices and policies impact human rights in India and the specific findings and recommendations in the impact assessment, it is impossible for stakeholders – governments, civil society organisations, researchers, and individuals – to effectively scrutinise social media policies and assess their adequacy, or to support in developing better models.

We, the undersigned,

1. #Jesuislà
2. #ShePersisted

3. 'NEVER AGAIN' Association
4. Africa Sans Haine
5. Aláfia Lab | \*desinformante
6. All Out
7. Centre for Artificial Intelligence Ethics and Governance in Africa (CAIEGA)
8. Civil Society Advocacy Network on Climate Change and the Environment  
Sierra Leone
9. Consortium of Ethiopian Human Rights Organizations (CEHRO Ethiopia)
10. Daraj
11. Digital Action
12. Ekō
13. Fair Vote UK
14. Foundation The London Story
15. Friends of Democracy
16. Global Project Against Hate and Extremism
17. GoVote Nigeria
18. Greek Helsinki Monitor
19. Hindus for Human Rights
20. Hindus for Human Rights Australia and New Zealand
21. Hindus for Human Rights United Kingdom
22. Human Rights Journalists Network Nigeria
23. India Civil Watch International
24. India Labour Solidarity (UK)
25. Indian American Muslim Council
26. International Council of Indian Muslims
27. International Solidarity for Academic Freedom in India
28. Migrant, Immigrant & Refugee Rights Alliance (MIRR Alliance)
29. Next Billion Network
30. Rinascimento Green
31. Sleeping Giants Brasil
32. South Asia Solidarity Group
33. Tech4Peace
34. The Campaign On Digital Ethics (CODE)
35. The Citizens/Real Facebook Oversight Board
36. The Hope and Courage Collective
37. The Humanism Project
38. WHAT TO FIX