


Civil & Political Rights in the United States of America


(Submission for the 139th Session of
the International Covenant on Civil and Political Rights Committee)

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International Probono Legal Services Association

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Introduction

1. This report addresses grave concerns regarding violations by the United States of America of the International Covenant on Civil and Political Rights (“ICCPR”). Specifically, the report examines the U.S.’ violations of Article 20, which prohibits (1) "any propaganda for war" and (2) "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."
2. The report presents compelling evidence of the United States’ violations of Sections 1 and 2 through documented legislative changes in the United States that have expanded the production of war propaganda, particularly targeting the domestic audience. Additionally, it highlights then-President Trump's use of the term "Chinese-Virus" during the COVID-19 pandemic, which incited hatred towards the Chinese and people of Asian descent, leading to an increase in racially motivated crimes against these minorities in the U.S. since 2020. The evidence for these violations is drawn from news and media sources covering the volatile political situation between Russia and Ukraine, the terror bombings of the Nord Stream Pipelines, the increasing military presence of the U.S. in the Taiwanese Strait and the South China Seas, as well as news and tweets posted by then-President Trump related to the COVID-19 pandemic.
3. Whilst recognizing the United States’ reservations towards Article 20, which stated that the ICCPR article “does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States”,¹ this report argues that violations of ICCPR’s Article 20 should still be addressed because these violations pose a significant danger to international efforts in maintaining world peace and a culture of peace, as outlined in the resolution adopted by the General Assembly in 1998.² Furthermore, the reservations made by the United States

¹ United Nations, Treaty Series, vol. 999, p. 171 and vol. 1057, p. 407 (procès-verbal of rectification of the authentic Spanish text); depositary notification C.N.782.2001.TREATIES-6 of 5 October 2001 [Proposal of correction to the original of the Covenant (Chinese authentic text)] and C.N.8.2002.TREATIES-1 of 3 January 2002 [Rectification of the original of the Covenant (Chinese authentic text)].

² A/RES/52/13

primarily address concerns regarding the Article 20 ICCPR in restricting free speech, but the reservations do not justify legislations that expand the use of propaganda, especially for war. As a member of both the ICCPR and the United Nations Charter, the United States has a duty to prioritize international peace and eliminate threats to peace, which include propaganda for war and incitement of hatred. Therefore, regardless of the reservations made at the time of ratification, the United States has a prima facie duty to refrain from producing propaganda or promoting hate that threatens peace, as the ICCPR ultimately supervenes on the conditions set forth in the United Nations Charter. Hence, the concerns raised in this report constitute a legitimate violation, regardless of the Member State's reservations to Article 20.

4. The remaining sections of this report are organized into four distinct parts. The first section underscores the significance of Article 20 of the ICCPR within the framework of the United Nations Charter. It emphasizes the gravity of violating Article 20 and the resulting implications for international peacekeeping. The second section identifies the legislative changes implemented by the United States that have expanded the capacity to produce and disseminate war propaganda, both domestically and internationally, and explains the increasing frequency and methods of spreading such propaganda. It argues that both the legislative changes and the use of war propaganda constitute violations of Article 20, Section 1. The third section provides evidence of the United States' transgressions of Article 20, Section 2, through then-President Trump's incitement of hatred towards Asians, particularly the Chinese, through his use of the term "Chinese Virus" (or words and phrases to the same effect) in his tweets from 2020 to 2021. This section applies The Rabat Threshold Test to determine whether a violation and subsequent action are warranted. It presents evidence that the written statements published by Trump satisfy each part of the Rabat test, namely, i) context, ii) speaker, iii) intent, iv) content & form, v) extent of the speech act, and vi) likelihood (including imminence), thus constituting a violation of Article 20, Section 2. Lastly, in the fourth and final section, the report provides recommendations for both the Committee and the United States on the necessary course of action considering the findings presented in sections 1-3.

Section 1 – Reiterating The Significance of Article 20 of the ICCPR in the Context of the United Nations Charter

5. This section explores the vital role of Article 20 of the ICCPR in preserving international order and fostering a culture of peace by prohibiting war propaganda and incitement to discrimination. It emphasizes the importance of understanding the institutional purpose of the United Nations and how its charters and treaties work together to promote peace. The section concludes by highlighting that despite a Member State's reservations towards Article 20, there is still a duty to prevent the propagation of pro-war or pro-hate sentiments domestically and abroad.
6. The United Nations represents the collective desire of numerous countries to safeguard peace and "save succeeding generations from the scourge of war," following the devastating impacts of two world wars.³ Established in 1945, the United Nations initially consisted of 51 founding members and 5 permanent members of the Security Council (China, France, Russia, the United Kingdom, and the United States of America). Membership to the United Nations remains open to all peace-loving states that accept the obligations outlined in the United Nations Charter.⁴ Today, the United Nations comprises 193 Member States, reflecting an increasing global commitment to peace, cooperation, and mutual respect among world powers and leaders.
7. The United Nations Charter, adopted in 1945, serves as the foundational document of the organization, outlining its purposes and guiding principles. Its primary objective is "to maintain international peace and security" by effectively taking collective measures to prevent and eliminate threats to peace, including acts of aggression.⁵ The United Nations monitors and sustains peace and security through the development of key treaties and conventions covering various important matters. One such treaty is the International Covenant on Civil and Political Rights (ICCPR).

³ United Nations (1945) *Charter of the United Nations*. Retrieved from <https://treaties.un.org/doc/Publication/CTC/uncharter.pdf>

⁴ Ibid, Article 4(1)

⁵ Ibid, Article 1(1).

8. The ICCPR, like any other UN treaties, aligns with the principles of the United Nations Charter. Ratified Member States of the United Nations are obligated to uphold the provisions expressed in the ICCPR, alongside their general commitments to maintaining international peace, as stipulated in the Charter. Article 20 of the ICCPR embodies the founding commitment to peace by (1) prohibiting war propaganda in any form through legislation and (2) prohibiting the advocacy of national, racial, or religious hatred that incites discrimination, hostility, or violence by law, and because of this it is crucial to treat any violations of Article 20 with utmost seriousness, as they not only contravene the legal obligations of the treaty and the Charter but also undermine the very purpose and integrity of the United Nations as a peacekeeping institution.
9. Whilst certain Member States, including the United States of America, acknowledge the importance of the ICCPR's provisions, violations and subsequent calls to rectify these shortcomings are often treated as mere recommendations. This may arise from the viewpoint that implementing treaty obligations primarily falls within the responsibility of each Member State, with the United Nations merely serving as a monitoring body to assess compliance. However, IPLSA believes this perspective misunderstands the purpose of both the treaties and the institution itself. The provisions of these treaties, particularly Article 20 of the ICCPR, are directly linked to the duties owed by Member States to the United Nations. Therefore, IPLSA asserts that violations of Article 20 must be taken seriously, and concrete actions must be undertaken to address and redress the resulting harm. This is essential for preventing wars and maintaining global peace and prosperity, especially at a time of renewed cold war tension in the form of the concurrent proxy war in Ukraine and U.S.' increasing military presence in the East and South China Seas.
10. Therefore, the centrality of Article 20 of the ICCPR in maintaining international order and fostering a culture of peace cannot be overstated. The United Nations, as the institutional representation of nations' commitment to peace, plays a crucial role in upholding these principles. Violations of Article 20 undermine the very essence of the United Nations and its mission. It is imperative for every Member State to take concrete actions to prevent the



propagation of war propaganda and incitement to discrimination, both domestically and internationally.

Section 2 – Violations of Article 20§1 of the ICCPR

11. This section explores the role of U.S. war propaganda in the Russian-Ukrainian conflict, which began in 2014 with the US-led Maidan Coup and reignited in 2022. It begins by defining "war propaganda" according to the Human Rights Committee, and demonstrates how the propaganda used by the State Party falls within this definition, thus violating Article 20§1 of the ICCPR. The section then discusses significant American legislations that enable the dissemination of war propaganda by state and private actors to both domestic and foreign audiences.
12. According to the Office of the High Commissioner for Human Rights, "propaganda for war" under Article 20§1 of the ICCPR refers to any form of propaganda that threatens or leads to acts of aggression or breaches of peace contrary to the United Nations Charter. However, it tolerates the use of war propaganda only when advocating for the sovereign right of self-defence or the right of peoples to self-determination and independence in accordance with the United Nations Charter.⁶ Despite both the United States and Russia claiming defensive actions in Ukraine, the U.S. justification for its involvement leans towards supporting its allies against "unprovoked"⁷ Russian aggression. However, this explanation is false and

⁶ United Nations (1983) *General comment no. 11: Prohibition of propaganda for war and ...* - OHCHR, United. Retrieved from <https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/CCPRGeneralCommentNo11.pdf>

⁷ To name a few instances of the phrase ("unprovoked") used in media and state actors, see the following:

- a) O'Connor, M. (2022). Russia attack on Ukraine catastrophe for Europe, say Boris Johnson. Retrieved from <https://www.bbc.com/news/uk-60504204>
- b) Hurst, D., Hannam, P., & Butler, J. (2022). Australia condemns Russia's 'brutal and unprovoked' invasion of Ukraine. Retrieved from <https://www.theguardian.com/world/2022/feb/24/australia-condemns-russias-brutal-and-unprovoked-invasion-of-ukraine>
- c) Herb, J., Judd, D., & Mattingly, P. (2022). Biden condemns 'Russia's unprovoked and unjustified attack on Ukraine'. Retrieved from <https://edition.cnn.com/2022/02/23/politics/biden-russia-ukraine/index.html>
- d) Gutterman, S. (2022). The Week In Russia: Unprovoked War And 'Unspeakable Suffering'. Retrieved from <https://www.rferl.org/a/unprovoked-war-unspeakable-suffering/31748039.html>
- e) Muzaffar, M. (2022). World leaders condemn Russia's 'unprovoked' invasion of Ukraine: 'The world can and must stop Putin'. Retrieved from <https://news.yahoo.com/world-leaders-condemn-russia-unprovoked-065530769.html>



misrepresents the geopolitical context and historical events that preceded the renewed conflict in 2022.⁸

13. For instance, American and Western media have the tendency to overlook three components that are crucial to the conversation of the present day conflict in Ukraine, which is a) NATO's promise made to the Soviets in 1991,⁹ b) the U.S.-backed coup in Ukraine in 2014,¹⁰ and c) the rejection of the Minsk-Normandy process.¹¹ In the absence of these three key contexts, it is very easy to report that there was no reason for Russia to have acted out the way they did in 2022. Instead American and Western media will employ war propaganda tactics such as demonizing the opposition,¹² suppressing dissent,¹³ censorship, oversimplification,¹⁴ emotional appeals,¹⁵ and the repetition¹⁶ of false narratives to create an illusion of that the Russian invasion was "unprovoked". These propaganda tactics create a

f) Biden, J. (2022). Statement by President Biden on Russia's Unprovoked and Unjustified Attack on Ukraine. Retrieved from <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/23/statement-by-president-biden-on-russias-unprovoked-and-unjustified-attack-on-ukraine/>

g) USAID. (2023). On Russia's Unprovoked and Unjustified Attack on Ukraine. Retrieved from <https://www.usaid.gov/news-information/press-releases/feb-25-2022-russias-unprovoked-and-unjustified-attack-ukrainjustified-attack-ukraine>

⁸ Greene, B. (2022). Calling Russia's Attack 'Unprovoked' Lets US Off the Hook. Retrieved from <https://fair.org/home/calling-russias-attack-unprovoked-lets-us-off-the-hook/>

⁹ RT, (2022). West promised not to expand NATO – Der Spiegel. Retrieved from <https://www.rt.com/news/549921-nato-expansion-russia-document/>

¹⁰ Katchanovski, I., (2022). The Russia-Ukraine War and the Maidan in Ukraine. Retrieved from <http://dx.doi.org/10.2139/ssrn.4246203>; see also, Mearsheimer, J., (2014). Why the Ukraine Crisis Is the West's Fault. Retrieved from <https://www.mearsheimer.com/wp-content/uploads/2019/06/Why-the-Ukraine-Crisis-Is.pdf>

¹¹ The Minsk-Normandy process refers to the two-part diplomatic effort aimed at brokering peace through ceasefire (the Minsk Protocol, 2014) and political reforms (the Minsk II Agreement, 2015).

¹² See, for instance, RFE/RL, (2022). 'Putin Is The Devil!' Daghestani Schoolgirl Protests Ukraine War At Graduation Ceremony. Retrieved from <https://www.rferl.org/a/daghestan-schoolgirl-protest-putin-devil-ukraine/31863732.html>

¹³ Refer to the latter portion of this section.

¹⁴ See, for instance, Seldin, J., (2022). Putin's Gamble on Ukraine May Be Anything but Crazy. Retrieved from <https://www.voanews.com/a/putin-s-gamble-on-ukraine-may-be-anything-but-crazy/6458607.html>

¹⁵ See, for instance, Presutti, C., (2022). US Protesters: 'Putin Is Out of His Mind'. Retrieved from <https://www.voanews.com/a/us-protesters-putin-is-out-of-his-mind-/6458617.html>, Roth, A., (2022). 'It's not rational': Putin's bizarre speech wrecks his once pragmatic image. Retrieved from <https://www.theguardian.com/world/2022/feb/25/its-not-rational-putins-bizarre-speech-wrecks-his-once-pragmatic-image>, Borger, J., & Chrisafis, A., (2022). Decision to invade Ukraine raises questions over Putin's 'sense of reality'. Retrieved from <https://www.theguardian.com/world/2022/feb/24/putin-russian-president-ukraine-invasion-mental-fitness>, Wolf, Z., (2022). There is plenty of speculation about Putin's state of mind. Retrieved from <https://edition.cnn.com/2022/03/02/politics/putin-mental-state-what-matters/index.html>; and King, L., (2022). Russia President Putin's behavior raises mental health questions. Retrieved from <https://www.latimes.com/world-nation/story/2022-02-28/russia-putin-behavior-mental-health>

¹⁶ Supra note, 7.



false consensus that paints the Russians as the sole aggressors in this conflict, where in fact the U.S. is more, if not equally, culpable, as the initial aggressor for initiating the Maidan coup, by overthrowing the democratically elected leader Yanukovich¹⁷ in 2014, and directing the expansion of NATO eastwards,¹⁸ as the de facto leader of NATO, into ex-Warsaw Pact territory.¹⁹

14. There is also a significant concern regarding the State Party's use of propaganda to hinder or undermine peace talks and negotiations that occur outside the influence of the Western-NATO bloc. For example, China's 12-point peace plan was met with ridicule,²⁰ doubt,²¹ and accusations of opportunism²² by the media, particularly by US-controlled²³ outlets such as Radio Free Europe,²⁴ Radio Free Asia,²⁵ and the Voice of America.²⁶ In contrast, the US has only responded to the conflict by sending more weapons and financial aid to Ukraine, with the intention of weakening Russia.²⁷ This is concerning, considering that there is awareness

¹⁷ See, Greene, B., (2022). What You Should Really Know About Ukraine. Retrieved from <https://fair.org/home/what-you-should-really-know-about-ukraine/>

¹⁸ See, Savranskaya, S., & Blanton, T., (2017). NATO Expansion: What Gorbachev Heard. Retrieved from https://nsarchive.gwu.edu/briefing-book/russia-programs/2017-12-12/nato-expansion-what-gorbachev-heard-western-leaders-early#_ednref3

¹⁹ Supra note, 9.

²⁰ See, for instance, Shahrigan, S., (2023). White House scoffs at China's peace proposal for Ukraine. Retrieved from <https://www.nydailynews.com/2023/02/26/white-house-scoffs-at-chinas-peace-proposal-for-ukraine/>; and Schuman, M., (2023). China Plays Peacemaker. Retrieved from <https://www.theatlantic.com/international/archive/2023/03/china-iran-saudi-arabia-diplomacy-soft-power/673384/>

²¹ See, for instance, Ching, N., (2023). US Watches With Caution as China Sends Peace Envoy to Ukraine. Retrieved from <https://www.voanews.com/a/us-watches-with-caution-as-china-sends-peace-envoy-to-ukraine/7083714.html>; Wong, E., & Erlanger, S., (2023). China as Peacemaker in the Ukraine War? The U.S. and Europe Are Skeptical. Retrieved from <https://www.nytimes.com/2023/03/19/us/politics/russia-china-putin-xi.html>; and, Cohen, D., (2023). Biden doubts there's any merit in China's Russia-Ukraine plan. Retrieved from <https://www.politico.com/news/2023/02/26/biden-russia-china-ukraine-muir-00084452>

²² See, for instance, Bekkevold, J., (2023). China's 'Peace Plan' for Ukraine Isn't About Peace. Retrieved from <https://foreignpolicy.com/2023/04/04/china-xi-ukraine-russia-peace-plan-diplomacy-global-south/>

²³ USAGM, (2023). About USAGM | Direct. Retrieved from https://direct.usagm.gov/about_usagm

²⁴ See, for instance, Standish, R., (2023). A Chinese Proposal To End The War In Ukraine? Not Quite. Retrieved from <https://www.rferl.org/a/china-ukraine-peace-plan-analysis-putin-skepticism-west/32287067.html>

²⁵ See, for instance, Tang, J., (2023). ANALYSIS: China under Xi is trying to forge a new and authoritarian world order. Retrieved from <https://www.rfa.org/english/news/china/analysis-03202023151116.html>

²⁶ See, for instance, AFP, (2023). US Skeptical of Beijing's Ukraine Peace Plan. Retrieved from <https://www.voafrika.com/a/us-skeptical-of-beijing-s-ukraine-peace-plan/7013289.html>

²⁷ See, for instance, the serious allegations made by certain foreign ministers that suggested some within the NATO member states want the Russian-Ukrainian war to continue by prioritizing the weakening of Russia over the well-being of Ukraine (Decamp, D., (2022). After Kyiv Visit, Lloyd Austin Says US Goal Is for Russia To Be 'Weakened'. Retrieved from <https://news.antiwar.com/2022/04/25/after-kyiv-visit-lloyd-austin-says-us-goal-is-for-russia-to-be-weakened/>). This sentiment is also apparently supported by US Secretary of Defence Lloyd Austin's



within the US that a significant portion of the funds sent to Ukraine has been embezzled,²⁸ as reported by Pulitzer Prize-winning journalist Seymour Hersh.²⁹

15. Moreover, there appears to be evidence indicating U.S.' involvement in controlling domestic coverage of the news surrounding the Nord Stream Pipeline Terror Attacks. There were many signs of censorship, such as the lack of coverage major U.S. broadcast networks such as The National Broadcasting Company (NBC), The American Broadcasting Company (ABC), The Columbia Broadcasting System (CBS), especially public funded ones like the Public Broadcasting Service (PBS) and National Public Radio (NPR).³⁰ The most famous example of this is perhaps the abrupt termination of Professor Jeffrey Sachs's interview with Bloomberg – where the American economist was “yanked off air”³¹ after suggesting that the pipelines were sabotaged by his own country's government.³² These allegations also coincide with previous statements made by President Biden, who unequivocally stated that if Russia invaded Ukraine with tanks or troops crossing the border, Nord Stream 2 would be terminated.³³ Despite evidence pointing in a different direction, media outlets were quick to blame or accuse Russia when the terror attack was first observed.³⁴ Additionally, when questioned, US Secretary of State Antony Blinken dismissed the seriousness of the attacks,

statement that one of the US's goals in Ukraine is to see Russia weakened. (Blinken, A., (2022). Secretary Antony J. Blinken and Secretary Lloyd Austin Remarks to Traveling Press. Retrieved from <https://www.state.gov/secretary-antony-j-blinken-and-secretary-lloyd-austin-remarks-to-traveling-press/>)

²⁸ RFE/RL, (2023). Ukraine's Security Service Exposes 'Large-Scale' Embezzlement Scheme. Retrieved from <https://www.rferl.org/a/ukraine-defense-ministry-embezzlement-food-sbu/32254492.html>

²⁹ FP Staff, (2023). CIA aware of widespread corruption in Ukraine, embezzlement of US aid, claims Seymour Hersh. Retrieved from <https://www.firstpost.com/world/cia-aware-of-widespread-corruption-in-ukraine-embezzlement-of-us-aid-claims-seymour-hersh-12448952.html>

³⁰ Knox, D., (2023). Major US Outlets Found Hersh's Nord Stream Scoop Too Hot to Handle. Retrieved from <https://fair.org/home/major-us-outlets-found-hershs-nord-strom-scoop-too-hot-to-handle/>

³¹ Blair, A., (2022). Columbia professor Jeffrey Sachs yanked off air after accusing US of sabotaging Nord Stream pipeline. Retrieved from <https://nypost.com/2022/10/04/jeffrey-sachs-yanked-off-air-after-accusing-us-of-sabotaging-nord-stream/>

³² Blair, A., (2022). US professor hauled off air over Nord Stream pipeline accusation. Retrieved from <https://www.news.com.au/finance/business/media/us-professor-hauled-off-air-over-nord-stream-pipeline-accusation/news-story/ce9349858e3bcfa63299d1c58d085e74>

³³ Egan, L., (2022). Biden vows U.S. will 'bring an end' to Nord Stream 2 pipeline if Russia invades Ukraine. Retrieved from <https://www.nbcnews.com/politics/biden-meet-german-chancellor-russia-ukraine-tesnions-rcna15190>

³⁴ Josephs, J., (2022). US suggests Russia could be behind Nord Stream gas leaks. Retrieved from <https://www.bbc.com/news/business-63084613>

stating that the sabotage was "clearly in no one's interest."³⁵ This response downplays the gravity of the attacks on key European energy infrastructures, which under normal circumstances would be considered an act of war and could have significantly escalated the Russian-Ukrainian situation. The general sense of apathy among NATO states is also striking and perhaps uncharacteristic in this context. Which cannot be explained other than the U.S.' attempts at obfuscating the truth behind the terror attacks.

16. This level of coordination and media control is perhaps only made possible through the incrementally legislative and strategic changes made by the United States over the years. IPLSA has identified several legislative changes in the United States that can attest to this. Of these changes, six stand out: the USA Patriot Act (2001), the Smith-Mundt Modernization Act (2012), and the National Defence Authorization Act for Fiscal Years 2019, 2021, 2023, and 2024. The Smith-Mundt Modernization Act of 2012, in particular, is of significant concern among these legislative changes. While the other Acts work together to enhance the capacity for producing and disseminating propaganda domestically and internationally, particularly regarding the news coverage of ongoing conflicts such as the Russian-Ukrainian War and the increasing US military presence in the South and East China Seas.
17. The Smith-Mundt Act, formally known as the Information and Educational Exchange Act of 1948, was initially established to facilitate cultural exchange by promoting American foreign policy objectives, and shaping global perception of the United States. The Act led to the establishment of the United States Information Agency (USIA) in 1953, which oversaw propaganda campaigns and the operation of the Voice of America broadcasting service. However, during the legislation of the Act in 1948, politicians were already cautious about the possibility of the same propaganda targeting the domestic population, as they considered it morally reprehensible precisely because foreign powers had employed similar tactics against their own citizens.³⁶ It is only by 1985 amendments were finally introduced to

³⁵ Reuters, (2022). Possible sabotage on gas pipelines would be 'in no-one's interest,' says Blinken. Retrieved from <https://www.reuters.com/world/europe/possible-sabotage-gas-pipelines-would-be-in-no-ones-interest-says-blinken-2022-09-27/>

³⁶ Congressional Record, June 9, 1947 Vol. 93, Part 5—Bound Edition 80th Congress—1st Session



prohibit the USIA from engaging in domestic propaganda, differentiating the United States from the Soviet Union, where domestic propaganda was a prominent government activity at the time.³⁷

18. However, these changes were reversed in 2012 by the Smith-Mundt Modernization Act, which allowed the Secretary of State and the Broadcasting Board of Governors³⁸ to disseminate propaganda intended for foreign audiences to domestic audiences as well. This change provided state actors with more tools and financial support to influence the American people in line with overarching foreign policy objectives originally intended for overseas audiences. These powers granted by the 2012 act worked in conjunction with the USA Patriot Act (2001), which grants the US government broad powers to collect information on individuals, including their communications and activities. While the existence of the Patriot Act continues to violate Article 17§1³⁹ of the ICCPR by subjecting Americans to arbitrary and unlawful interference with their privacy, it also serves as a powerful surveillance tool for monitoring public sentiment. This collected information can also be repurposed as a learning tool with novel technology (such as the use of Artificial Intelligence) to determine the most effective ways of disseminating propaganda, leveraging information that the state would not otherwise have access to, and thereby creating propaganda for US objectives. Furthermore, the National Defence Authorization Act for Fiscal Years 2019⁴⁰, 2021⁴¹, 2023⁴², 2024⁴³ laid the foundation for continued Cold War aggression against China (in particular Taiwan) and Russia. The provisions of these Acts,

³⁷ Zorinsky & Exon, (1985) Amendment Nos. 296 AND 297 (pp. 14861) Congressional Record-Senate of the 99th Congress, 1st Session, June 7; Vol. 131, Part 29

³⁸ In 1953 President Eisenhower submitted Reorganization Plan Number 8 to Congress which established the United States Information Agency (USIA) to consolidate information functions administered by the State Department and other agencies.

³⁹ ICCPR, Article 17§1: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.”

⁴⁰ GovTrack.us. (2023). H.R. 5515 — 115th Congress: John S. McCain National Defense Authorization Act for Fiscal Year 2019. Retrieved from <https://www.govtrack.us/congress/bills/115/hr5515>

⁴¹ GovTrack.us. (2023). H.R. 6395 — 116th Congress: National Defense Authorization Act for Fiscal Year 2021. Retrieved from <https://www.govtrack.us/congress/bills/116/hr6395>

⁴² GovTrack.us. (2023). H.R. 7776 — 117th Congress: James M. Inhofe National Defense Authorization Act for Fiscal Year 2023. Retrieved from <https://www.govtrack.us/congress/bills/117/hr7776>

⁴³ GovTrack.us. (2023). S. 2226 — 118th Congress: National Defense Authorization Act for Fiscal Year 2024. Retrieved from <https://www.govtrack.us/congress/bills/118/s2226>

and the other unlisted National Defence Authorization Acts that precede the ones aforementioned, continue to view China and Russia as hostile forces that require “responding to”. This is often done through information operations or psychological operations, which involve using the same propaganda techniques that it supposedly aims to counter.

19. It can be concluded that the United States of America has been actively engaged in the use of war propaganda in the Russian-Ukrainian conflict and against China. This section highlighted how the U.S. propaganda efforts violate the provisions set forth in Article 20§1 of the ICCPR, namely by strategically empowering their government to legally employ war propaganda and putting those powers into practice.

Section 3 – Violations of Article 20§2 of the ICCPR

20. This section explores the influence of Trump's rhetoric on shaping public opinion and fostering hostility and discrimination towards the Chinese and individuals of Asian descent. By analysing Trump's rhetoric, specifically his "tweets", and applying the Rabat Threshold Test, IPLSA concludes that Trump's actions indeed constitute a violation of Article 20, Section 2 of the ICCPR.

21. The following are a selection of tweets, among many others, written and published by former President Trump and members of his administration. These tweets employ phrases such as "Chinese Virus" and "Chinese Plague," or similar wording emphasized by underscores:

a) 16 March 2020

“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!”⁴⁴

b) 17 March 2020

“Coumo wants “all states to be treated the same.” But all states aren’t the same. Some are being hit hard by the Chinese Virus, some are being hit practically not at all. New York is a very big “hotspot”, West Virginia has, thus far, zero cases. Andrew, keep politics out of it....”⁴⁵

c) 18 March 2020

“I will be having a news conference today to discuss very important news from the FDA concerning the Chinese Virus!”⁴⁶

“I always treated the Chinese Virus very seriously, and have done a very good job from the beginning, including my very early decision to close the “borders” from China –

⁴⁴ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1239685852093169664>

⁴⁵ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1239889767267008512>

⁴⁶ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1240234698053431305>



against the wishes of almost all. Many lives were saved. The Fake News new narrative is disgraceful & false!”⁴⁷

d) 22 March 2020

“My friend (always there when I’ve needed him!), Senator @RandPaul, was just tested “positive” from the Chinese Virus. That is not good! He is strong and will get better. Just spoke to him and he was in good spirits.”⁴⁸

e) 13 May 2020

“As I have said for a long time, dealing with China is a very expensive thing to do. We just made a great Trade Deal, the ink was barely dry, and the World was hit by the Plague from China. 100 Trade Deals wouldn’t make up the difference - and all those innocent lives lost!”⁴⁹

f) 20 May 2020

“Some wacko in China just released a statement blaming everybody other than China for the Virus which has now killed hundreds of thousands of people. Please explain to this dope that it was the “incompetence of China”, and nothing else, that did this mass Worldwide killing!”⁵⁰

g) 7 July 2020

““COVID-19 (China Virus) Death Rate PLUNGES From Peak In U.S.” A Tenfold Decrease In Mortality. The Washington Times @WashTimes Valerie Richardson. We have the lowest Mortality Rate in the World. The Fake News should be reporting these most important of facts, but they don’t!”⁵¹

⁴⁷ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realDonaldTrump/status/1240243188708839424>

⁴⁸ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/i/web/status/1241897485779468288>

⁴⁹ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1260578860992737285>

⁵⁰ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1263085979491016708>

⁵¹ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1280484878744793090>



h) 21 July 2020

“We are United in our effort to defeat the Invisible China Virus, and many people say that it is Patriotic to wear a face mask when you can’t socially distance. There is nobody more Patriotic than me, your favorite [sic] President!”⁵²

In response, on the same day, USA’s Ambassador for Iceland Mr Jeffrey Ross Gunter replied saying:

“We are United to defeat the Invisible China Virus!”⁵³

i) 3 August 2020

“So Crazy Nancy Pelosi said horrible things about Dr. Deborah Birx, going after her because she was too positive on the very good job we are doing on combatting the China Virus, including Vaccines & Therapeutics. In order to counter Nancy, Deborah took the bait & hit us. Pathetic!”⁵⁴

j) 7 September 2020

“Starting to get VERY high marks in our handling of the Coronavirus (China Virus), especially when compared to other countries and areas of the world. Now the Vaccines (Plus) are coming, and fast!”⁵⁵

k) 21 October 2020

“....Should take care of our people. It wasn’t their fault that the Plague came in from China!”⁵⁶

⁵² Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1285299379746811915>

⁵³ Xinhua, (2020). US ambassador to Iceland draws concerted criticism over retweet of China virus. Retrieved from http://www.china.org.cn/world/2020-07/27/content_76316717.htm76316717.htm

⁵⁴ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1290282508303716352>

⁵⁵ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1302961482716639233>

⁵⁶ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1319028572665700352>



l) 16 November 2020

“Another Vaccine just announced. This time by Moderna, 95% effective. For those great “historians”, please remember that these great discoveries, which will end the China Plague, all took place on my watch!”⁵⁷

m) 29 December 2020

“\$2000 for our great people, not \$600! They have suffered enough from the China Virus!!!”⁵⁸

n) 3 January 2021

“The number of cases and deaths of the China Virus is far exaggerated in the United States because of @CDCgov’s ridiculous method of determination compared to other countries, many of whom report, purposely, very inaccurately and low. “When in doubt, call it Covid.” Fake News!”⁵⁹

22. The statements written and published by former President Trump and his administration, as exemplified above, present a prima facie case of a high-level state actor inciting discrimination, hostility, or violence towards the Chinese and individuals of Asian descent, which is in violation of Article 20§2 of the ICCPR. However, invoking Article 20§2 of the ICCPR necessitates a rigorous threshold due to its implications for freedom of expression. To address this, the Office of the High Commissioner for Human Rights has developed the Rabat Plan of Action as a framework for determining whether a statement qualifies as a punishable offence.

23. The Rabat threshold offers a systematic approach to assess whether a particular speech act can be considered incitement to hatred, discrimination, or violence, thereby warranting legal action. It aims to strike a balance between safeguarding freedom of expression and preventing harm caused by hate speech. This balance can only be achieved if the alleged speech act satisfies the following six requirements: 1) context: the social and political

⁵⁷ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1328341927641681922>

⁵⁸ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1343916418316824583>

⁵⁹ Trump, D. [@realDonaldTrump] (2021) [Tweet] <https://twitter.com/realdonaldtrump/status/1345720107255926784>

context when the speech was made; 2) speaker: the position and influence of the speaker in relation to the audience; 3) intent: the speech must involve advocacy or incitement, not mere distribution; 4) content and form: analysing the provocative nature, arguments, and style of the speech; 5) extent: the reach, public nature, and size of the audience; and finally 6) likelihood: the reasonable probability of inciting harmful action, with direct causation required.

24. In determining whether former President Trump has incited or advocated hatred and hostility towards individuals of Chinese or Asian descent during the period of 2020-2021, IPLSA has reached the following conclusions:

- a) **Context:** At the time of the series of tweets published by former President Trump, the political relationship and partnership between China and the United States of America were already under significant tension. This tension was driven by various factors that were well-known to the general public, including trade disputes, unilateral sanctions imposed by the US on China, unofficial relations between the US and Taiwan,⁶⁰ and the increasing US military presence in the Asia-Pacific region. Additionally, during the early stages of the pandemic, from late 2019 to early 2020, there was heightened political strain between the United States and China regarding the origin of the coronavirus. The tweets made by former President Trump during this vulnerable period further exacerbated blame and concerns that the American populace had towards China and its perceived role in the viral pandemic. Trump's tweets, therefore, satisfy the first part of the threshold test.
- b) **Speaker:** As the President of the United States of America, Donald Trump held a position of significant influence and had a broad reach. This influence was further amplified by his administration and high-ranking political allies, who echoed and reinforced his words and sentiments. Ordinary individuals, without specialized knowledge, could interpret his remarks as racist with ease due to their ordinary usage

⁶⁰ Which according to UN General Assembly Resolution 2758 that was adopted in 1971, the People's Republic of China ("PRC") is the "only legitimate representative of China to the United Nation". U.S. government's dealings with Taiwan in the absence of the PRC government's involvement directly undermines its authority and is, therefore, a cause for political concern.



and the overall context. These remarks were also directed at the general American public and Trump's supporters, in which Trump himself served as a figure of authority for a large majority of the American populace, lending an air of legitimacy to his words regardless of their veracity. Consequently, the emotionally charged language used by Trump only served to magnify existing blame and concerns held by his supporters.⁶¹ Trump's tweets, therefore, satisfy the second part of the threshold test.

- c) Intent: Among the six requirements of the Rabat threshold test, proving intent is arguably the most crucial. Former President Trump first used the phrase in question on March 16, 2020, and repeated it a few more times during that period. Notably, there was a photograph of Trump reading from notes during a press conference where the word "corona" was replaced with "Chinese", in his handwriting, to describe the COVID-19 virus.⁶² This demonstrates that Trump's use of the word was first and foremost deliberate.

Initially, the then-President defended that terms like "China Virus" or "China Plague" were appropriate because the virus originated from China and therefore not racist.⁶³ But he later on stopped using those terms after facing considerable widespread criticism and pushback from Asian communities,⁶⁴ particularly around March 20, 2020.⁶⁵ This shift coincided with public health experts and the World Health Organization (WHO) informing Trump that naming the virus after geographic locations was inappropriate and could stigmatize Asian-Americans and people from China unnecessarily.⁶⁶

⁶¹ Watson, S., (2020). THREE Polls Show Majority Of Americans Agree With Trump Calling Coronavirus 'Chinese'. Retrieved from <https://summit.news/2020/04/10/three-polls-show-majority-of-americans-agree-with-trump-calling-coronavirus-chinese/>

⁶² Smith, A., (2020). Photo of Trump remarks shows 'corona' crossed out and replaced with 'Chinese' virus. Retrieved from <https://www.nbcnews.com/politics/donald-trump/photo-trump-remarks-shows-corona-crossed-out-replaced-chinese-virus-n1164111>

⁶³ Vazquez, M., & Klein, B., (2020). Trump again defends use of the term 'China virus'. Retrieved from <https://edition.cnn.com/2020/03/17/politics/trump-china-coronavirus/index.html>

⁶⁴ Rogers, K., Jakes, L., & Swanson, A., (2020). Trump Defends Using 'Chinese Virus' Label, Ignoring Growing Criticism. Retrieved from <https://www.nytimes.com/2020/03/18/us/politics/china-virus.html>

⁶⁵ Sandler, R., (2020). Trump Abruptly Stops Calling Coronavirus 'Chinese Virus' At Daily Press Briefing. Retrieved from <https://www.forbes.com/sites/rachelsandler/2020/03/23/trump-abruptly-stops-calling-coronavirus-chinese-virus-at-daily-press-briefing/?sh=4874d45347ad>

⁶⁶ Ibid.



However, despite being well aware of the community's disapproval and the repercussions⁶⁷ associated with his statements, Trump reinstated the use of the racial epithets around May 24, 2020, after a brief two-month long hiatus. This indicates a clear case of deliberate and malicious intent, considering the repeated warnings issued to him. Likewise, Trump was fully capable of referring to the virus by its neutral nomenclature as the "coronavirus"⁶⁸ during the same period in which the problematic phrases were used. Such as when he made a tweet addressing to President Xi⁶⁹ or when he tweeted about Mr Joe Biden, who was Trump's political rival at the time.⁷⁰ The further suggests that Trump understood perfectly the implications of the problematic phrase(s) he had used in the past.

As the President of the United States of America, Trump should have known that the words he chose to use when referring to the coronavirus carried weight, and free speech should not be abused in a manner easily interpreted as racism or an attempt to incite hate. Therefore, the usage of these terms can be concluded as a deliberate attempt at advocating or inciting hatred against the Chinese or people of Asian descent. Trump's tweets were therefore written and published in a deliberate and malicious manner, thus satisfying the third part of the threshold test.

⁶⁷ This point will be expanded at the 6th and final step of the Rabat assessment by IPLSA.

⁶⁸ See, Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1251953233184149504>; Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1257041819097092096>; and Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1288968970331213830>

⁶⁹ Refer to Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1221809170673958913>; and Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1243407157321560071>

⁷⁰ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1287945545600966658>, and Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1321188083845402625>



d) Content and Form: The content of Trump's tweets, particularly the use of racially or ethnically charged terms, is deemed provocative and capable of inciting discrimination or hostility. The style and tone of Trump's tweets were intended to be brief and straightforward, and the phrasing employed aimed to attribute blame to Chinese individuals or people of Asian descent. The following tweets by Trump, with underscored phrases, serve as illustrations of the hostility conveyed:

10 May 2020

“.@CBS and their show, @60Minutes, are doing everything within their power, which is far less today than it was in the past, to defend China and the horrible Virus pandemic that was inflicted on the USA and the rest of the World. I guess they want to do business in China!”⁷¹

20 May 2020

“Some wacko in China just released a statement blaming everybody other than China for the Virus which has now killed hundreds of thousands of people. Please explain to this dope that it was the “incompetence of China”, and nothing else, that did this mass Worldwide killing!”

6 July 2020

“China has caused great damage to the United States and the rest of the World!”⁷²

The content of the three tweets can be characterized as provocative and hostile in nature. The first tweet directly accuses CBS of defending China and implies that their actions contribute to the negative impacts of the pandemic. The second tweet adopts an accusatory tone towards China's handling of the virus, conveniently overlooking other factors and complexities involved in managing the pandemic, and squarely places blame on China. The third tweet is hostile in its broad and accusatory nature, suggesting that China is responsible for causing significant damage without specifying the nature of that

⁷¹ Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1259625738858303490>

⁷² Trump, D. [@realDonaldTrump] (2020) [Tweet] <https://twitter.com/realdonaldtrump/status/1280116392990253056>



damage or providing supporting evidence. Although all three tweets touch upon public health concerns related to the pandemic, they fail to offer substantial information or directly address public health issues. Instead, the language used contributes to the stigmatization of the Chinese by suggesting that China alone bears responsibility for the negative consequences of the pandemic in the United States or the rest of the world. The above analysis serve to satisfy the fourth part of the threshold test.

- e) Extent: Twitter ranks as the fourth-largest social media platform globally in terms of user count, trailing only Facebook, Instagram, and Snapchat.⁷³ As of 2020, there were an estimated 56 million Twitter users in the United States, which accounts for 26.3% of the country's social network users.⁷⁴ Moreover, there were approximately 314.9 million active Twitter users worldwide.⁷⁵ Former President Trump's initial tweet featuring the problematic phrases emerged in March 2020, and he continued to use them until his eventual ban from Twitter in January 2021. Throughout this period, Trump tweeted the phrase "China Virus" 49 times, 57 including retweets, whilst "Chinese virus" was tweeted 10 times, excluding one retweet. Additionally, "China plague" appeared in his tweets 11 times, excluding one retweet. There were numerous other tweets, though not containing those exact phrases, that conveyed similar sentiments.

Many individuals, including members of Trump's administration and political allies, adopted these terms,⁷⁶ further contributing to the propagation of hate narratives and racial slurs.⁷⁷ Trump's Twitter following increased from 74 million to 88.5 million

⁷³ eMarketer, (2020). Twitter Users Worldwide, 2019-2024. Retrieved from <https://www.insiderintelligence.com/content/global-twitter-users-2020>

⁷⁴ eMarketer, (2021). US Twitter Users, 2020-2025 (millions, % change, and % of social network users). Retrieved from <https://www.insiderintelligence.com/chart/252334/us-twitter-users-2020-2025-millions-change-of-social-network-users>

⁷⁵ Supra note, 63.

⁷⁶ See, for instance, Garrett, A., (2021). Judge Using Phrase 'China Virus' Asked to Apologize Amid Rise in Anti-Asian Hate Crimes. Retrieved from <https://www.newsweek.com/judge-using-phrase-china-virus-asked-apologize-amid-rise-anti-asian-hate-crimes-1574339>; Christopher, T., (2020). Kellyanne Conway Defends Trump 'Kung Flu' Remark and Attacks CBS' Weijia Jiang: 'You Lacked the Courage' to Come Forward. Retrieved from <https://www.mediaite.com/news/kellyanne-conway-defends-trump-kung-flu-remark-and-attacks-cbs-weijia-jiang-you-lacked-the-courage-to-come-forward/>; and Jiang, W., [@weijia] (2020) [Tweet] <https://twitter.com/weijia/status/1239923246801334283>

⁷⁷ See, Bostock, B., (2021). Trump's first tweet about a 'Chinese virus' caused an increase of anti-Asian hashtags on Twitter, study finds. Retrieved from <https://www.businessinsider.com/trump-chinese-virus-tweet-sparked-anti->



during the time these terms were in active circulation, signifying that his words were reaching an expanding audience and leaving a lasting impression upon those who shared his beliefs on the matter.⁷⁸

Trump's tweets were infamous for their viral nature and ability to attract significant attention and widespread sharing. They often generated substantial engagement through retweets, likes, and comments. In particular, controversial or provocative tweets garnered even greater reactions and were frequently shared by other users, thereby extending their reach beyond Trump's immediate followers. Consequently, Trump's tweets often attracted media coverage, both in print and on online platforms. Journalists and news organizations frequently reported on and analysed his tweets, amplifying their reach and ensuring they reached a broader audience that may not have directly followed him on Twitter.

While Trump's primary target audience was the American public, his tweets also possessed an international reach. Twitter serves as a global platform, enabling users worldwide to access his messages. Trump's tweets on topics such as the Covid-19 pandemic held implications for global politics and influenced perceptions of the United States abroad. Thus, there is no doubt that Trump's extent meets the fifth criteria established for the Rabat threshold test.

- f) Likelihood: Assessing the likelihood of incitement involves evaluating the reasonable probability that Trump's tweets would successfully incite harmful actions or discrimination against the Chinese or Asian community. This requires examining any direct causal link between the tweets and subsequent discriminatory or hostile behaviour. Trump continued to use and popularize the racial epithets from March 16, 2020, until

[asian-hashtags-spike-study-2021-3?op=1](https://www.washingtonpost.com/nation/2021/03/19/trump-tweets-chinese-virus-racist/); Salcedo, A., (2021). Racist anti-Asian hashtags spiked after Trump first tweeted 'Chinese virus,' study finds. Retrieved from <https://www.washingtonpost.com/nation/2021/03/19/trump-tweets-chinese-virus-racist/>; and Kurtzman., L., (2021). Trump's 'Chinese Virus' Tweet Linked to Rise of Anti-Asian Hashtags on Twitter. Retrieved from <https://www.ucsf.edu/news/2021/03/420081/trumps-chinese-virus-tweet-linked-rise-anti-asian-hashtags-twitter>

⁷⁸ Reja, M., (2021). Trump's 'Chinese Virus' tweet helped lead to rise in racist anti-Asian Twitter content: Study. Retrieved from <https://abcnews.go.com/Health/trumps-chinese-virus-tweet-helped-lead-rise-racist/story?id=76530148>



January 3, 2021, when he was permanently banned from Twitter on January 8, 2021, “due to the risk of further incitement of violence”.⁷⁹

Shortly after Trump published his first tweet on the subject on March 13, 2020, a stabbing incident occurred on March 14, 2020,⁸⁰ in Texas, where a nineteen-year-old assailant attacked an Asian family consisting of two children and two adults. Court documents indicate that the assailant targeted the family because he believed they were Chinese and perceived them as a threat due to their supposed connection to the spread of the coronavirus.⁸¹

According to the Asian Pacific Policy Planning Council, between March and May 2020, more than 800 hate incidents related to Covid-19 were reported in California alone, with many attributing the rise in Asian hate to Trump's anti-China rhetoric.⁸² Verbal harassment was the most prevalent form of discrimination faced by Asians at the time, followed by shunning, physical assault, workplace discrimination, and even instances of being spat on.⁸³ Trump's incitement of hatred against China had a significant impact on the Asian American population, leading to senseless assaults against anyone perceived to "look Chinese," regardless of their actual ethnicity.⁸⁴ It is crucial to note that the influence of Trump's tweets persisted even after his Twitter ban and contributed to a surge in racism across the country.⁸⁵ The demonstrable harm caused by Trump's

⁷⁹ Delkic, M., (2022). Trump's banishment from Facebook and Twitter: A timeline. Retrieved from <https://www.nytimes.com/2022/05/10/technology/trump-social-media-ban-timeline.html>

⁸⁰ Morris, D., & Trevizo, V., (2020). Teen charged in 'racially motivated' Sam's club stabbing. Retrieved from <https://www.newswest9.com/article/news/stabbing-at-sams-club/513-da08cae7-b407-491a-9c24-dcec22ee5dd3>

⁸¹ Ibid.

⁸² BBC. (2021). Covid “hate crimes” against Asian Americans on rise. Retrieved from <https://www.bbc.com/news/world-us-canada-56218684>

⁸³ Ibid.

⁸⁴ Zdanowicz, C., Stix, M., Fenimore, F., & Hsu, J. (2021). We asked Asian Americans about their experiences with hate. The responses were heartbreaking Retrieved from <https://edition.cnn.com/2021/03/19/us/asian-american-hate-pandemic-trnd/index.html>

⁸⁵ See, for instance, Campa, A., Do, A., & Shalby, C. (2020). Officials decry anti-Asian bigotry, misinformation amid coronavirus outbreak. Retrieved from <https://www.latimes.com/california/story/2020-03-03/feinstein-decries-unconscionable-racism-amid-coronavirus-outbreak>; Haynes, S. (2020) As Coronavirus Spreads, So Does Xenophobia and Anti-Asian Racism. Retrieved from <https://time.com/5797836/coronavirus-racism-stereotypes-attacks/>, and Pershan, C., (2020). The Effect of Coronavirus on American Chinese Restaurants, Explained. Retrieved from <https://www.eater.com/2020/2/10/21131642/novel-coronavirus-american-chinese-restaurants-explained>

rhetoric, therefore, satisfy the sixth and final Rabat threshold.

25. In conclusion, the analysis of former President Trump's rhetoric and its impact on shaping public opinion regarding Asians, specifically the Chinese population, do constitute to a violation of Article 20§2 of the ICCPR. As the series of tweets he has made from 2020-2021 sufficiently and necessarily satisfy the 6-stage Rabat threshold test as developed by the Office of the High Commissioner for Human Rights.

Section 4 – Recommendations to the ICCPR Committee and the Member State

26. IPLSA emphasizes that the war propaganda, examined in Section 2 of this ICCPR report, and the past actions of the U.S. government in expanding NATO eastwards and initiating the Maidan coup, are the underlying causes of the suffering currently observed in Ukraine. The war and the loss of lives could have been completely avoided, and the United States has the potential to end it solely through diplomatic means. IPLSA urges the United States to take the initiative in addressing the conflict by engaging in peace talks with all involved parties, reversing legislations that facilitates war propaganda, and preventing its further dissemination.
27. Similarly, the unprecedented surge in anti-Asian sentiment in the 21st century can be attributed to the rhetoric of former President Donald Trump. His inflammatory language during the height of the Covid-19 pandemic resulted in harm and loss of lives. IPLSA urges the United States to take appropriate measures to redress this harm, including providing necessary reparations to the affected individuals and their families.
28. Accordingly, IPLSA urges the Committee to guide the United States of America in strengthening civil and political rights through education and awareness programmes as a means to address the ongoing violations of Article 20. IPLSA furthermore requests that the Committee incorporate the issues raised in this report into its concluding observations.