



Gender Justice and the Right to Freedom of Opinion and Expression
Special Rapporteur on the promotion and protection of freedom of opinion and expression report to
the UNGA76

Contribution from the International Dalit Solidarity Network - IDSN

*“Today, we are not here to speak about our plight,
We are also agents of change”*

Ruth Manorama, speaking at the Human Rights Council (2019)

Introduction

Across the globe, over 260 million people risk segregation, exploitation, physical and psychological abuse because of their caste. Most of the affected communities live in South Asia – they commonly use the term ‘Dalits’. Similarly affected groups are also found elsewhere in Asia as well as in Africa, in the Middle East, and in diaspora communities from South Asia and Africa. Caste-affected countries such as India, Nepal, Pakistan and Bangladesh remain deeply patriarchal societies where women are often oppressed by men and socially restrained from accessing the same rights, services and privileges.

Intersectional caste and gender discrimination leaves Dalit women and girls as some of the furthest behind when it comes to achieving the UN Global Goals and therefore this type of discrimination needs special focused attention.

The right to freedom of opinion and expression are paramount for the empowerment of Dalit women. Yet, social (online and offline) spaces where Dalit women would normally freely exchange their views and ideas are fraught with several instances of sexist and casteist discrimination, which, intersected, impose considerable obstacles for the enjoyment of freedom of expression. Since this right is articulated with an array of other rights, Dalit women feel trapped in patriarchal values that perpetuate exclusion and marginalization. Even when they get spaces to freely express their thoughts, they find enormous obstacles, such as hindered political participation and hate speech online and offline. Attempts at political influence are often met with violent reprisals or economic sanctions and even when given a political seat, Dalit women are often forcefully silenced or ridiculed. Dalit women defenders face various forms of violence, ridicule and stigma when asserting their rights.

Dalit women are leading the way by standing up for their rights, but they need global solidarity and justice to catalyse their access to rights and dignity. In this submission we highlight some of the key

challenges faced by Dalit women and girls in relation to the specific UN Global Goals and targets and offer advice on what you can do to stand in solidarity with these women and be a catalyst of change.

This submission demonstrates two important obstacles for Dalit women to enjoy freedom of expression in equal footing.

Political participation and Freedom of Expression

Political space for women subjected to intersectional caste and gender discrimination is very limited. Even when seats have been reserved for Dalits, as is the case in India and Nepal, they are either left unfilled or often do not transform into meaningful participation for the women elected due to stigma and discrimination.

In Nepal for example, the UN Committee on the Elimination of Discrimination against Women has voiced specific concern over the need to ensure proportional representation of Dalit women in political bodies in Nepal. While this Committee commended Nepal for putting a reservation (temporary special measures) system into the constitution and legislations, it expressed its concern about the insufficient enforcement of relevant electoral quotas for Dalit women. Moreover, within these electoral quotas, the Committee noted with concern the overrepresentation of Dalit women in such lower positions, while underrepresentation in higher positions. It also expressed its concern with the fact that Dalit women are often not consulted in decision-making processes and not sufficiently trained in order to strengthen their capacities to efficiently fulfil their mandates.¹ In Pakistan and Bangladesh, activists are pushing for reservations for Dalit women in order to gain any political influence, which is currently extremely marginal.²

Across caste-affected countries in South Asia, Dalit women's movements are challenging the systems that have been oppressing them for centuries using protest marches, sit-ins, online grassroots activism, awareness raising events and numerous other new and traditional ways of getting their concerns heard. Many Dalit women activists and movements have embraced new technology and social media in the fight for justice. This has brought with it both challenges and opportunities. Successful initiatives such as the #DalitWomenFight and #DalitHistoryMonth campaigns have given exposure to the issues faced by Dalit women and served as a tool to unite women in a shared struggle. At the same time, the discrimination and abuse faced offline replicates itself online with Dalit women activists often being abused and threatened by trolls. Much more needs to be done by both the technology platforms and their user base to help protect Dalit women from online abuse and harassment.³

¹ UN Doc. CEDAW/C/NPL/CO/6, para 28.

² IDSN: Caste and Gender Justice (2019), p. 7, available at <https://idsn.org/wp-content/uploads/2019/06/Caste-and-Gender-Justice-Low-Res2.pdf>

³ Ibid.

Dalit women's movements across the world are growing stronger and are connecting to each other and reaching out to decision-makers and the global public.

Consultation with and the effective participation of Dalit women is an essential component in the design and implementation of initiatives, policies and programmes aimed at combating caste and gender discrimination, as well as other decision-making processes that affect the respective groups, as per the Human Rights Based Approach. When taking action always ensure meaningful participation of Dalit women at all levels and promote and amplify the voices of Dalit women wherever possible.⁴

Caste-Hate Speech affecting Dalit Women's Freedom of Expression

"Caste-hate speech is caste-war waged through everyday conversations. It is a war waged against us with humiliating words."

Rem Bahadur, Jagaran Media Centre, Nepal.

Speaking about Dalit women empowerment may cost a woman activist her life. Frequently, her work as an equality rights defender is met with caste-hate speech, which is also fraught with sexist contents. This represents not only a violation of Dalit women defenders' right to freedom of expression, but also the perpetuation of caste hierarchies ingrained in patriarchal societies.

According to the UN treaty-bodies, combatting hate speech and promoting freedom of expression should walk hand in hand⁵. At the same time, asymmetry in social relations is both cause and consequence of hate speech. Usual targets have lower resilience from the attacks sustained through freedom of speech, because, among other issues, they cannot access and influence a meaningful part of the political and democratic spaces in order to present their arguments too and they face impunity when seeking redress.⁶ A main consequence of caste-hate speech is the hindering of freedom of expression, particularly against Dalit women.

On a daily basis, caste-based discriminatory references can incite hatred, thus legitimising hate speech that rides on the perpetrator's perceived caste supremacy or the victim's inferior identity and normalises indignation to mobilise caste-hate supporters and coerce victims, especially Dalits.⁷

⁴ Id, p. 14.

⁵ CERD, *General Recommendation No. 15: Organized Violence Based on Ethnic Origin*, adopted on 23 March 1993. UN Doc. A/48/18, 114-115, § 4; HRCtee, *General Comment No. 34, Article 19, Freedoms of Opinion and Expression*, adopted on 12 September 2011. UN Doc. CCPR/C/GC/34, §§ 28, 32 and 50, recognizing the existence of a State obligation to combat racial hatred under the ICCPR. See also: CERD, *General Recommendation No. 35 - Combating Racist Hate Speech*, 26 September 2013. UN Doc. CERD/C/GC/35, § 4. The CERD has rejected a "zero sum" equation between competing rights, § 45.

⁶ Paulo Lugon Arantes, *The Content and Extent of Positive Obligations in the Protection against Discrimination, with Special Attention for Racial Discrimination*, Doctoral Thesis (2019), p. 418.

⁷ IDSN Report: Caste-hate speech: Addressing hate speech on work and descent, available at <https://idsn.org/wp-content/uploads/2021/03/Caste-hate-speech-report-IDSN-2021.pdf>, p. 14.

According to Savita Ali, a social activist and lawyer from India, there are many layers and attributes to caste-hate speech. When she attends court, she constantly feels how judges from dominant castes treat her differently because she is a Dalit woman.

"I can feel the rudeness and apathy in their choice of words directed towards me. I can feel their behaviour is so different that they are naturally biased against the Dalit women advocate, no matter how well I present my argument and evidence. Dominant caste lawyers usually occupy the advocate chamber, and one can feel the animosity in their tones. They don't need to say anything; their body language is enough to dehumanise me. They also comment about our clothing, skin colour and physical appearances. They compare our dark skin with our Dalit identity or appear to be mockingly surprised for our lighter skin tone with an 'oh, you don't look like a Dalit' comment. The boundaries between giving a compliment and insult are blurred but firmly rooted in humiliation and hate speech."⁸

Another Dalit activist, Riya Singh, of the Dalit Women Fight Collective, has noted a trend in social media that normalises caste-hate speech as a harmless troll.

"Take reservation for instance: I see it as a constitutional right, and the Dalit community has earned it through a series of political struggles, thanks to Babasaheb Ambedkar [a Dalit icon, lawmaker, and social reformer]. Any debate around the reservation, in my opinion, is a manifestation of caste-hate speech. It is so tiring and emotionally exhaustive for us to defend our constitutional rights about reservations endlessly."

Dalit women, who have long been subjected to intersectional and multiple discrimination through the twin oppressions of caste and gender, have found a space on Twitter and Facebook. "I do believe that online space is refreshing and a space we never had earlier," said activist Beena Pallical.⁹ "There used to be limited regional media spaces, but we are now visible, and much of our anti-caste conversations are now happening on social media platforms." Beena pointed out that stories about victims of cow vigilantes only appeared in national and international media because of mobile phone footage. "Una, a small city with 60,000 people, where Dalits were flogged and assaulted in full public view for allegedly skinning a dead cow, would have never made it to international media without mobile phones and the Internet. It forced the local government to react to the event".¹⁰

But the Internet has also exposed Dalits, especially women, and other oppressed caste members to a vast number of abusers: "We are suddenly faced with an army of caste-speech abusers from nowhere. We

⁸ Id., p. 15.

⁹ Id, p. 20. Beena Pallical is the General Secretary of Dalits and Employment Rights, National Campaign on Dalit Human Rights.

¹⁰ Id., p. 20.

realised physical distance is no longer a barrier to these abusers; this has put all our Dalit activists in a very vulnerable place" said Beena. "Alongside opportunities, digital spaces have also created an atmosphere of fear and intolerance, as there is more often than not outburst of obnoxious caste-hate speech".

Asha Kowtal, another Dalit activist, has commented that "in the beginning, we used to engage with abusers and casteist bullies, and it put us in a defensive mode and caused severe stress on our fellow activists and me. We, therefore, thought about this strategy and decided to disengage with these caste-hate speech abusers."¹¹

Demanding accountable institutions and defending the defenders

The failure of justice systems in caste-affected countries to ensure access to justice for Dalit women is a key reason why this group is left so far behind, across all human rights standards, including the SDGs. Rights and legislation are only markers of progress if they are properly enforced and implemented and this is severely lacking in all of South Asia's caste-affected countries. In caste-affected countries such as Nepal, Bangladesh and Pakistan. Crimes against Dalit women are largely committed with impunity as their social status as so-called 'untouchables' often hinders them from filing reports with the police or accessing legal systems. Even when Dalit women get a report filed with the police, caste and gender prejudice in the courts is another severe obstacle to obtaining justice for Dalits. A deeply ingrained discriminatory mindset within the systems of justice in caste-affected countries is a key part of why Dalit women are routinely denied justice. Dalit women defenders are often targets of retaliation violence, threats and retribution for challenging their oppressors and pursuing justice and there needs to be concerted action to ensure their protection and safety.¹²

Dalit human rights defenders are using all the resources they can to support Dalit women in accessing justice and legal aid, but much more needs to be done at both the national and international level to make this a priority.

In its India report to the UN Committee on the Elimination of Discrimination against Women, Minority Rights Group International found that Dalit women face various and grave institutional and procedural obstacles to justice. The report states that in a majority of cases, rapists from dominant castes, accused of raping a Dalit woman, are either not arrested or their arrest is significantly delayed. In cases where they are arrested they are often let out on bail – despite this not being legal. In the report, 'Justice under Trial', the National Dalit Movement for Justice (NDMJ-NCDHR) highlights that impunity in cases involving Dalit victims is in fact on the rise.

¹¹ Ibid.

¹² IDSN: Caste and Gender Justice (2019), p. 9.