

**INTERNATIONAL JOURNAL OF LAW**  
**MANAGEMENT & HUMANITIES**

**[ISSN 2581-5369]**

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**Volume 4 | Issue 5**

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**2021**

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# Role of Media on the Xenophobic Approach on the Coronavirus

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## ABSTRACT

*In the previous hardly any months, COVID-19, the malady brought about by another strain of coronavirus, has detonated over the globe. The spread of the infection has been coordinated by the expansion of misinformation and 'hate speech' coordinated at people of Chinese or Asian descent, the world over and on Muslims in India. In February, the World Health Organization raised worries about an 'infodemic' brought about by a surge of bogus and deceiving data about COVID-19. The media and online media organizations should likewise add to the battle against misinformation and 'hate speech' identified with the COVID-19. Worldwide and public laws perceive that phenomenal conditions require unprecedented measures. This implies those specific fundamental rights, including the right to freedom of expression and the right to seek and impart information, might be confined to address the current emergency as long as governments apply fundamental popularity based standards and a progression of protections, and the obstruction is legal, restricted as expected, and not self-assertive. In this paper, I have characterized and validated the rule of law, and the rights to freedom of expression and the right to receive and to impart information, just as the anti-racist thought invaded into the contemplations of common man, is ensured all through this emergency and later on.*

## I. INTRODUCTION

*"We're not just fighting an epidemic; we're fighting an infodemic..... spreads faster and more easily than this virus."*

**- Tedros Adhanom Ghebreyesus, Director-General of the World Health Organization**

Everyone Globally, the web has become a awfully vital platform of information regarding novel coronavirus (COVID-19) pandemic. Google Trends tool provides real-time insights into internet search behavior on varied topics, as well as COVID-19.<sup>2</sup> Overall, the interest to look at the data's of social media to monitor and understand public behavior has increased in real-

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<sup>2</sup> Rovetta A, Bhagavathula AS, Global Infodemiology of COVID-19: Analysis of Google Web Searches and Instagram Hashtags, J Med Internet Res 2020;22(8):e20673.

time.<sup>3</sup> On the account of the advancement of digitalization and globalization social media platforms are used unremarkably by all, which is used to share hate and abusive comments, which now touched upon the racism and xenophobia. Not only the social media, the journals and media tend to also show bias, which also provides hate speech and which is much worse, since disinformation and misinformation is violation of basic human rights

## II. RIGHT TO FREEDOM OF EXPRESSION AND INFORMATION

The Article 19 of the Universal Declaration of Human Rights (UDHR) protects the right to freedom of expression. The scope of the right to freedom of expression is broad. Article 19(2) of the International Covenant for Civil and Political Rights requires States to guarantee to all people, “*Right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*” The UN Human Rights Committee (HR Committee) interpreted the ICCPR and stated that the right to freedom of expression extends to political statements, teaching and journalism, discussion of human rights issues, personal commentary and private communications, and provides protection for online expression.<sup>4</sup>

No right is absolute, so is right to freedom of expression. States have the power restrict the right in order to protect sovereignty of the state, which includes public health. However, the HR Committee has stated that restrictions must not be arbitrary and should be within the mandates of the “*three-part test*”.<sup>5</sup>

The Three-part test states that, any restriction must be:

- Provided for by law: limitations must be given impact by a law or guideline detailed with adequate exactness to empower people to adjust their direct appropriately;
- In pursuit of a legitimate aim: any limitation must be an objective to one of the state interests specified in Article 19(3), recorded solely as regard for the rights or notorieties of others, the assurance of public security, public request or general health or ethics;
- Necessary and proportionate: the state must exhibit in a particular and individualized manner the exact idea of the danger, and the need and proportionality of the particular

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<sup>3</sup> *Id.*

<sup>4</sup> HR Committee, General Comment No. 34 on Article 19: Freedom of opinion and expression, UN Doc. CCPR/C/GC/34.

<sup>5</sup>*Id.*

activity taken, specifically by building up an immediate and quick association between the articulation and the danger.<sup>6</sup>

Further, Article 20(2) of the ICCPR explicitly prohibits any advocacy of national, racial or religious hatred which in turn kindles discrimination, hostility or violence.

### **(A) Misinformation, Disinformation and State Sponsored Propaganda**

Online stages just as state entertainers have been doing combating misinformation and disinformation for quite a while are not extraordinary to the Covid-19. With regards to an exceptional crisis, notwithstanding, deception and disinformation about the pandemic represent a genuine danger to public health.<sup>7</sup> These terms as characterized as international human rights motoring bodies<sup>8</sup>, “Disinformation comprises of proclamations which are known or sensibly ought to be known to be bogus. It misdirects the populace, and as a result it meddles with the public's entitlement to know and the privilege of people to seek, receive and impart information.<sup>9</sup> Misinformation is false information, yet the individual who is scattering it trusts it to be valid. State-supported purposeful publicity adds up to proclamations which show a careless dismissal for unquestionable datas.<sup>10</sup>

In the midst of a worldwide pandemic, the COVID-19, governments can take-up uncommon powers to acquaint phenomenal measures with forestall and bring relief to public health, subject international human rights law and additional domestic constitutional standards.<sup>11</sup> Exceptional powers and measures are carefully characterized as explicit types of legitimate requests by Constitutions and legal systems, and acknowledged in global and provincial human

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<sup>6</sup> Dr. Agnes Callamard, Expert meeting on the links between articles 19 and 20 of the ICCPR: Freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, UN HCHR (October 2-3), <https://www.ohchr.org/Documents/Issues/Expression/ICCPR/Seminar2008/PaperCallamard.doc>

<sup>7</sup> Brennen, Simon, Howard & Nielsen, Types, Sources, and Claims of COVID-19 Misinformation, (May 12, 2020, 01.19 AM), <https://reutersinstitute.politics.ox.ac.uk/types-sources-and-claims-covid-19-misinformation>

<sup>8</sup> The United Nations (UN), The Organization for Security and Co-operation in Europe (OSCE), the Organization of American States (OAS) the African Commission on Human and Peoples' Rights (ACHPR). Joint Declaration on Freedom of Expression and Fake News, Disinformation and Propaganda, 2017, (May 12, 2020, 11.00 PM), <https://www.osce.org/fom/302796?download=true>

<sup>9</sup> Informing the “Disinformation” Debate, European Digital Rights (18 October 2018), [https://edri.org/files/online\\_disinformation.pdf](https://edri.org/files/online_disinformation.pdf)

<sup>10</sup> Avani Singh, The Disinformation Dilemma: Recent Developments to Fight Fake News, Altadvisory (6 Apr, 2018), <https://altadvisory.africa/2018/04/06/the-disinformation-dilemma-recent-developments-to-fight-fake-news/>

<sup>11</sup> United Nations. Office of the High Commissioner on Human Rights. COVID-19: States should not abuse emergency measures to suppress human rights, 2020. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E>; Michele Bachelet. Coronavirus: Human rights need to be front and centre in response, 2020. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx>; and Council of Europe. We must respect human rights and stand united against the coronavirus pandemic, 2020. <https://www.coe.int/en/web/commissioner/-/we-must-respect-human-rights-and-stand-united-against-the-coronavirus-pandemic>

rights law, including Article 4 of the International Covenant on Civil and Political Rights, Article 15 of the European Convention on Human Rights, and Article 27 of the American Convention on Human Rights.<sup>12</sup>

### **(B) Policy of different Countries**

From the earliest starting point of the flare-up, Chinese specialists have impeded COVID-19-related content on online media and WeChat, as reported by Citizen Lab,<sup>13</sup>

Vice President of United States Mike Pence was appointed as a data guardian who had the only control of informing the public.<sup>14</sup> The White House is supposedly working with supportive of Trump social media influencers<sup>15</sup> to guard the president's reaction<sup>16</sup> to the pandemic and reprimand his political rivals for the disappointments of his administration.

In Russia, medical experts have communicated genuine concerns about whether the official official public health data delivered by the administration during the pandemic completely compares to the truth on the ground. Accordingly, nearby and government authorities have attempted to control public informing by forestalling doctors and heads of medical institutions from addressing the media and proposing that the individuals who bring issues to light about the absence of readiness by the Russian medical services framework for a pandemic ought to be explored.<sup>17</sup> Russia has passed enactment in light of COVID-19 that imposes as long as three years in prison for “threatening people’s lives and safety” with bogus data and as long as five years for “distributing deliberately false information of public significance” on the off chance that it prompts demise or “other grave consequences.”<sup>18</sup>

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<sup>12</sup> European Court of Human Rights. Guide on Article 15 of the European Convention on Human Rights, 2019. [https://www.echr.coe.int/Documents/Guide\\_Art\\_15\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Art_15_ENG.pdf)

<sup>13</sup> Ruan, Knockel, Crete-Nishihata. Censored Contagion: How Information on the Coronavirus is Managed on Chinese Social Media. Citizen Lab, 2020. <https://citizenlab.ca/2020/03/censored-contagion-how-information-on-the-coronavirus-is-managed-on-chinese-social-media/>

<sup>14</sup> Shear & Haberman. Pence Will Control All Coronavirus Messaging from Health Officials. The New York Times, 2020. <https://www.nytimes.com/2020/02/27/us/politics/us-coronavirus-pence.html>

<sup>15</sup> Suebsaeng & Banco, White House Privately Backchannels Its Coronavirus Messaging to Conservative Social-Media Influencers, THE DAILY BEAST, (May 12, 2020, 11.53 PM), <https://www.thedailybeast.com/trump-white-house-privately-backchannels-its-coronavirus-messaging-to-conservative-social-media-influencers>

<sup>16</sup> Christian Paz. All the President’s Lies About the Coronavirus. THE ATLANTIC, (May 12, 2020, 09.36 PM), <https://www.theatlantic.com/politics/archive/2020/04/trumps-lies-about-coronavirus/608647/>

<sup>17</sup> Greenberg & Fomina. Russia says it has hardly any coronavirus cases. Doctors say otherwise. CODA STORY, (May 12, 2020, 11.56 PM), <https://www.codastory.com/waronscience/russia-coronavirus-mistrust/>; Lyudmila Savitskaya. In Pskov, doctors were forbidden to communicate with the press without coordination with officials, (May 12, 2020, 09.11 PM), <https://www.severreal.org/a/30525110.html>; Irina Titova. Doctors in Russia are accusing the government of covering up its coronavirus outbreak and denying them protective equipment. BUSINESS INSIDER, (May 19, 2020, 02. 27 PM), <https://www.businessinsider.com/coronavirus-russia-doctors-say-government-is-covering-up-cases-2020-3>

<sup>18</sup> The Moscow Times. Russians Risk Fines, Jail Time for Dodging Coronavirus Quarantine, (May 23, 2020, 09.39 PM), <https://www.themoscowtimes.com/2020/04/01/russians-risk-fines-jail-time-for-dodging-coronavirus-quarantine-e-a69818>

South Korea is making a move dependent on past involvement in the 2003 SARS pestilence, the Korea Centers for Disease Control and Prevention (KCDC) gave straightforward, basic, and target data to general society from the earliest starting point of the pandemic.<sup>19</sup> The information about the spread of COVID-19 was consistently refreshed and effectively available through the KCDC's authentic site. South Korea has passed explicit enactment, the Infectious Diseases and Prevention Control Act.<sup>20</sup> The law specifies that the responsible ministry need to reveal all important data to residents for forestalling irresistible sickness, for example, development ways, and transportation, clinical therapy institutions, etc.<sup>21</sup> Some consider the South Korean methodology “a democratic response to coronavirus.”<sup>22</sup> However, it must be noticed that the legislature has additionally been following and posting on the web definite area information of individuals affirmed and suspected to be tainted by the infection, which is a profoundly protection meddlesome practice that abuses international human rights law of privacy.<sup>23</sup>

### **(C) Disaster Management Act, 2005 and False information**

Rumors are a deadly weapon that influences the resolve of the individuals. The law enforcement agencies have power under law to make lawful move against any individual who spreads rumors about the infection and spreading scorn against a particular network of individuals.

India has laws and rules to manage counterfeit news and delicate individual information dissemination on the web. Endeavors are being made to improve their extension and make them more successful. The Information Technology Act, 2000 and the standards around the Act have a broad extension to factor in many situations of violations.

In the current circumstance, there is the extra preferred position of the provisions of Section 54 of the Disaster Management Act, 2005 (DMA), which manage bogus admonition around a debacle prompting panic. The Circular of the Ministry of Home Affairs additionally makes reference to the relevance of Sections 505 and 188 of the Indian Penal Code and Section 3 of the Epidemic Disease Act, 1897. Utilizing these provisions, a few people have been arrested

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<sup>19</sup>Korea Centers for Disease and Control Prevention, (May 21, 2020, 02.18 PM), <https://www.cdc.go.kr/board/board.es?mid=a30402000000&bid=0030>

<sup>20</sup>Korea Legislation Research Institute - Infectious Disease Control and Prevention Act (amended in 2020), (May 21, 2020, 01.54 PM), [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=40184&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=40184&lang=ENG)

<sup>21</sup> Seokim Lee, Fighting COVID-19: Legal Powers and Risks, (May 19, 2020, 10.36 PM), <https://verfassunggsblog.de/fighting-covid-19-legal-powers-and-risks-south-korea/>

<sup>22</sup> Eun A Jo, A Democratic Response to Coronavirus: Lessons from South Korea, (May 27, 2020, 11.46 AM), <https://thediplomat.com/2020/03/a-democratic-response-to-coronavirus-lessons-from-south-korea/>

<sup>23</sup> Mobile Location Data and Covid-19: Q&A, Human Rights Watch (May 13, 2020, 12:01AM EDT), <https://www.hrw.org/news/2020/05/13/mobile-location-data-and-covid-19-qa>.

across states. In any case, these activities actually cannot coordinate the movement at which individuals post and forward fake posts and violate privacy.<sup>24</sup>

### III. RIGHT TO HEALTH

The right to health is revered in the UDHR and given lawful power through Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which mandates the state to forestall, treat and control epidemics.<sup>25</sup> It likewise alludes to states' individual and joint endeavors to utilize and improve epidemiological reconnaissance and information assortment on the illness. It follows that access to data incorporates the option to search for, get and share data and thoughts regarding health issues. States hold similar commitments on the right to information during crisis. The right to health is inseparably connected to the rights to freedom of expression and information. The UN Committee on Economic, Social and Cultural Rights (UNCESCR) has stressed that 'information accessibility' is a critical part of the right to health.<sup>26</sup> At the point when states confine discourse identifying with medical problems or block admittance to health related data and do not publish health information proactively, populaces endure unfavorable health impacts and in turn affect the right to health of the individual.

The UNCESCR has explicitly cautioned against blue penciling health-related information or finding a way to forestall public investment in public health discussions and activities. As exhibited by China's initial reaction to COVID-19, smothering public announcing of an outbreak hampers observing and reaction endeavors.

Alternately, securing freedom of expression guarantees that imperative data gathered by people in general, journalists and municipal health authorities arrives at policymakers and other key partners. The Special Rapporteur on the right to health has additionally underscored the requirement for straightforwardness in general wellbeing strategy and the significance of data in considering policymakers responsible and engaging people to secure their own personal wellbeing.<sup>27</sup> The UNCESCR has in like manner denounced "*the deliberate withholding or*

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<sup>24</sup> Subimal Bhattacharjee, Fight fake news amidst Covid-19, The Hindu Business Line (April 02, 2020), <https://www.thehindubusinessline.com/opinion/fighting-fake-news-during-covid-19/article31233348.ece>

<sup>25</sup> International Covenant on Economic, Social and Cultural Rights, 1966, United Nations (depository notification C.N.781.2001.TREATIES-6 of 5 October 2001).

<sup>26</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), adopted 11 August 2000, UN Doc. E/C.12/2000/4, para 12(b).

<sup>27</sup> Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, 31 January 2018, UN Doc. A/HRC/7/11, para 40.

*misrepresentation of information vital to health protection or treatment.*<sup>28</sup>”

#### IV. XENOPHOBIA AND RACISM

The worldwide reaction to Covid-19 has clarified that the dread of contracting sickness has an existing together illness, Xenophobia. As the Covid has spread from China to different nations, anti-Asian discrimination has followed intently behind, showing in diving deals at Chinese eateries, close abandoned Chinatown districts and racist harassing against individuals saw to be Chinese.<sup>29</sup> U.S. President Donald Trump often alluded to the Covid as the "*Chinese Virus*" trying to highlight its cause, a term considered by some to be anti-Chinese and racist.<sup>30</sup> He later contended this was "*not racist at all*" after officials including Elizabeth Warren brought up criticisms about the assertion.<sup>31</sup>

Because of the developing anti-Chinese estimation, a few news sources and people started calling to everybody's consideration that was not helpful to accuse Chinese people for the pandemic, and that there was a differentiation between the people of China and the Chinese Communist Party, blamed by some for concealing and misusing the pandemic.<sup>32</sup> Restaurants in Chinatown in Boston have additionally lost customers because of fears of Covid.<sup>33</sup> The legislature of New York City referred to a report which assessed a 40 percent sales drop for Chinese organizations in Flushing, Queens, while different reports recommended the drop went from 30 to 80 percent.<sup>34</sup> In a March 21 blog post, Rev. Ralph Drollinge had accused the Covid pandemic on individuals who supported lesbians and gay people, considering it a 'God's Wrath' on gays.<sup>35</sup>

While the entire world turns racist against China, Guangzhou has a sizeable network of dark

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<sup>28</sup> Committee on Economic, Social and Cultural Rights, General Comment No 14 (25 April – 12 May 2000), para 50.

<sup>29</sup> When Xenophobia Spreads like a virus, Homewood Student Affairs – Johns Hopkins University (April 24, 2020), <https://studentaffairs.jhu.edu/oma/when-xenophobia-spreads-like-a-virus/>

<sup>30</sup> Katie Rogers, Lara Jakes and Ana Swanson, Trump Defends using 'Chinese Virus' label, Ignoring growing criticism, THE NEW YORK TIMES, (May 19, 2020, 01.00AM), <https://www.nytimes.com/2020/03/18/us/politics/china-virus.html>

<sup>31</sup> Quint Forgy, Trump on 'Chinese Virus' label: 'It's not racist at all', POLITICO (May 29, 2020, 03.19 PM), <https://www.politico.com/news/2020/03/18/trump-pandemic-drumbeat-coronavirus-135392>

<sup>32</sup> Maegan Vazquez, Trump says he's pulling back from calling novel coronavirus the 'china virus', CNN POLITICS, (May 29, 2020, 04.01 PM), <https://edition.cnn.com/2020/03/24/politics/donald-trump-pull-back-coronavirus-chinese-virus/index.html>

<sup>33</sup> Erin Kuschner, Chinatown restaurants say the coronavirus is impacting their business. Here's what to know, BOSTON, (May 29, 2020, 04.23 PM), <https://www.boston.com/food/restaurants/2020/02/10/coronavirus-impacting-boston-chinatown-restaurants>

<sup>34</sup> Chaubcey Alcorn, Coronavirus anxiety is devastating Chinese businesses in New York City, CNN BUSINESS, (May 21, 2020, 09.56 AM), <https://edition.cnn.com/2020/03/02/business/chinese-business-new-york-city-coronavirus/index.html>

<sup>35</sup> Brooke Sopelsa, Trump Cabinet's Bible teacher says gays cause 'God's wrath' in COVID-19 blog post, NBC NEWS, (May 23, 2020, 01.27 PM), <https://www.nbcnews.com/feature/nbc-out/trump-s-bible-teacher-says-gays-among-those-blame-covid-n1168981>



Africans including transients, who were purportedly singled out by nearby authorities.<sup>36</sup> As indicated by Chinese state media, five Nigerian men who had tried positive for COVID-19 broke the isolation and tainted others, which set off doubt and anti-foreigner sentiment.<sup>37</sup> Africans had to go through Covid testing and isolation, paying little heed to their travel history, symptoms, or contact.<sup>38</sup> A few restaurants, including a part of McDonald's, supposedly refused to service Africans, while landowners and inns focused on Africans for expulsion bringing about some getting destitute.<sup>39</sup> Xinhua revealed 111 Africans tried positive for the Covid in Guangzhou out of a sum of 4,553 tried, likewise asserting that 19 of the cases were 'imported' from undefined nations.<sup>40</sup>

Indian Islamic pastor Maulana Ilyas Sharafuddin, scholar and member from Islamic Research Foundation, said in an audio that the pandemic was a punishment of Allah on China for abusing Uighur Muslims. Ilyas said that *"They (Chinese) have threatened the Muslims and tried to destroy lives of 20 million Muslims. Muslims were forced to drink alcohol; their mosques were destroyed and their Holy Book was burned. They thought that no one can challenge them, but Allah the most powerful punished them."*<sup>41</sup> He added that *"Romans, Persians and Russians who were arrogant and stood against Islam"*, were totally wrecked by Allah.<sup>42</sup>

While racial victimization North Easterners in India is consistent, the chain of functions as of late weeks bear an additional measurement. Autonomous social media posts report a range of experiences, including North Easterners being spat on, denied passage into shops, called

<sup>36</sup> Danny Vincent, Africans in China: We face coronavirus discrimination, BBC News (17 April 2020), <https://www.bbc.com/news/world-africa-52309414>

<sup>37</sup> June Cheng, Onize Ohikere, China's coronavirus discrimination in testing relations with Africa, World Magazine (May 15, 2020), [https://world.wng.org/2020/05/china\\_s\\_coronavirus\\_discrimination\\_is\\_testing\\_relations\\_with\\_africa](https://world.wng.org/2020/05/china_s_coronavirus_discrimination_is_testing_relations_with_africa)

<sup>38</sup> Shi Jiangtao, US warns African-Americans to avoid Guangzhou after reports black people are being targeted in coronavirus clampdown, SOUTH CHINA MORNING POST, (May 29, 2020, 09.25 PM) <https://www.scmp.com/news/china/society/article/3079497/us-warns-african-americans-avoid-guangzhou-after-reports-black>

<sup>39</sup> Human Rights, 'Unacceptable': Nigeria condemns treatment of citizens in China, ALJAZEERA, (May 29, 2020, 09.36PM) <https://www.aljazeera.com/news/2020/04/nigeria-condemns-treatment-citizens-china-200414172052630.html>;

Jenni Marsh, Shawn Deng and Nectar Gan, Africans in Guangzhou are on edge, after many are left homeless amid rising xenophobia as China fights a second wave of coronavirus, CNN WORLD, (May 29, 2020, 09.36 PM), <https://edition.cnn.com/2020/04/10/china/africans-guangzhou-china-coronavirus-hnk-intl/index.html>

<sup>40</sup> Misha Ketchell, Mistreatment of Africans in Guangzhou threatens China's coronavirus diplomacy, THE CONVERSATION, (May 29, 2020, 09.37 PM), <https://theconversation.com/mistreatment-of-africans-in-guangzhou-threatens-chinas-coronavirus-diplomacy-136348>

<sup>41</sup> Times Now Bureau, Allah unleashed Coronavirus on Chinese for persecuting Uighur Muslims: Islamic cleric Ilyas Sharafuddin, Times Now News (Jan 29, 2020, 11:35 IST), <https://www.timesnownews.com/india/article/allah-unleashed-coronavirus-on-chinese-for-persecuting-uighur-muslims-islamic-cleric-ilyas-sharafuddin/546408>

<sup>42</sup> Times Now Bureau, Allah Unleashed Coronavirus on Chinese for persecuting Uighur Muslims: Islamic Cleric Ilyas Sharafuddin, TIMES NOW NEWS, (May 19, 2020, 09.36 PM), <https://www.timesnownews.com/india/article/allah-unleashed-coronavirus-on-chinese-for-persecuting-uighur-muslims-islamic-cleric-ilyas-sharafuddin/546408>

“*coronavirus*” and removed from rented apartments.<sup>43</sup> Confronted with this uncovered bias, college students in certain urban areas decided to get back altogether in dread and frenzy.<sup>44</sup>

### (A) ‘Hate Speech’

There is no all around acknowledged meaning of ‘disdain discourse’ in international human rights law.<sup>45</sup> All things considered, government, lawmakers and normal residents of the contry utilize the term to denounce conclusions with which they differ and to call for limitations on specific sorts of articulation.<sup>46</sup> Anti-Chinese and anti-foreigner estimation driven by the spread of COVID-19 have far and wide basic human rights implications.<sup>47</sup>

‘Hate speech’ can be the trigger for violence and discrimination and can forestall people from enjoying their rights. Then again, ponderous reactions to ‘hate speech’ can smother public talk and disregard the right to freedom of expression. Consequently, any official limitations on ‘hate speech’ must fulfill the standards set up by Articles 19(3) and 20(2) of the ICCPR and under Preamble to UDHR. Different Conventions, for example, The International Convention on the Elimination of All Forms of Racial Discrimination, 1969 (ICERD), Vienna Declaration and Program of Action (VDPA), emerging from the Vienna World Conference on Human Rights, 1993, Article 5 of ICC Statute, and other provincial common freedoms instruments European Convention on Human Rights (ECHR), American Convention of Human Rights (ACHR), and African Charter on Human and Peoples' Rights (ACHPR) preclude against racism and other crimes against humanity.<sup>48</sup>

Despite the fact that states may now and again have an authentic interest in limiting ‘hate speech’, for instance to promote public health or protect the rights of others, they regularly err by depending on criminal assent instead of less extreme measures. Civil and administrative law offers numerous open doors for proportionate and viable reactions to ‘hate speech’. Criminal punishments ought to be forced uniquely if all else fails and in the most extreme cases, and

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<sup>43</sup> Nishtha Gupta, Verbally abused, spat at, harassed: Northeastern citizens come under attack amid coronavirus panic, India Today (Marc 23, 2020), <https://www.indiatoday.in/india/story/verbally-abused-spat-at-harassed-northeastern-citizens-come-under-attack-amid-coronavirus-panic-1658826-2020-03-23>

<sup>44</sup> Gertrude Lamare, Covid-19: Even in a pandemic, mainland India is still racist and intolerant towards North Easterners, Scroll (Apr 24, 2020, 06:30 AM), <https://scroll.in/article/959873/covid-19-even-in-a-pandemic-mainland-india-is-still-racist-and-intolerant-towards-north-easterners>

<sup>45</sup> Hate-Speech, Rights for Peace, <https://www.rightsforpeace.org/hate-speech>

<sup>46</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, United Nation General Assembly (9 October 2019), [https://www.ohchr.org/Documents/Issues/Opinion/A\\_74\\_486.pdf](https://www.ohchr.org/Documents/Issues/Opinion/A_74_486.pdf)

<sup>47</sup> Covid-19 Fueling Anti-Asian Racism and Xenophobia Worldwide, Human Rights Watch, <https://www.hrw.org/news/2020/05/12/covid-19-fueling-anti-asian-racism-and-xenophobia-worldwide>

<sup>48</sup> Santhiya P, Law to Combat the Brazen Display of Xenophobic Attacks midst COVID-19, Ex Gratia Law Journal (August 1, 2020), <https://exgratialawjournal.in/journal/volume-1-issue-1/laws-to-combat-the-brazen-display-of-xenophobic-attacks-midst-covid-19-by-santhiya-p/>

punishments ought not to be inordinate.<sup>49</sup> States' over-dependence on criminal punishments regularly comes to the detriment of other compelling ways to deal with 'hate speech'.

In archives, for example, the Human Rights Council Resolution 16/18<sup>50</sup> and the Rabat Plan of Action<sup>51</sup>, UN bodies have given direction on positive policy measures that states can take to battle discrimination and 'hate speech', including making official instruments to distinguish and address cultural pressures, preparing government authorities to advance resilience, engaging pioneers to stand in opposition to narrow mindedness, advancing exchange inside and between networks, advancing media pluralism and variety, and passing solid anti-discrimination enactment.

Governments should fuse these sorts of measures into plans to counter enemy anti-Chinese and anti-foreigner sentiment and 'hate speech' with regards to the COVID-19. Non-state entertainers, including the media, social media organizations and the general public likewise have a task to carry out in combating 'hate speech' and intolerance. The WHO has joined forces with UNICEF and the International Federation of the Red Cross to provide guidelines to government, media and civil society on combating the social disgrace related with COVID-19.

At the point when many positive cases were confirmed among members at a meeting composed by a Muslim missionary group in Delhi, it started a rush of Islamophobic assaults that spread via online media utilizing the hashtag #CoronaJihad. Individuals shared recordings erroneously professing to show members of the missionary group spitting on police and these posts immediately turned into a web sensation, fueling the dangers in an effectively risky environment for Muslims in the nation.<sup>52</sup>

### **(B) #IamNotAVirus**

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<sup>49</sup>Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, 31 January 2018, UN Doc. A/HRC/7/11.

<sup>50</sup>Human Rights Council (HRC) Resolution 16/18 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, UN Doc. A/HRC/Res/16/18, 24 March 2011.

<sup>51</sup>Rabat Plan of action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility of violence, UN Doc. A/HRC/22/17/Add.4, 5 October 2012.

<sup>52</sup> Sameer Yasir and Billy Perrigo. 'Hate Is Being Preached Openly Against Us.' After Delhi Riots, Muslims in India Fear What's Next, TIME, (May 29, 2020, 04. 35 PM), <https://time.com/5794354/delhi-riots-muslims-india/>; Asim Ali, Coronavirus was a test of Secular nationalism. Then Tablighi Jamaat became the scapegoat, The Print (1 April, 2020, 1:154 IST), <https://theprint.in/opinion/coronavirus-test-of-secular-nationalism-tablighi-jamaat-became-scapegoat/392764/>; Jayshree Bajoria, CoronaJihad is Only the Latest Manifestation: Islamophobia is India has Been Years in the Making, Human Rights Watch (May 1, 2020, 1:26 PM EDT), <https://www.hrw.org/news/2020/05/01/coronajihad-only-latest-manifestation-islamophobia-india-has-been-years-making>; Billy Perrigo, It Was Already Dangerous to Be Muslim in India. Then Came the Coronavirus, Time (April 3, 2020, 5:27 PM EDT), <https://time.com/5815264/coronavirus-india-islamophobia-coronajihad/>.

Anti-Asian racism has been accounted for in the UK and somewhere else, and now French Asians have whined of maltreatment on public transport and online media. They have been using the hashtag “*JeNeSuisPasUnVirus*”, which means ‘I’m not a virus’.<sup>53</sup> There was additionally broad assumption that, “*if you’re wearing a mask, you’re seen as a disease carrier. If you’re not wearing a mask; you’re seen as a disease carrier but negligent.*” The incidents included Chinese Americans, yet additionally Japanese, Koreans, Taiwanese, Vietnamese and Filipinos.

Asians, are progressively living in dread as the Covid spreads the nation over in the midst of racial bias that the outbreak is by one way or another the flaw of China. “*This is becoming more widespread,*” said Chou, an associate professor of sociology at Georgia State University, “*My fear is coughing in public, coughing while Asian, and the reaction other people will have.*”<sup>54</sup>

“*The United States will be powerfully supporting those industries, like airlines and others, that are particularly affected by the Chinese virus. We will be stronger than ever before!*”<sup>55</sup>- A tweet on 16 March, the first occasion when US President Donald Trump alluded to the disease as ‘*Chinese virus*’ online, which actually stands erect in the twitter handle and has not yet been taken down by the Authorities.

A man chose to do something on it, and concocted a novel mission. Massimiliano Martigli Jiang, an Italian-Chinese, stood blindfolded and with a mask in Italy's Florence with a message board which read “*I am not a virus, I am a human being, free me from prejudice*”. Jiang lives in Florence and was moved by the reactions he got. Numerous individuals hugged Jian, and some even removed the blindfold. He posted a video of the people’s response on his Facebook page and Instagram.<sup>56</sup>

The city of Barcelona launched an anti-racism social media campaign utilizing the hashtag #StopRacism (#StopRacisme in Catalan). The mission authoritatively began on March 21, 2020, which is the International Day for Elimination of Racial Discrimination. It features six

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<sup>53</sup>Coronavirus: French Asians hit back at racism with ‘I’m not a virus’, BBA NEWS (20 May, 2020, 11.05 AM) <https://www.bbc.com/news/world-europe-51294305>

<sup>54</sup> Lauren Aratani, ‘Coughing while Asian’: living in fear as racism feeds off coronavirus panic, The Guardian (24 Mar, 2020, 22:00 GMT), <https://www.theguardian.com/world/2020/mar/24/coronavirus-us-asian-americans-racism>.

<sup>55</sup> Donald J. Trump, TWITTER, (20 May, 2020, 10.11 AM) <https://twitter.com/realDonaldTrump/status/1239685852093169664?s=20>

<sup>56</sup> massi\_jiang, INSTAGRAM, (20 May, 2020, 10.11 AM) <https://www.instagram.com/p/B9OzF6lK-Ho/>

activists who, with regards to the COVID-19, shared their perspectives on how racism and xenophobia have raised.<sup>57</sup>

*“It’s a common phenomenon,”* said Rob Grenfell, director of health and biosecurity for Australia’s science and research agency CSIRO. *“Sure, it emerged in China,”* he said of the coronavirus, *“but that’s no reason to actually vilify Chinese people.”*<sup>58</sup>

## V. ROLE OF MEDIA

A free and autonomous media is particularly significant during a public health emergency, for example, the COVID19 flare-up. The media assumes a focal function in giving data to individuals most likely to be affected. A free and autonomous media can screen public and global reactions to the outbreak and advance straightforwardness and responsibility in the conveyance of fundamental public health measures.<sup>59</sup> The media can likewise serve to hand-off back key messages from those influenced to policymakers and other significant stakeholders. From the moment the rise of COVID-19 in China was reported, writers have assumed a critical part in endeavors to lessen chances related with the infection. They have distinguished new hotspots, given data on defensive measures, uncovered deceptions and considered governments responsible for their arrangements. Notwithstanding, writers have additionally on occasion neglected to maintain the most elevated professional standards, announcing inaccurately or contributing to discriminatory narratives.<sup>60</sup> Governments sabotage their own personal capacity to react to COVID-19 when they assault journalists. Captures or the filing of criminal accusations against journalists providing details regarding the infection, as has been accounted for in a few nations, are unfortunate instances of government overreach.<sup>61</sup> In any case, subtler types of badgering or terrorizing, for example, obtrusive observation or discretionary disavowal or renouncement of visas, are likewise unsafe and counterproductive.

Traditional media, Media that is considered “old”, for example, radio, TV, and particularly papers, assumes a key function in public health emergencies.<sup>62</sup> Thorough, reality based

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<sup>57</sup>#StopRacism: Barcelona’s anti-racism campaign in midst of #Covid19, UNESCO (May 29, 2020, 11.03 PM) <https://en.unesco.org/news/stopracism-barcelonas-anti-racism-campaign-midst-covid19>

<sup>58</sup>Fear and racism spread worldwide along with coronavirus, NATIONAL HERALD (May 25, 03.23 PM) <https://www.nationalheraldindia.com/international/fear-and-racism-spread-worldwide-along-with-coronavirus>

<sup>59</sup> Free flow of information in the time of COVID-19, The Daily Star (March 30, 2020, 01:17 AM), <https://www.thedailystar.net/opinion/human-rights/news/free-flow-information-the-time-covid-19-1887397>

<sup>60</sup> Asim Ali, Coronavirus was a test of Secular nationalism. Then Tablighi Jamaat became the scapegoat, The Print (1 April, 2020, 1:154 IST), <https://theprint.in/opinion/coronavirus-test-of-secular-nationalism-tablighi-jamaat-became-scapegoat/392764/>

<sup>61</sup> Coronavirus Crisis, Article 19 (April 01, 2020), <https://www.article19.org/resources/belarus-release-investigative-journalist-siarhei-satsuk-reporting-about-the-coronavirus-crisis/>

<sup>62</sup> Andreu Casero-Ripolles, Impact of Covid-19 on the media system. Communicative and democratic

reporting by journalists can expose legends, incapacitate publicity campaigns, and battle ‘hate speech’. Nonetheless, mistaken, biased or deliberately deceptive reporting can add to patterns of misinformation, intolerance and narrow mindedness. Adherence to ethical journalism guidelines is significant in this regard.<sup>63</sup> Journalists ought to hold to high expert norms to give precise and reliable data to people in general. Media organizations ought to guarantee that professional standards are known, promoted and shared over their organizations, and that internal structures uphold journalists in recognizing and raising issues identified with those guidelines. Media controllers should uphold and advance high professional standards, be available to complainants, and have the option to give proper cures, for example, a right of reply or correction.

The media likewise assumes an essential function in countering misinformation and ‘hate speech’ and in promoting non-discrimination and intercultural understanding during a period of emergency.<sup>64</sup> Where deception is spreading, the media, particularly public service media, may have a function in distinguishing and exposing lies. Journalists should report precisely, dodge negative generalizing, ought not superfluously allude to race, nationality or ethnicity, and should cover acts of discrimination, among different endeavors.<sup>65</sup> Media controllers ought to give nitty gritty suggestions, in light of professional standards, on how journalists should move toward issues of disinformation, ‘hate speech’, and discrimination.

## **VI. ROLE OF SOCIAL MEDIA**

Social media assume an inexorably prevailing function in encouraging communications, dispersing data and imparting insights. Prevailing platforms, such as, Facebook, Twitter, YouTube and others can be bridled for public good and can be utilized to plant mayhem and distrust. These prospects have been obvious in the utilization of web-based media during the COVID-19 outbreak.<sup>66</sup> Governments, health workers, communities and citizens have routinely gone to social media to get fundamental data concerning the infection. In any case, they have likewise been bewildered by the different and conflicting data discovered on the web.

Social media platforms ought to guarantee that any antagonistic activities taken against online

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consequences of news consumption during the outbreak, *El profesional de la información*, 2020, v. 29, n. 2. e-ISSN: 1699-2407

<sup>63</sup>Camden Principles on Freedom of Expression and Equality, ARTICLE 19 (20 May, 2020, 12.56 AM)<https://www.article19.org/resources/camden-principles-freedom-expression-equality/>

<sup>64</sup>*Id.*

<sup>65</sup>*Id.*

<sup>66</sup> Online information, mis-information in the context of COVID-19, *Social Science in Humanitarian Act* (March 2020), <https://www.socialscienceinaction.org/wp-content/uploads/2020/03/SSHAP-Brief.Online-Information.COVID-19.pdf>.

substance or users are straightforward and clearly expressed in their terms of service. They approach a more prominent range of reactions to disinformation than governments, giving numerous occasions to adaptable reactions that conform to the Guiding Principles.<sup>67</sup> Short of forbidding users or erasing erroneous content, social media organizations can alter algorithms to advance reliable substance, confine virality, append alerts or labels to untruthful substance, firmly uphold promoting strategies, temporarily suspend accounts, or give links to authoritative sources of information.<sup>68</sup>

Partnerships between social media organizations and different bodies may likewise offer occasions to counter misinformation and ‘hate speech’. As noted before, for instance, Facebook has joined forces with the WHO and health ministries of different nations, by elevating links to legitimate substance on newsfeeds.<sup>69</sup> Facebook has additionally collaborated with third-party fact-checkers to counter falsehood about the infection. Such organizations and activities have been supported by the UN Special Rapporteur on opportunity of articulation and admittance to data, local rapporteurs, and others.<sup>70</sup>

## VII. STRATEGIES TO ENSURE ACCURATE INFORMATION

The utilization of criminal law to punish speech acts ought to be the final retreat and carefully restricted. Criminal law is not a fitting apparatus to battle misinformation and it makes a risky space for denial of basic human rights in the form of state-sponsored terrorizing and ridiculous indictment of critical voices.

Article 20(2) of the International Covenant on Civil and Political Rights and Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination recommended restricting utilization of criminal law to instances of prompting to violence and hatred.<sup>71</sup> It is self controlled by the Government and the judiciary to not receive exceptionally prohibitive legal measures to battle misinformation encompassing the COVID-19 pandemic. Governments ought to apply and decipher criminal provisions that punish specific conduct

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<sup>67</sup>Camden Principles on Freedom of Expression and Equality, ARTICLE 19(20 May, 2020, 11. 23 AM) <https://www.article19.org/resources/camden-principles-freedom-expression-equality/>

<sup>68</sup> Clea Skopliti, Bethan John, Coronavirus: How are the social media platforms responding to the ‘infodemic’?, First Draft (March 19, 2020), <https://firstdraftnews.org/latest/how-social-media-platforms-are-responding-to-the-coronavirus-infodemic/>

<sup>69</sup> Jesse Convertino, Social media companies partnering with health authorities to combat misinformation on coronavirus, abc NEWS (5 march, 2020, 16:06), <https://abcnews.go.com/Technology/social-media-companies-partnering-health-authorities-combat-misinformation/story?id=69389222>

<sup>70</sup> Facebook teams up with 8 third-party fact checkers, covering 11 Indian Languages, to flag Covid-19 fake news, The Economic Times (Apr 22, 2020, 09:22 AM IST), <https://economictimes.indiatimes.com/magazines/panache/facebook-teams-up-with-8-third-party-fact-checkers-covering-11-indian-languages-to-flag-covid-19-fake-news/articleshow/75284845.cms>

<sup>71</sup> International Convention on the Elimination of All Forms of Racial Discrimination, 1966.

against public order prohibitively. A few nations restrict activities that purposefully cause alarm, for example, bomb threats. Governments ought not to utilize such provisions to stifle genuine speech.

Governments ought to guarantee and reinforce informant securities. Public authorities and institutions must secure the individuals who report or uncover the harms, abuses, mishandles, and serious wrongdoing that can emerge during a pandemic. Carefully characterize restricted direct with regards to the COVID-19 health crisis in the law and guarantee these definitions regard international human rights law standards. As it was suggested above, refrain from criminalizing speech acts, except in the gravest circumstances, for example, affectation to aggression, segregation, hostility, discrimination, and violence.<sup>72</sup>

Governments ought to allot extra obligation to online platforms for fighting on the online hate speech or disinformation and misinformation with regards to the COVID-19 health crisis that goes past real legitimate limitations accessible to states, which bear the essential obligation for ensuring the human rights of online users.

Governments ought to shield individuals from connecting the COVID-19 infection to any identity, nationality, or specific location. Specifically, public authorities should avoid utilizing terms, for example, “*Chinese virus*,” “*Wuhan virus*,” or “*Kung flu*”. During this crisis it is politicians who have become “*the most effective trolls*”.<sup>73</sup>

There should be appropriate public media controllers, which can help manage the media with detailed recommendations for journalists and media experts on the best way to report precisely and responsibly about the COVID-19 crisis. Inaccurate and potentially discriminatory reporting would fuel more misinformation and consequently encourage prejudice and discrimination against certain groups.

## VIII. CONCLUSION

In this paper, I have highlighted the potential mischief that the spread of disinformation and misinformation can cause. It has the ability to fortify existing divisions and to motivate uncalled-for fears and panic inside social orders. During the COVID-19 health crisis, disinformation and misinformation has been utilized in online hate speech against specific

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<sup>72</sup> Office of the High Commissioner on Human Rights, Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, UNITED NATIONS, May 21, 2012, 10.30), <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/RabatPlanOfAction.aspx>

<sup>73</sup> Hanna Kozłowska, How anti-Chinese sentiment is spreading on social media, QUARTZ (May 21, 2020, 11.23AM), <https://qz.com/1823608/how-anti-china-sentiment-is-spreading-on-social-media/>



groups and has essentially added to the way of talking of social disgrace. As the examples above show, numerous nations have turned to state-sponsored disinformation and promulgation to improve their own political agenda. "*Official disinformation*"<sup>74</sup> advanced by heads of state threatens fundamental rights, democracy, and the rule of law.

It is presumed that the hurriedly created reactions to disinformation and misinformation, particularly those situated in the over-broad criminalization of speech, can restrict the goal of journalism and the scientific information, either purposefully or as a side-effect of an imperfect methodology. To ensure public health and the soundness of our democracies pushing ahead, governments must adjust approaches for tending to disinformation and misinformation with international human rights obligations and as per the rule of law

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<sup>74</sup> David Kaye, Trump's War on Truth is Bad for Your Health, MEDIUM (May 21,2020. 10.03AM), <https://medium.com/@dkisaway/trumps-war-on-truth-is-bad-for-your-health-527b0c3c28bd>

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