

Report of the Secretary-General “A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action” (A/RES/76/266)

Contribution of the International Dalit Solidarity Network (IDSN) - May 2022

Caste-Based Discrimination

Caste discrimination affects an estimated 260 million people worldwide, the vast majority living in South Asia. It involves massive violations of civil, political, economic, social and cultural rights. Caste systems divide people into unequal and hierarchical social groups. Those at the bottom are considered ‘lesser human beings’, ‘impure’ and ‘polluting’ to other caste groups. The progress that has been made is, to a large extent, a consequence of the tireless work of Dalit civil society groups in South Asia. They have also managed to place caste discrimination firmly on the international human rights agenda. UN bodies and EU institutions are paying increasing attention to this issue. There is a solid recognition by the UN of caste-based discrimination as an important manifestation of racial discrimination, through a longstanding practice of UN mechanisms.¹

Caste-based discrimination was not explicitly addressed at both conferences in 2001 and 2009, effectively silencing the much-needed debate on caste discrimination. However, there was an active movement of civil society organizations advocating for the international community to openly recognize this type of discrimination as “one of the most serious and widespread global human rights challenges today, affecting large proportions of societies in many regions of the world, which continues to function as a deeply rooted system of grave human rights violations”.²

The importance for Dalits to actively participate in the Durban process is justified by the solid recognition by the UN human rights mechanisms of discrimination based on descent and caste, and the need for a closer dialogue with the relevant victims on the ground. It is vital for the Durban process to include such type of discrimination in the next review.

A follow-up of the Durban Declaration and Programme of Action should take into account new and persistent occurrences of systemic caste discrimination. Some of these occurrences are presented below.

¹ International Dalit Solidarity Network, [Compilation of UN references to caste discrimination](#).

² [Position paper](#) supported by the following organizations accredited for the Durban Review Conference: Human Rights Watch, International Dalit Solidarity Network, National Campaign on Dalit Human Rights (India), Asian Forum for Human Rights and Development, International Movement Against All Forms of Discrimination and Racism, Lutheran World Federation, Pax Romana, Human Development Organisation (Sri Lanka), Nepal National Dalit Social Welfare Organisation, Feminist Dalit Organisation (Nepal) and Dignity International. (2009).

Dalit Women's Political Participation

In Nepal, for example, the CEDAW has voiced specific concerns over the need to ensure proportional representation of Dalit women in political bodies. The Committee discussed the insufficient enforcement of electoral quotas for Dalit women and the overrepresentation of Dalit women in lower positions, while they are underrepresented in higher positions. This often renders Dalit women powerless – without any building of capacity or skills to undertake the roles to which they have been elected. Moreover, 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.³ In Pakistan and Bangladesh, activists are pushing for reservations for Dalit women in order to gain any type of political influence, which is currently extremely marginal.⁴

Online Caste Hate Speech

The recurrence and increase of caste-hate speech online is a particular issue of concern. Dalits face obstacles in contributing their ideas in the public digital sphere and are subject to the worst forms of hate speech, reinforcing the traditional forms of such toxic speech. 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.⁵

Dalits' most basic issues are subject to vitriolic reactions when shared online. "Take reservation for instance: I see it as a constitutional right, and the Dalit community [...] 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."⁶ Dalit women, while finding a space in social media to express their views and denounce abuses, are particularly vulnerable to caste and sexual hatred due to their position at the bottom of caste and patriarchal hierarchies.⁷

Dalits and COVID-19

COVID-19 disproportionately affects Dalits in many ways. During the general lockdown in India, Dalits had to walk for days back to the countryside, suffering from hunger and increasing their exposure to the virus. They were also assigned to the worst forms of rescue work during the pandemic, including carrying bodies of COVID-19 victims and manual scavenging without the necessary safety gear and equipment, which considerably increased the contagion within this community. A comprehensive report by Jan Sahas provides a glimpse into the deep trauma, anxiety and humiliation people have faced during lockdown and the work that has been done to address this.⁸ FEDO Nepal documented awareness raising and relief for Dalits during the COVID-19 lockdown in a newsletter that also looks at caste and gender violence under the lockdown and the results of a rapid

³ UN Doc. CEDAW/C/NPL/CO/6, para 28.

⁴ 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>

⁵ 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.

⁶ Riya Singh, of the Dalit Women Fight Collective, id. P. 15.

⁷ Id, p. 20.

⁸ https://jansahasindia.org/wp-content/uploads/2020/07/JAN-SAHAS_COVID19-Relief-Response_-Stories-of-Resilience-Hope_July2020.pdf

assessment survey on the situation of Dalits.⁹ In September 2020, FEDO released an additional newsletter on their ongoing work.¹⁰

The impact of COVID-19 led to massive violations, as noted by the UN Special Rapporteur on contemporary forms of slavery. For instance, following the lockdown a large influx of Dalit migrant workers were subjected to police brutality and were stigmatised as virus carriers. As they were not protected by any social safety net, poverty made oppressed castes even more vulnerable during this emergency. He noted that people belonging to minorities, such as Dalits, were largely employed in transport, health and cleaning activities with high risks of infections, and frequently went without the necessary safety equipment and measures.¹¹

Caste Discrimination and Water and Sanitation

Access to water and sanitation is a persistent problem, deeply related to the stigma of impurity, blocking Dalit communities from having basic water and sanitation services. The Special Rapporteur on the Right to Safe Drinking Water and Sanitation, in his visit report to India (2018) stated that groups such as the Dalits, the Adivasis and nomadic tribes “are still being left behind, either due to lack of access to services or to the lower level of the services to which they have access, having often the limited and unequal access to resources and services, which is closely linked to the poverty these communities live in”. The Rapporteur took note of serious incidents where Dalits were beaten, sexually abused, fined or even killed because they attempted to fetch water from a common water tap. Dalit students are not allowed to drink water directly from the water pot or are forced to ask their classmates from dominant castes to pour water into their hands.¹² Again this has increased notably as a result of the pandemic.

Recommendations

- Recognise instances of caste-based discrimination, according to the UN standards, and the importance of continual monitoring by the relevant Durban mechanisms;
- Take into consideration the intersecting forms of caste-based discrimination that disproportionately affect women, children, migrants, the elderly and other vulnerable sectors;
- Consult caste-affected communities in the relevant studies, events and include Dalit women and young people, particularly in issues that affect their daily lives;
- Officially adopt the Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, taking into account the persisting obstacles and developments in the last decade.

⁹ <https://idsn.org/wp-content/uploads/2020/08/FEDO-E-bulletin-Apr-jun-2020.pdf>

¹⁰ <https://idsn.org/wp-content/uploads/2020/11/FEDO-Covid-19-Work-and-more-July-Sept-2020.pdf>

¹¹ “Contemporary Slavery & Racial Discrimination: Civil Society Support to Survivors during the Pandemic”, organised by the International Day for the Abolition of Slavery, the UN Voluntary Trust Fund on Contemporary Forms of Slavery, the Geneva Human Rights Platform and the UK Mission in Geneva, on 2 December. <https://youtu.be/f4GuM1tH3vw>

¹² HRC, Report of the Special Rapporteur on the human rights to safe drinking water and sanitation - Mission to India, UN Doc. [A/HRC/39/55/Add.1](https://www.unhcr.org/refugees/39/55/Add.1) (2018), para. 25.