



## RESEARCH BRIEF

# MISINFORMATION MITIGATING POLICIES AND PRACTICES COMPARED: LESSONS FROM SOUTH ASIA

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## EXECUTIVE SUMMARY

South Asian governments are working to limit harmful online misinformation related to COVID-19. False claims circulating, especially, through social media platforms and messaging apps cause confusion, mistrust, and conflict, hindering the public health response and heightening communal tensions. However, restricting misinformation without undermining civil liberties requires carefully crafted policies and legislation. Freedom of expression and minority rights were threatened in the region before the COVID-19 crisis,<sup>1</sup> and recent government actions, purportedly to support public health and national security, accentuate the challenges and disenfranchise vulnerable populations. Unchecked misinformation and steadily increasing authoritarian measures both represent significant dangers.

This brief examines legal measures to curb misinformation in Pakistan, Bangladesh, and Sri Lanka, including the broad and often discriminatory provisions that target critics and minorities during the pandemic. It provides an overview of state-led responses to misinformation and the broader ramifications of recent legal measures for freedom of expression and human rights in the region. The brief is addressed to policy makers, civil society actors, and technology corporations, and offers options for countering false claims linked to the pandemic, while preserving freedom of expression.

## SOUTH ASIA'S “INFODEMIC”

The global “infodemic” accompanying COVID-19 presents many new challenges for states as they respond to the crisis. Rumors, conspiracy theories, fake news, misleading statistics, and deliberate disinformation—all forms of misinformation—promote inaccurate medical claims and false cures, generate skepticism toward vaccines and scientific institutions, and worsen communal conflicts. Since the start of the pandemic, many countries have used official policies and legislation to limit the flow of misinformation.

Pandemic-related misinformation is rampant across South Asia. In early 2020, social media users suggested that the coronavirus could not survive in hot and tropical climates; others alleged that eating spicy foods would prevent infection. In Pakistan and Bangladesh, imams claimed that Muslims were invulnerable to the virus. In India, popular gurus market spurious Ayurvedic

cures and home remedies through their personal brands. The rollout of a COVID-19 vaccine spawned new myths—that the vaccine is haram or causes infertility or death.

Much of the misinformation has sectarian dimensions. The term “CoronaJihad” appeared on Indian Twitter and in major news outlets, fueling a conspiracy theory that Muslims were infecting others with COVID-19 as a form of religious warfare. Sri Lankan social media users falsely reported the first COVID-19 death on the island as that of a Muslim, increasing suspicion toward a stigmatized minority. When ethnic-minority Hazaras in Pakistan, who are also religious minorities as Shia Muslims, were quarantined after returning from pilgrimage to Iran, #shivavirus trended on Twitter.

This misinformation has been further fueled by misogyny in South Asian online spaces. Fabricated reports of wives attacking or murdering husbands during lockdowns fuel anti-feminist narratives by “men’s rights” groups.<sup>2</sup> Facebook, YouTube, and other platforms have seen a significant rise in abusive and derogatory language toward women.<sup>3</sup>

## POLICY OPTIONS AND PITFALLS

South Asian governments have adopted various measures to combat misinformation during the pandemic, but with mixed and often worrying results. Laws and policies ostensibly designed to restrict the spread of harmful false claims are also used to target critics and persecute minorities—or they invite such use through sweeping provisions and loopholes.

How can states limit harmful misinformation without infringing on legitimate rights and freedoms?<sup>4</sup> This question raises complex issues around digital technology, freedom of expression, privacy, and surveillance. Globally, search engines and social media platforms are under scrutiny for how they gather data, create algorithms, and enable false and dangerous content to spread. To what extent are technology corporations responsible for preventing misinformation? Governments face difficult legal, ethical, and practical questions. Every country criminalizes certain kinds of speech, such as treason or incitement to violence, but creating laws and policies to address misinformation—broad enough to be useful but narrow enough to prevent abuse—is challenging.

<sup>2</sup> [https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2020/10/ap-wps-brief-covid-19-and-online-misogyny-hate-speech\\_final.pdf?la=en&vs=2206](https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2020/10/ap-wps-brief-covid-19-and-online-misogyny-hate-speech_final.pdf?la=en&vs=2206)

<sup>3</sup> [https://data2x.org/wp-content/uploads/2021/03/UCSD-Brief-3\\_BigDataGenderCOVID19SouthAsianMisogyny.pdf](https://data2x.org/wp-content/uploads/2021/03/UCSD-Brief-3_BigDataGenderCOVID19SouthAsianMisogyny.pdf)

<sup>4</sup> <https://reutersinstitute.politics.ox.ac.uk/risj-review/how-respond-disinformation-while-protecting-free-speech>

<sup>1</sup> <https://www.article19.org/wp-content/uploads/2021/07/GxR-2021-Country-Rankings-Final.pdf>

## THE NEED FOR DIGITAL AND MEDIA LITERACY

Well-formulated laws and policies are only part of what is needed to counter misinformation effectively. The COVID-19 pandemic also highlights the need to promote digital and media literacy—the ability to access, critically evaluate, and responsibly create and share information using modern technologies.<sup>5</sup> This is an essential capacity at a time when misinformation is prevalent, and when not knowing the facts—for example, about the risk of infection or the efficacy of vaccines—can be dangerous.

Digital and media literacy is not only a public health issue but also a political one. Political agency depends on an informed and engaged citizenry able to hold governments accountable. When people do not know how to find reliable information about the matters that affect their lives or become passive consumers of media, they are vulnerable to infringements of their rights, such as freedom of expression. South Asia has seen disturbing trends of censorship and repression during the pandemic.

The digital divide in South Asia is pronounced. City dwellers, the educated, and the upper and middle classes are more likely to enjoy high-speed internet and have the necessary knowledge and skills to locate relevant information online, while migrants, refugees, rural dwellers, and the urban poor face educational and digital barriers to access. Gender also plays a role. In traditional segments of society, men often act as the gatekeepers of information. Each of these factors shapes how different demographics receive and respond to misinformation.

## ISSUES AT COUNTRY LEVEL

### PAKISTAN

Rampant misinformation has hampered Pakistan’s public health response to the COVID-19 pandemic. False claims proliferate through social media, newspapers and television networks, and statements by political and religious leaders. Closed messaging apps such as WhatsApp, used by nearly 40% of the population, present the greatest challenge—forwarded messages circulate quickly, without a clear origin or the possibility of monitoring. Researchers found that coronavirus-related misinformation lasted roughly four times as long as factual information in Pakistani WhatsApp chats.<sup>6</sup>

<sup>5</sup> [https://www.aspeninstitute.org/wp-content/uploads/2010/11/Digital\\_and\\_Media\\_Literacy.pdf](https://www.aspeninstitute.org/wp-content/uploads/2010/11/Digital_and_Media_Literacy.pdf)

<sup>6</sup> <https://arxiv.org/pdf/2011.09145.pdf>

Digital illiteracy and wariness of foreign intervention have kept the national vaccination rate low. For years, polio vaccination drives in Pakistan have faced deadly opposition from locals who suspected a Western plot under the guise of health initiatives. Since most COVID-19 vaccines are manufactured by global powers (China, Russia, and the United States) and India, many locals fear that the current vaccination efforts are part of a sinister foreign agenda.

Pakistan’s government has struggled to limit and counter these claims in effective ways. Official campaigns to debunk misinformation on social media have had little effect on vaccine resistance. The government has refrained so far from using legal instruments to curb misinformation. Government-linked Twitter accounts occasionally threaten action against spreaders of misinformation, but such threats are rarely, if ever, enforced. In June 2021, officials in Punjab and Sindh threatened to block the cell phone service of anyone refusing vaccination, but this was not followed through—probably because of the immense legal and practical challenges involved.

Despite rigid speech laws and growing media censorship, Pakistan lacks a clear legal framework for tackling misinformation. The country’s blasphemy laws are routinely used against religious minorities and artists, whether through the courts or by inciting mob violence. Pakistani intelligence agencies and politicians have been known to harass, abduct, torture, and kill journalists reporting on politically sensitive issues. Crackdowns on the press have increased in recent years.<sup>7</sup>

The 2016 Prevention of Electronic Crimes Act (PECA) was purportedly designed to “check extremist content, prosecute hate speech and curb online harassment of women”<sup>8</sup> but has been used repeatedly to target critics of the state. In 2020, three journalists were arrested under PECA on charges of insulting or defaming government institutions. A November 2020 amendment to the Act, “Removal & Blocking of Unlawful Online Content Rules,” holds technology companies—internet service providers and social media platforms—liable for all content on their networks. The amendment mandates blocking or removal of any content deemed contrary to “(i) the glory of Islam, (ii) integrity, security, and defence of Pakistan, (iii) public order,

<sup>7</sup> <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>

<sup>8</sup> <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/pakistan-three-journalists-face-sedition-charges-under-cybercrime-law.html>

and (iv) decency and morality.”<sup>9</sup> After an outcry by technology companies, the government agreed to revisit the law, but hearings have yet to be concluded.

## BANGLADESH

Like Pakistan, Bangladesh has experienced a high volume of coronavirus-related misinformation through social media, television networks, and statements by influential figures. However, the Bangladeshi authorities have taken aggressive legal action. Between March and May 2020, 79 people were charged or arrested for spreading false claims related to the pandemic. Eleven of these were charged under the notorious Digital Security Act (DSA), widely seen as a tool for silencing critics of the government.

The DSA caused alarm among rights agencies and civil society organizations when it was passed in 2018 to replace sections of the Information and Telecommunications Act. It broadly criminalizes “propaganda” against “the liberation war, the spirit of the liberation war, the father of the nation, national anthem, or national flag,” content that is “offensive or fear inducing,” “hurts religious sentiments or religious values,” “tarnish[es] the image of the nation,” “destroys communal harmony, or creates unrest or disorder.” The DSA provides for search and arrest without warrant, detention without the possibility of bail, and harsh sentencing of violators.

Bangladeshis charged under the DSA in early 2020 included prominent activists, journalists, and social commentators. Some were arrested for publicly posted content critical of the government; others were apprehended after searches of their homes and digital devices. Writer Ahmed Mushtaq, who had written unfavorably about the government’s COVID-19 response, was jailed and denied bail six times. He died after almost a year in custody. Nationwide protests following Mushtaq’s death prompted the authorities to finally release cartoonist Ahmed Kishore—also jailed for criticizing the official pandemic response—on bail. Both men were likely tortured and beaten in detention.

According to Amnesty International, a Dhaka-based tribunal set up to try cybercrimes recorded 199 cases under trial between January 1 and May 6, 2021. The majority of these cases were prosecuted under the DSA.<sup>10</sup> The law continues to be used as a political weapon.

<sup>9</sup> <https://www.geo.tv/latest/319520-rbuoc>

<sup>10</sup> <https://www.amnesty.org/en/latest/news/2021/07/bangladesh-end-crack-down-on-freedom-of-expression-online/>

In May 2021, journalist Rozina Islam was arrested under the Official Secrets Act of 1923. Islam had been reporting on corruption in the government’s COVID-19 response when she was detained for allegedly stealing and photographing sensitive documents at a Health Ministry office.

## SRI LANKA

In early April 2020, Sri Lanka’s Acting Inspector General of Police warned that anyone criticizing officials for their handling of the COVID-19 outbreak or sharing false information would face arrest. Several Sri Lankans, including university students, were subsequently arrested for making critical comments on Facebook or sharing unfounded claims about the pandemic response. Rights groups called these arrests unconstitutional.

Sri Lanka lacks robust anti-misinformation laws. Revisions to the Penal Code and Criminal Procedure Code—passed to mitigate communal conflict after the deadly 2019 Easter Sunday bombings—criminalized hate speech and religiously or ethnically divisive speech, but these provisions have not been applied to coronavirus-related misinformation. The digital security laws passed since 2006 mostly address data protection, indecency (e.g., child pornography), privacy, online transactions, and unauthorized access to systems and devices. A police spokesman cited Section 6 of the 2007 Computer Crimes Act in connection with the April 2020 arrests, which refers broadly to acts that endanger national security, the economy, or public order.

During the pandemic, the Muslim community has been increasingly affected by government policies and legislation. Muslim leaders on the island complained that a mandatory cremation order for COVID-19 deaths—contrary to WHO guidelines—deliberately discriminated against Muslims, who customarily practice burial. In April 2020, activist Ramzy Razeek was arrested and charged under the International Covenant on Civil and Political Rights (ICCPR) Act—which the government has previously used to target journalists<sup>11</sup>—after posting on Facebook that beleaguered Sri Lankan Muslims should wage “an ideological jihad for the country and all its citizens, using the pen and keyboard as weapons.”<sup>12</sup>

The authorities have used the sweeping Prevention of Terrorism Act (PTA) of 1978 to arrest two Muslims, a human rights lawyer and a poet, on trumped-up terrorism charges, and a Tamil

<sup>11</sup> <https://www.ifj.org/media-centre/news/detail/category/asia-pacific/article/sri-lankan-journalist-faces-charge-over-article.html>

<sup>12</sup> <https://www.ucanews.com/news/social-media-activists-under-presure-in-sri-lanka-clampdown/87855#>



journalist for posting pictures of slain Tamil resistance leader Prabhakaran. Regulations 01 and 02, added to the PTA in early 2021, expanded the Act's powers to allow detention without trial of anyone causing "ethnic, religious, or communal disharmony." Rights groups criticize the vague language of these provisions, which can be used against ethnic and religious minorities.

## CONCLUSION AND PATHS AHEAD

The COVID-19 pandemic has highlighted both the grave dangers of misinformation for public welfare and multiple pitfalls in the ways states address misinformation. Rampant, unchecked misinformation threatens social cohesion, public order, and vital health interventions, but laws and policies to combat it can erode democratic norms and human rights. In South Asia, the stakes are especially high. Most countries in the region have experienced terrible cycles of communal violence—sporadic or sustained—and periods of authoritarianism. Failure to control inflammatory false claims can reignite communal conflict, but government overreach can accelerate the slide into repression and state-sponsored discrimination.

There is considerable worrying evidence that freedom of expression has deteriorated across Pakistan, Bangladesh, and Sri Lanka during the pandemic. Pakistan and Bangladesh have passed legislation in recent years to restrict freedom of speech, and Bangladesh and Sri Lanka are suppressing critics and minorities under the pretext of preserving public order and safety during the COVID-19 emergency.

The following actions could support governments, non-governmental organizations, activists, and community leaders in fighting misinformation while upholding rights and freedoms.

**1. Close loopholes in existing policies and legislation that enable abuse.** A wave of recent laws and amendments criminalize legitimate expression in each country, narrowing the space for free public discourse. States have deployed these tools against dissidents during the pandemic, invoking the public health emergency and national security threats as justification. Lockdowns, stay-at-home orders, and other restrictions on movement and assembly due to COVID-19 make it easier for governments to carry out such policies without organized opposition. To protect civil liberties:

- ■ Lawmakers need to address and revise sections of existing laws and policies that enable governments to silence critics and persecute minorities.

- ■ Advocacy organizations and activists should continue to highlight freedom-of-expression violations and the effects of overly broad legislation, enlisting international support.
- ■ Technology companies, especially social media platforms, should lobby for fair policies and ensure that online anti-misinformation strategies do not play into negative government purposes. Given their vast resources and influence, these corporations have a proportionately large responsibility to hold states accountable and resist illegal and discriminatory official policies.

**2. Disseminate easily shareable fact-checking resources on social media platforms and messaging apps.** State-led interventions to tackle coronavirus-related misinformation are complicated by low public trust and the tendency to overregulate speech. To fight the infodemic in South Asia:

- ■ Grassroots organizations and community influencers, such as youth leaders, women and religious leaders, can promote fact-checking resources in their social networks through popular messaging apps and social media platforms. Credible fact-checking websites are available in several regional languages.
- ■ Social media companies can make fact-checking alerts a standard feature of platform interface for social media users in South Asia. Facebook and Twitter have already used these strategies to dispel misinformation in other regions and languages. WhatsApp, Messenger, Telegram, and other messaging apps can employ pop-up ads and notifications to alert users to viral misinformation and highlight credible news sources.