

Misinformation in the media and social networks: A violation of migrants' rights

Desinformación en los medios de comunicación y las redes sociales: una violación a los derechos de los migrantes

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Carolina Y. Andrada-Zurita
Correspondencia: carolina.andrada@uns.edu.ar
<https://orcid.org/0000-0001-7870-4188>
Universidad Nacional del Sur, Argentina

Abstract

This research was conducted using a qualitative methodology with a descriptive scope. A documentary review was carried out of the texts of Laws 23.592, 24.515, and 25.871 from Argentina to identify strategies used to curb the spread of false information in the media. Academic articles and reports by international organizations (IOM, IEO, UN) were also analyzed. Among the most important findings is the difficulty of fully enforcing regulations without risking cases of censorship, which often leads to moral dilemmas. The real implications include the need to protect migrants' rights from the dissemination of false information that affects them, as well as addressing any accusations of censorship. At the same time, this includes carrying out actions that allow awareness not only to journalists and communicators, but also to the general public about the importance of managing the good use of information and not to replicate information that is known to be false, distorted or doubtful.

Keywords: Disinformation, media, social networks, migrants, human rights, vulnerability

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Resumen

Esta investigación se llevó a cabo utilizando una metodología cualitativa con un alcance descriptivo. Se realizó una revisión documental de las Leyes 23.592, 24.515 y 25.871 de Argentina con el objetivo de identificar estrategias empleadas para frenar la difusión de información falsa en los medios de comunicación. También se analizaron artículos académicos e informes de organismos internacionales (OIM, IEO, ONU). Entre los hallazgos más relevantes se encuentra la dificultad de aplicar plenamente las normativas sin incurrir en posibles casos de censura, lo que con frecuencia plantea dilemas morales. Las implicancias reales incluyen la necesidad de proteger los derechos de las personas migrantes frente a la difusión de información falsa que las afecta, así como abordar cualquier acusación de censura. Al mismo tiempo, esto implica llevar a cabo acciones que promuevan la concientización no solo entre periodistas y comunicadores, sino también con el público en general, sobre la importancia de hacer un uso responsable de la información y de evitar replicar contenidos que se sabe que son falsos, distorsionados o dudosos.

Palabras clave: desinformación, medios de comunicación, redes sociales, migrantes, derechos humanos, vulnerabilidad

Introduction

The right to migrate must be guaranteed, taking into account principles such as universality and equality, which means that migrants must be treated with respect for their customs and culture. Therefore, actions by the media and social networks that violate the identity of migrants—such as the dissemination of false information or content tainted by prejudice and stereotypes—should be limited, as they ultimately misinform society and harm this minority group. Likewise, mockery and humiliation constitute degrading and unfair treatment of migrants.

As such, this research was conducted following three main questions:

- How does misinformation affect the rights of migrants?
- How can freedom of expression be restricted when it generates disinformation?

- To what extent does the right to freedom of expression conflict with the right to cultural identity and/or the right to non-discrimination?

Respect for the culture of migrants and the media

Within the framework of cultural rights, which are part of human rights and as stated in the Fribourg Declaration (United Nations, 2007), these must be guaranteed without discrimination—that is, regardless of sex, colour, religion, language, national or ethnic origin, political convictions, social status, or any other cultural characteristic of the person. In the same vein, the Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking (2019) call for non-discrimination, equal access to justice, and the protection of human rights in general. Respect for the identity of migrants is essential; however, this is often not reflected in practice, particularly on social networks and in the media, where such identities are frequently attacked out of prejudice and misinformation (Pennycook & Rand, 2022; Zilinsky et al., 2024).

The recently disappeared National Institute against Discrimination, Xenophobia and Racism (INADI) of Argentina, carried out in this country investigations on a news channel, which in the coverage of the G20 summit held in the city of Buenos Aires in 2018, the participants were treated in a discriminatory manner. This leads us to ask, from a rights-based perspective, to what extent the right to freedom of expression (John, 2018; Mastrini, 2011) conflicts with the right to cultural identity and/or the right to non-discrimination. While individuals may exercise their right to free expression, in cases where this right is exceeded, legal action may be pursued, such as for slander or defamation. The *Crónica TV* channel is well known in Argentina because it captures the attention of viewers through humorous or double-meaning headlines. However, it has sometimes crossed certain boundaries in that what is communicated ceases to be funny or amusing, to become offensive. During the *G20 Summit*, as mentioned above, the newscast made a series of jokes about several world leaders that were described by the audience as pejorative and tasteless. The following image retrieved by Iprofesional (2018) exemplifies this:

Figure 1*INADI investigates Crónica TV's controversial G20 posters*

Note. From Iprofesional (2018) (<https://www.iprofesional.com/legales/282397-El-INADI-investiga-las-polemicas-placas-de-Cronica-TV-sobre-el-G20>)

The image is an allusion to the arrival of the Indian leader, compared to the character in the cartoon comedy *The Simpsons*.

Migrants also often suffer some violation of their rights by the media when biased information is provided by prejudice and stereotypes (Roozenbeek & van der Linden, 2018); as well as when immigration is assumed to be a problem. Therefore, the media must be careful with the messages they convey (Georgiou, 2013) and the social representations they establish (Mannarini et al., 2020; Orr & Husting, 2018), as these can generate social paranoia and lead the public to adopt a negative attitude toward migrants, perceiving them, in some way, as enemies (Santamaría, 2017; Tsoukala, 2017).

There is also often a lack of understanding about how people's rights are guaranteed. The fact that the State guarantees access to and enjoyment of rights by immigrants' does not indicate that it restricts the rights of the rest of the population of the country. The foundations of such ideas often arise from misinformation that circulates in society (Ecker et al., 2022). Yet, the cultural rights of migrants are affected and violated when they are treated as the «other» (Bailey & Harindranath, 2005) and marginalized by restricting all types of freedoms that they understand.

In this respect, we must note that cultural rights, as indicated in the Ibero-American Cultural Charter, are fundamental rights (Ninth Ibero-American Conference of Culture, 2006). Within this framework, individuals should be able to develop their creative abilities, participate, and be included. However, one key aspect we must consider is that we are currently shaped by telecommunications and new technologies (including social networks), and the misuse of these tools may affect and violate such rights. Technologies mediate individuals with reality and in turn establish a new reality when they develop narratives that relate migrants to economic problems, criminal acts and/or terrorism (Esses, 2021). In contrast, the media should collaborate in the struggle to uphold and respect human rights (Moore-Berg et al., 2022).

The other side of social media

In social media people are aware of their feelings and thoughts. Sometimes users express violence and contempt towards the «other», which is evident in debates and discussions that are generated in such a medium (Ekman, 2019). In a way that seems less hostile, it is also attacked through the humor condensed into images that circulate online and are commonly known as memes. While we can find images based on innocent humour, many of them also contain elements of resentment and reflect homophobic, xenophobic, racist, or classist prejudice, among others.

Migrants are often caught up in this *aggressive humor* which affects and violates their rights, installing and disseminating false information about their customs and beliefs very quickly, something which is difficult to correct (Johnson & Seifert, 1994). This denotes two issues: on the one hand, the manifestation of hatred as such and non-acceptance of a different culture; on the other hand, the setting of a limit, or rather an exclusion line, which is usually validated by violence.

Migrants have sometimes been placed on an equal footing with criminals, terrorists and rapists, and they have been incited in a figurative way to attack them. The messages conveyed, thus, in totally condemnable terms, denote a certain superiority which is falsely believed to exist between one nationality and another. Even during the pandemic of COVID-19, Twitter was the scene of a large number of xenophobic posts on this subject, since this event was used as an excuse to blame the Chinese migrants for the presence of the virus, triggering acts of violence in some cases (Luna, 2020).

Even the graphic medium *Clarín* echoed certain images that it called «creative ideas circulating on networks and put a little humor to the isolation by COVID-19» (*Clarín*, 2020, para. 1). Perhaps they did not notice that what might at first sight be funny in fact reflected a prejudice towards the Chinese community about the products coming from their country of origin (or what they produce in general) being of poor quality and short duration. The following is one of these images:

Figure 2

Coronavirus in the networks: memes and plates to pass the quarantine



Note. From *Clarín* (2020) (https://www.clarin.com/internacional/coronavirus-redes-memes-placas-pasar-cuarentena_0_g69dxJVAY.amp.html)

Also, it is possible to observe in platforms like Facebook, where it is common for digital newspapers to share their news, how many Internet users are encouraged to participate with their comments and opinions, which in many cases converge on attacks towards that «other different» (Rauch & Schanz, 2013). We are referring primarily to publications related to migratory phenomena, LGBTIQ+ pride marches, claims of indigenous peoples, as well as any information pertaining to cultural minorities (Dubrofsky & Wood, 2014). There is something worrying here, and it is the fact that this hatred expressed on social media is sustained in «real life» or, better said, «off line», since it seems that at times people will split up and live two different

lives: virtual and real (Andrada-Zurita, 2023). Regardless of the context in which an assault takes place, it remains an act of aggression—whether carried out in person or through any medium, including social media. This is especially concerning when it incites collective hatred against a minority group, which is already vulnerable and exposed by such practices.

It is therefore necessary to adopt measures (Pennycook et al., 2021) that contribute to reduce these hate-motivated actions that are disseminated through social networks, in order to guarantee the rights of migrants, particularly non-discrimination and cultural identity (Dervin, 2012).

Methods

Our research was guided by three research questions, already mentioned in advance. The initial question was: How does misinformation affect migrants' rights? In other words, how can the dissemination of false or biased information lead to the violation of migrants' rights. A second question was: how can freedom of expression be restricted when it generates misinformation? This question addresses the notion that, although freedom of expression is a fundamental right that should not be arbitrarily restricted, it may require certain forms of «regulation» when it infringes upon the rights of others. Finally, a final question was: To what extent does the right to freedom of expression clash with the right to cultural identity and/or the right to non-discrimination? The aim of this final question is to clarify how violations of freedom of expression may affect the cultural identity of migrants through certain expressions, as well as foster situations of discrimination that are reprehensible.

To answer these questions, we used a qualitative methodology and a descriptive scope (Bryman, 2016). The study focused on the classification and analysis of academic articles, as well as reports made by international organizations such as the International Organization for Migration (IOM), the Organization of Ibero-American States for Education, Science and Culture (OEI) and the United Nations (UN). Additionally, the study focused on the current national legislation, particularly Law 23.592 on discriminatory acts, Law 24.515 establishing the National Institute against Discrimination, Xenophobia and Racism, and Law 25.871 on migration; they are closely related to the subject matter addressed and allow us to compare those situations in which the rights of migrants as established therein are violated. In other words, these laws establish a framework from which to operate, they set the

boundaries that must not be transgressed and the actions that will be carried out in case of any violation of migrants' rights.

Given that the aim is to highlight the relationship between discourses transmitted through media and social networks with disinformation, the policies adopted in response, the existing laws in this field and their impact on the guarantees of cultural rights for migrant populations, this study offers an assessment that will attempt to interpret the phenomena in their natural state (Merriam, 2009), covering the period from 2013 to 2023.

Certainly, as this is not a case study involving the selection of a specific population sample on which empirical work is done, but rather a documentary analysis, that is to say, a theoretical study as mentioned above. This approach allows for greater flexibility, which is advantageous as it enables the exploration of related issues within the same field of study and broadens the scope of the research itself. As a research technique, document analysis involves the study and interpretation of documents relevant to specific research, and in this case, it is combined with a critical research perspective. Following Richard Yin (2013), we evaluate not only the content of the texts, but their context and meaning.

By referring to the study and analysis of the selected texts, as well as to the available data on the matter, we were able to establish connections between them which allowed to determine the adequacy of the legislation in force in Argentina. At the same time, it allowed us to identify which similar strategies have been deployed worldwide to combat disinformation, both in social networks and media; since they are among the main factors of migrants' rights violations worldwide. This in turn allows us to affirm that both the methodology employed and the techniques of data collection and analysis carried out, were appropriate for our research and the results obtained.

Results

We start from the theoretical background and raise three questions that are key to develop how disinformation violates migrants' rights:

1) *How does misinformation affect the rights of migrants?*

The media influence how society perceives migrants and their image, constituting a positive or negative view depending on the characterization of the society and

the message that it seeks to convey. This message responds to stories and speeches supported by a particular ideology (Caldas-Coulthard, 2003).

Figure 3

How to combat disinformation from the classroom



Note. From Impulso_06 (n. d.) (<https://impulso06.com/como-combatir-la-desinformacion-desde-el-aula/>)

To use Engels' terms, humans are different from animals both by work and by language (Engels, 1973). Marx and Engels (1977) also consider language to be the main means by which man develops knowledge in order to appropriate nature. Culture, then, is the result of the cumulative growth in human power over nature, which encompasses language, thought, knowledge and even tools and working practices. Such a culture, although it may present certain variations in its constitution, will pass from one generation to another as if it were a sort of second nature to humankind.

The question of language as a means of transmitting culture in an anthropological sense allows us to ask whether it can become an instrument that distorts the material conditions already mentioned. Stuart Hall (1992) points out that through language men «elaborate stories and explanations, with which they give meaning to their 'world' and become aware of it», and thus questions: «Does it also bind and work them instead of freeing them? How can thought conceal aspects of their real conditions instead of clarifying them?» (p. 291).

Another relevant concept is that of *ideology*, which according to Hall (1992) has «a decentralizing and displacing effect on the free development processes of 'human culture'» (p. 284). Ideology is a set of dominant ideas; in turn, the dominant material relations, embodied in a ruling class, determine the extent and scope of an epoch. As Marx and Engels (1977) point out, the domination is carried out by producers of ideas, by thinkers who regulate the production and distribution of the ideas of their time. Althusser (1968) also points out that, while ideologies are usually made up of systems of representations, concepts and images, they impose themselves on men as structures. In this sense, ideology is not defined by what is thought, but by what is lived or experienced—that is, by the way individuals relate to their conditions of existence. This is closely related to the idea that the media influence how migrants are perceived and the prejudices that develop around them. It stresses that both language and ideology are always present in the speeches and messages conveyed through such media. They will be beneficial or disadvantageous depending on the intentions of those who communicate and those behind the management of media outlets. In this context, we can say that public opinion will be somewhat shaped by the messages that are introduced in media discourse, even if this includes disinformation.

- 2) *To what extent does the right to freedom of expression conflict with the right to cultural identity and/or the right to non-discrimination?*

When the exercise of freedom of expression transgresses certain socially defined limits—where it manifests as disrespect or disloyalty toward other members of society—this right may be overridden by other rights, such as the right to non-discrimination and the right to cultural identity. This undoubtedly includes a violation of the rights of an «other» who believes himself to be different and is therefore belittled, either through the dissemination of false information and/or a type of aggressive humour that is disseminated via different forms of media, including social networks. This is why it is necessary to establish awareness campaigns, where individuals are properly informed about certain practices included in what is known as freedom of expression, but which may be counterproductive to other individuals, causing significant harm. The focus here should be emphatically placed on the concept of *responsibility*, both at individual and collective levels, in relation to the use of information and, in its absence, the disinformation established in society at large.

Such campaigns could aim to raise awareness through different means, such as pamphlets, reels on social media, and videos broadcast on television channels. They could also target the educational level through intercultural education programs promoted by the Ministry of Education, including training for teachers and other professionals. The media can promote positive representation of immigrants, highlighting their contributions or achievements, as well as establishing guidelines for responsible and ethical journalism when addressing immigration related issues. Undoubtedly, to carry out this kind of campaign, it is necessary to involve different sectors of society, not only the political leadership sector but also education, the media and the community itself, in order to achieve a significant impact.

Figure 4

40° National Immigrant Holiday



Note. From OIM Argentina (2019).

3) *How can freedom of expression be restricted when it generates disinformation?*

Both in Argentina and abroad, there are regulations that reduce acts of hatred and discrimination against migrants. This also applies to the transmission and dissemination of information which is permeated with false data.

In Argentina, article 1 of Law 23.592 states that anyone who commits «discriminatory acts or omissions determined on grounds such as race, religion, nationality, ideology, political or trade opinion, sex, economic status, social condition or physical characteristics» (Law 23.592, 1988, art. 1, para. 2), shall cease such action and make good the moral and material damage caused. The National Institute against Discrimination, Xenophobia and Racism (INADI), which was dissolved in August 2024 for almost three decades, was also responsible for the preparation of «National policies and concrete measures to combat discrimination, xenophobia and racism, promoting and carrying out actions to this end» (Law 24.515, 1995, art. 2, para. 2).

In 2017, the Argentine government launched a campaign to raise awareness of the issue, which had a great impact on society, known as «I am a migrant», also carried out at global level to combat racism, discrimination and xenophobia against migrants. This work aimed to «dismantle discourses that discriminate» (OIM, 2017, para. 10).

In 2020, 21 regional forums were held with the participation of 1694 organizations from all over Argentina. In addition, the governments of each province were consulted on the problems and policies implemented in each jurisdiction, this shows the interest in overcoming the situations of violence that are gestating in society against existing minorities in the country, including migrants. This is why we work on the development and implementation of policies aligned with the problem at hand, which is very necessary (Kozyreva et al., 2024).

In conclusion, we can say that while there is a normative framework in Argentina responsible for guaranteeing and safeguarding the rights of migrants, one must pay attention to promoting a respectful use of social networks (Andrada-Zurita & Manrique Quirós, 2022), as well as the information conveyed by the media.

Figure 5

Still image from the video Somos migrantes (2023)



Note. From OIM Argentina (2023) (<https://argentina.iom.int/es/news/el-inadi-y-oim-argentina-lanzaron-la-campana-somos-migrantes>)

Conclusion

Historically, migration has had a significant relevance in Argentina and still has it today, with more than two million inhabitants of foreign origin, mainly from neighbouring countries. Domestic regulations uphold and protect the rights of migrants, so that the text of the Migration Law 25.871 recognizes the human right to migrate and supports equal access to public goods, social services, employment, health, education, justice and social security in the same way as native citizens. Therefore, to combat any act of discrimination against migrants within society, appropriate measures must be implemented.

However, the media have repeatedly transmitted inaccurate or misleading information, which contributes to the emergence and/or persistence of prejudices that affect this type of minority group and violate their rights. Therefore, it is imperative that the State emphasize the importance of making a conscious and responsible use of the information transmitted.

Regarding social networks, in the dissemination of degrading, aggressive and xenophobic and/or racist content, strategies to prevent such actions are more difficult, but this does not mean that they are impossible to formulate and implement. An example of this is that, in addition to legal instruments, the state promotes multiple awareness campaigns which contribute significantly to the responsible use of social media and to the rectification of misinformation when necessary. This highlights the commitment of the Argentine State to guaranteeing the rights of migrants.

Conflicto de intereses

La autora declara que no existe ningún tipo de conflicto de intereses.

Responsabilidad ética

Se ha citado correspondientemente toda la bibliografía empleada para la realización del artículo, así como también, las imágenes.

Contribución de autoría

CAZ: la autora declara ser responsable por la totalidad de la investigación y elaboración del artículo.

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Declaración sobre el uso de LLM (Large Language Model)

Este artículo no ha utilizado para su redacción textos provenientes de LLM (como ChatGPT u otros).

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Carolina Y. Andrada-Zurita

Universidad Nacional del Sur, Argentina.

Licenciada en Filosofía por la Universidad Nacional del Sur y Licenciada en Relaciones Internacionales por Universidad Empresarial Siglo 21, Argentina. Docente e investigadora en Universidad Nacional del Sur. También es docente a cargo de diplomaturas y especialización en el Instituto de Ciencias Empresariales y Sociales. Directora y Editora de *Revista Pares*.

ORCID: <https://orcid.org/0000-0001-7870-4188>

carolina.andrada@uns.edu.ar