



Addressing caste-hate speech in a global context

Brief and recommendations for UN and EU actors

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International Dalit Solidarity Network

WORKING GLOBALLY AGAINST CASTE DISCRIMINATION

Addressing caste-hate speech in a global context

Brief and recommendations for UN and EU actors

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This brief is based on the report *Caste-hate speech: Addressing hate-speech based on work and descent* published by IDSN in March 2021 and available on <https://idsn.org/caste-hate-speech-report> . Please see this report for all references and documentation and for further in depth information on this issue.

Introduction to caste-hate speech

“Caste-hate speech is caste-war waged through everyday conversations.”

Rem Bahadur, Jagaran Media Centre, Nepal

Caste is one of the oldest forms of social discrimination. Caste systems divide people into unequal and hierarchical groups and subject those who are deemed inferior to massive violations of their civil, political, economic, social and cultural rights.

Today, caste-based discrimination remains one of the world’s most serious human rights issues, affecting hundreds of millions of people across the globe. It is particularly common in caste-affected societies in South Asia, but also among South Asian diaspora communities in Europe, Asia and the Americas.

Speech and communication that perpetuate caste-based hierarchies and discrimination by humiliating and dehumanising those at the bottom of the caste order - known in South Asia as Dalits - form an indelible part of the caste system. Thus, wherever there is caste discrimination, there is, almost inevitably, caste-hate speech, which in its worst forms can lead to extreme violence.

Hate speech relating to gender, race and sexual orientation is increasingly addressed in a global context. The same cannot be said for caste-hate speech, even though it is prevalent in caste-affected societies. It remains barely mentioned in all international instruments on the elimination of discrimination and protection of human rights. In general, international human rights agencies that prioritise hate speech continue to overlook caste-hate speech as a distinctive form of discrimination and humiliation. At the same time, it is undeniable that caste-hate speech is a form of expression forbidden by international human rights law, including by Article 4 of the ICERD and Articles 19 and 20 of the ICCPR and in General Recommendation 35 on hate-speech.

Some UN human rights bodies have addressed the issue, as mentioned below, but much more needs to be done. Campaigners against caste discrimination rightly argue that unless caste is

specifically mentioned in the human rights discourse instead of being “hidden” under other headlines, there is a large risk that the issue will be ignored.

This warning also applies to caste-hate speech. Consequently, it is essential that caste-hate speech is recognised as a protected characteristic in international instruments – and as a distinctive form of hate speech – and that Dalits are included in actions to mitigate caste-hate speech online and offline, at every level.

In addition to many other rights, including the right to life, caste-hate speech denies the affected community the very right to freedom of expression. It intoxicates the free exchange of ideas within societies. It also hampers the empowerment of Dalit men and women, perpetuating hierarchised societies.

Defining caste-hate speech

Everyday speech and communication are crucial to the sustenance of a caste order that encompasses cultural, political, economic, and developmental aspects of society in every caste-affected society. It is the pervasive glue or the rupture, depending on one's caste rank-based perspective, without which social *interaction* is incomplete in caste-affected societies in South Asia and beyond.

Caste-hate speech is understood as any *communication form such as speech, writing, behaviours, codes, signs, or memes that manifest hierarchies, invoke humiliation, serve to dehumanise, incite discrimination, degrade self-worth, or perpetuate discrimination and are often the sources of physical, mental, or material violence to a person or a group based on caste identity.*

Manifestations of caste-hate speech

In caste-affected societies, discrimination of any form, including hate speech, is illegal and punishable. In South Asian countries, there are constitutional safeguards against it, and India and Nepal even have special acts preventing atrocities and hate crimes against Dalits. However, implementation of this legislation is poor, and caste discrimination, including caste-hate speech, is often carried out with impunity.

In everyday life, caste-hate speech takes on numerous different forms and can be broadly categorised as follows:

- **Discriminatory speech and trolls:** When Savita Ali, a social activist and lawyer from India, attends court, she is treated differently because she is a Dalit woman. Colleagues from dominant castes mockingly tell her that she does not ‘look like a Dalit’.
- **Direct and indirect discrimination:** both forms of discrimination affect Dalit communities. Both make Dalits and other oppressed caste groups look inferior. During the early stages of the Covid-19 pandemic, a Muslim man in Pakistan wrote on a social media platform that the virus “will spread faster amongst the Dalits, because they are dirty and eat dead animals.”

- **Dehumanising and humiliating an individual or group:** In the UK, a student belonging to an oppressed caste group worked in a car park at a Hindu Temple. The priest was obsessed about the student's caste and called him by his caste name in public. "He humiliated me so much, and it left me with no option but to leave the work that I badly needed."
- **Incitement to hatred:** Stirring up hatred against people because of their caste status is an offence in a number of caste-affected countries. Nevertheless, it is a common phenomenon in a country like India. In 2019, the social media platform TikTok started showing anti-Dalit videos made by dominant caste groups. In one such video, a user said: "Our time will come. When it arrived, we will kill you."
- **Incitement to violence and killing:** Caste violence remains pervasive in caste-affected societies where Dalits risk being physically harmed or even killed. In some cases, women are raped for challenging caste-hierarchies. In India, a Dalit lawyer and activist was stabbed to death by a man who disapproved of his anti-caste statements on Facebook.

In recent years, caste-hate speech has spread like wildfire on social media platforms. According to one Dalit activist, digital spaces have created "an atmosphere of fear and intolerance, as there is more often than not outburst of obnoxious caste-hate speech". The intersectional nature of caste-discrimination means that Dalit women are even more at risk of being the target of caste-hate speech and suffer online and direct attacks.

In response to complaints from anti-caste activists and civil society organisations, powerful social media platforms Google, YouTube, Facebook and Twitter have acknowledged and included caste into the list of protected characteristics under their hate speech policies.

While this is an important step in the right direction, many tech corporations still lack clear and transparent caste-sensitive policies. All too often, online caste-hate speech is allowed to continue unchecked. This can lead to frustration and increase mistrust between users and these platforms.

Addressing caste-hate speech through the EU and UN

Caste-hate speech is a distinctive form of hate speech that warrants particular attention from the UN, the EU and other international bodies, as well as private enterprise, especially tech corporations. During the past two decades, some steps have been taken by the United Nations to address the issue. UN human rights bodies have made a number of references to caste-hate speech in the context of descent-based discrimination – the UN term for discrimination based on caste and other inherited status.

As early as 2002, the UN Committee on the Elimination of Racial Discrimination (CERD) published its General Recommendation no 29 on Descent-based Discrimination. The document contains specific references to the dissemination of hate speech, including through the mass media and the internet.

The Committee recommends states to "take measures against any dissemination of ideas of caste superiority and inferiority or which attempt to justify violence, hatred or discrimination against descent-based communities." It also calls upon them to "take strict measures against any

incitement to discrimination or violence against the communities, including through the Internet. In 2010, the Human Rights Committee issued its updated General Comment, setting the relations between freedom of expression (Article 19 ICCPR) and the obligation to combat hate speech (Article 20 ICCPR). In 2013, the CERD adopted General Recommendation 35, stating that “racist hate speech addressed in Committee practice has included all the specific speech forms referred to in article 4 directed against groups recognized in article 1 of the Convention [...] such as [...] descent-based groups, as well as speech directed against women members of these and other vulnerable groups. The CERD recommends States parties to enact and enforce legislation to combat “[i]ncitement to hatred, contempt or discrimination against members of a group on grounds of their race, colour, descent, or national or ethnic origin” and “expression of insults, ridicule or slander of persons or groups or justification of hatred, contempt or discrimination”, including on the grounds of descent.

In 2009, the UN Human Rights Council published the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent – a comprehensive legal framework developed to eliminate caste discrimination. This framework calls on governments to “review or enact... hate speech laws to explicitly prohibit and punish... speech inciting discrimination, hatred, or violence based on work and descent.”

In 2017, the OHCHR published a ground-breaking Guidance Tool on Descent-based Discrimination which sets out practical ways for UN country teams and other stakeholders to combat caste-based discrimination. It specifically mentions hate speech as an early warning sign for predicting violence against descent-based communities.

When the UN released its strategy on hate speech in 2020, it included hate speech based on ‘descent’ - in UN terminology, descent-based discrimination includes caste discrimination. That same year, representations made by International Dalit Solidarity Network led to the inclusion and recognition of caste-hate speech in the “Recommendations from the United Nations European and Asia Pacific Regional Forums on “Hate Speech”, Social Media and Minorities”.

In the spring of 2021, the UN Special Rapporteur on minority issues, Dr Fernand de Varennes, led calls to address caste-hate speech as a distinctive form of hate speech. “I would argue that it needs to be tackled in a global regulatory framework so that states cannot so easily avoid or evade their human rights obligations,” he wrote in his foreword to an IDSN report on the issue. Dr de Varennes added that “after years of neglect, we now have a chance to place caste-hate speech firmly on the international human rights agenda.” The UN Special Advisor on Prevention of Genocide, Alice Wairimu Nderitu, has also stated that genocide is always precluded by hate-speech and addressing hate-speech is paramount to preventing genocide.

The EU firmly rejects and condemns all forms of racism and intolerance, including hate speech. It has consistently recognised caste-based discrimination and violence against Dalits in business, the economy and, most importantly, in everyday practices. In March 2019, caste as a ground for discrimination was included under the term “Descent” in the [EU guidelines on non-discrimination in External Actions](#), requiring that caste-based discrimination be addressed in all EU policies and programmes. Though programs supporting Dalits communities are implemented sporadically, however, until now The EU has failed to systematically and meaningfully address caste-hate speech.

More broadly, addressing caste goes to the heart of the UN Sustainable Development Goals. Goal 8.7 outlines the need to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking, and secure the prohibition and elimination of the worst forms of child labour. This is relevant in relation to caste in the global supply chain.

Tackling caste discrimination (including caste-hate speech) in business matters and ensuring respect for labour rights is integral to corporate responsibility and goes beyond legal compliance. The UN Guiding Principles on Business and Human Rights (UNGPs) provide a framework to help businesses prevent and address the risk of human rights abuses in general, including in their supply chains. Unfortunately, the OECD Guidelines for Multinational Enterprises do not address caste-based discrimination specifically. While the OECD Guidelines mention the term “social origin,” which can cover caste, the lack of explicit mention of caste perpetuates the lack of visibility of this form of discrimination. Given the magnitude of this global issue and its interrelation with several Responsible Business Conduct standards addressed in several chapters of the OECD Guidelines, specific mention of *caste-based discrimination* would help end the problem’s invisibility in the international sphere and guide businesses towards better due diligence, prevention, and remediation measures.

Recommendations

It is commendable that some human rights bodies have addressed the issue of caste-hate speech. Yet, as the UN Special Rapporteur on minority issues argues, action needs to be taken now to ensure that millions of Dalits “do not continue to be subjected to this outrageous, humiliating, even life-threatening, violation of their most basic human rights.”

Implementing the following recommendations would be an important step in the struggle against caste-hate speech:

To the UN & EU:

- Acknowledge that caste is a protected characteristic in key international instruments related to hate-speech and human rights and mainstream it in all other relevant UN instruments and EU legislations including on Business & Human Rights, Digital services and data privacy.
- Recognise caste-hate speech as a distinctive form of hate speech that needs to be addressed by international platforms such as the United Nations and the European Union in all their relevant policies and programmes.
- Recognise that caste-hate speech is also a barrier to all aspects of social and economical development and the attainment of the Sustainable Development Goals.
- In diplomatic settings, urge caste-affected states to address caste-hate speech in their national legislations to ensure prevention, mitigation and remedy for victims and to work closely with Dalit and anti-caste activists to raise awareness and strengthen capacities of law enforcement agencies, the judiciary, and other relevant stakeholders to combat caste-hate speech.
- Through development programs, make available technical assistance to caste-affected states, such as training tools for the public and private sectors, legislation review, promotional strategies and other effective methodologies to monitor and combat instances of caste-hate speech online and offline.
- Engage with and support independent monitoring agencies, academic institutions and researchers, parliamentarian and policymakers, NGOs, communities and grass roots movements, to come together to produce research and engage in advocacy efforts to monitor and mitigate caste-hate speech.
- Demand that digital technology companies urgently address caste-hate speech and caste discrimination explicitly in their policies.

To the EU:

- Urge the EU to recognise caste-hate speech and caste discrimination as a risk factor of human rights abuses and as such, to specifically mention caste in the upcoming legislative proposal on mandatory Human Rights and Environmental Due Diligence.
- Similarly, urges the EU to advocate towards the OECD to ensure that caste-based discrimination is integrated in the OECD guidelines.

- Demand that all companies integrate caste discrimination and caste-hate speech into their human rights due diligence policies and processes, in particular when operating in caste-affected countries.

To EU and UN Member states:

- Urge UN and EU member states to recognise caste as a protected characteristic with intersectional links with hate crimes, equality and labour legislation in particular and to ensure proper enforcement of these legislations.
- Urge UN, EU and OECD members to fight caste-based discrimination and caste-hate speech in their National Action Plans.



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IDSN members

India

- The National Campaign on Dalit Human Rights
- The National Federation of Dalit Women
- People's Watch
- Navsarjan Trust

Nepal

- Dalit NGO Federation
- The Feminist Dalit Organization
- Nepal Dalit National Social Welfare Organisation
- Jagaran Media Center

Bangladesh

- Bangladesh Dalit and Excluded Rights Movement
- Network of Non-Mainstreamed Marginalized Communities

Pakistan

- Pakistan Dalit Solidarity Network

Dalit Solidarity Networks in Europe

- Dalit Solidarity Network – UK
- Dalit Solidarity Network – Norway
- Dalit Solidarity Network – Finland
- Dalit Solidarität Deutschland (Germany)

International Associates

- Human Rights Watch
- International Movement Against all forms of Discrimination (IMADR)
- Asian Human Rights Commission
- Asian Centre for Human Rights
- Minority Rights Group International
- Anti-Slavery International
- The Rafto Foundation
- Lutheran World Federation
- Robert Kennedy Memorial Foundation, USA
- ICMICA/Pax Romana
- World Council of Churches
- Asian Forum for Human Rights and Development (FORUM-ASIA)
- Commonwealth Human Rights Initiative
- Franciscans International
- Advocating Rights In South Asia (Arisa)

Affiliates

- NYU School of Law's Center for Human Rights and Global Justice
- International Centre for Ethnic Studies – Sri Lanka
- Social Awareness Society for Youths - India
- National Dalit Christian Watch - India
- Dalit Welfare Organisation - Nepal
- WAYVE Foundation

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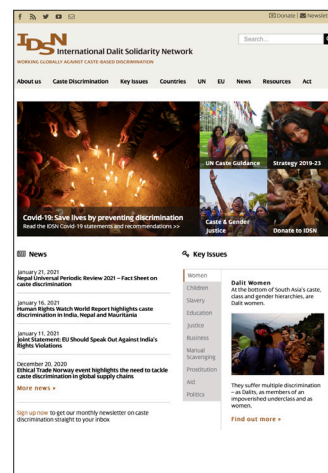
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The IDS website www.idsn.org

IDSN was founded in March 2000 to advocate for Dalit human rights and to raise awareness of Dalit issues nationally and internationally. IDSN is a network of international human rights groups, development agencies, national Dalit solidarity networks from Europe, and organisations in caste-affected countries. IDSN engages with the United Nations, the European Union and other multilateral institutions, working for action-oriented approaches to address 'untouchability' and other human rights abuses against Dalits and similar communities that suffer discrimination based on work and descent. IDSN bases its work on contributions from members, associates and affiliates. The network produces crucial input in the form of documentation, strategic interventions and lobby action and also supports national level lobbying.