**Call for Submissions**

**Right to Freedom of Opinion and Expression:**

**Opportunities, Challenges and Threats to Media in the Digital Age**

**Contribution by the International Dalit Solidarity Network – IDSN**

Based on its study “[Caste and Hate Speech - Addressing hate speech based on work and descent](https://idsn.org/portfolio-items/caste-hate-speech-addressing-hate-speech-based-on-work-and-descent/)” (2021).

1. **a) What are the key trends, threats or challenges to the freedom, independence, pluralism and diversity of media and the safety of journalists in your country, region, or globally in your view?**

In many parts of the world, and more specifically in South Asia, caste discrimination affects hundreds of millions of people. 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. Wherever there is caste discrimination, there is, almost inevitably, caste-hate speech.

This caste-based form of hate speech can, in its worst forms, lead to extreme violence. In recent years, it has been spreading like wildfire online as a means to oppress Dalits. Moreover, it perpetuates stereotypes and stigmas that keep Dalits trapped in a vicious circle of oppression. Until now, caste-hate speech has been an under-explored phenomenon. IDSN’s [report](https://idsn.org/idsn-report-on-caste-hate-speech-launched/) examines the issue in detail with a particular emphasis on digital media. It is based on extensive research and offers numerous real-life examples of caste-hate speech and its relation to caste-based hate crime.

Article 20 of the ICCPR provides that State parties shall prohibit by law “any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence”. The United Nations Strategy and Plan of Action on Hate Speech (2020), defines hate speech as "any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group based on whom they are, in other words, based on their religions, ethnicity, nationality, race, colour, descent, gender or other identity factor”. While caste is not mentioned directly, the term ‘descent’ includes caste and can be applied to caste-hate speech. Complementarily, in 2002, the CERD adopted 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.

Caste-hate speech considerably undermines media and social media pluralism since it excludes Dalits from free and unhindered dialogue.

**b) To what extent have these trends, threats and challenges emerged, or have been aggravated, because of the policies and practices of digital and social media platforms?**

Caste-based discrimination, as a form of everyday expression, is a conscious recognition of ‘deemed inferiority’ by perpetrators to humiliate, dehumanise and in extreme cases, exert violence on Dalits and members of other oppressed caste groups. The severity of everyday caste-hate speech can be manifested through discriminatory speech and trolls; dehumanising and humiliating an individual or group; incitement to hatred and incitement to violence and killing.

Caste-based discriminatory references can regularly incite hatred, thus legitimising the hate speech that stems from the perpetrator’s perceived caste supremacy or the victim’s inferior identity. It normalises indignation to mobilise caste-hate supporters and coerce victims, especially Dalits.

Caste-based discrimination can result in harassment - which has the intention or effect of
violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. A Dalit woman activist from Nepal’s Feminist Dalit Organization (FEDO), recalls being harassed at school: “Caste-hate speech leads to mental anxiety and emotional stress. During my school years, I faced personal attacks from a teacher. These instances have created huge mental pressure, self-doubt, and anxiety for me as a young Dalit woman seeking university education.”

**c) Please highlight the gender dimensions of the trends and their consequences for the equality and safety of women journalists as well as media freedom.**

We would like to frame the question of media freedom in the context of attacks online and offline sustained by Dalit women bloggers, communicators and activists who find the internet and social media an unsafe space to exchange ideas about gender and racial equality.

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 unmentioned in all international covenants 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.

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. “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." Ms. Pallical 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".

Caste and gender abuses, in the form of hate speech has the negative effect of discouraging Dalit women bloggers, activists and communicators from speaking freely on social media and offline about the matters that affect them. The internet has 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 realised physical distance is no longer a barrier to these abusers; this has put all our Dalit activists in a very vulnerable place" said Ms. Pallical. “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, commented "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.”

An activist at Dalit Women Fight, started to notice that casteist handles were replying to anti-caste tweets with an "OK Bhimer” - a new derogatory reference used to harass followers of the philosopher and Dalit leader ‘Bhim’rao Ambedkar. “I was extremely triggered by this dismissive tweet”. The Dalit Women Fight Collective, said they had taken it up with Twitter, but received no response.

1. **What legislative, administrative, policy, regulatory or other measures have Governments taken to promote press/media freedom, including media independence, pluralism, viability and ownership issues? What has been the impact of these measures? What changes or additional measures would you recommend?**

The constitutions of India, Nepal, Bangladesh, Sri Lanka and Pakistan prohibit caste-based discrimination. Additionally, in Nepal and India, The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Nepali Dalit Commission Act, 2017 are two special acts designed to prevent atrocities and hate crimes against Dalits.

India adopted the Protection of Civil Rights (Anti-Untouchability) Act in 1955 and the SC/ST Prevention of Atrocities Act in 1989 which have provisions to criminally charge an individual or a group if a casteist slur is made against an individual or a group. However, in November 2020, the Supreme Court of India ruled that insulting remarks made to a person belonging to Scheduled Castes (Dalits) and the Scheduled Tribes (Adivasis, a collective term for indigenous tribes) within the four walls (private sphere) of a house with no witnesses does not amount to an offence.

Nepal’s Caste Based Discrimination and Untouchability (Offence and Punishment) Act from 2011 protects the right of each person to live with equality, freedom and human dignity, and aims to create an environment where no untouchability and discrimination happens on the basis of caste in public or private spheres.

Outside South Asia, the UK Government’s Equality Act 2010 recognised caste-hate speech as a discriminatory offence covered by the protected characteristic of race. Also, the UK Racist and Religious Hate Crime - Prosecution Guidance recognises caste as a protected characteristic when investigating an incidence of hate crime. However, caste is not recognised specifically in the Hate Crime Act – which is currently under review by the Law Commission.

However, the main challenge is the enforcement and implementation of such legislation, and this allows the perpetuation of caste prejudice, violence and the exclusion of Dalit individuals, communicators, journalists and activists from the mainstream circles of debate in societies.

1. **What measures have a) Governments b) social media companies c) media companies taken to promote the safety of journalists? What has been the impact of these measures? What more can/should be done and by whom? Please also mention any specific laws or measures to address online violence, threats and harassment and what result they have produced.**

The main problems affecting Dalit communicators are visibility and representation. Print and television media houses in South Asian societies are mostly owned and controlled by ‘dominant caste’ and privileged families. Robin Jeffrey, a media scholar, could not find a single Dalit journalist in the entire country during the 1990s. There are still no Dalit-run mainstream media outlets nor Dalit chief editors in India. According to Himanshi Matta, a communication and development professional from India, “traditional mainstream media spaces, particularly news channels in India, have often justified acts of violence against marginalised communities. They, through their unethical and click-bait journalism, are contributing to the rising hate against Dalits, Muslims and other minorities”.

“Lack of qualifications” was often cited as a reason for the absence of Dalit participation in Indian mainstream media. According to a recent report published by Oxfam and Newslaundry, “of the 121 newsroom editorial leadership positions across the newspapers, TV news channels, news websites, and magazines, 106 are occupied by journalists from the ‘upper castes’ and none by those belonging to the Scheduled Castes [Dalits] and the Scheduled Tribes [Adivasis]”.

The absence of Dalit journalists and communicators in important media companies is very telling about the exclusion, and the magnitude of the violation of freedom of expression against this marginalized group.

**Dalits who could not find their own spaces and voices in the mainstream media space found alternative spaces for political participation. This change has led to the organic growth of independent Dalit media outlets producing their own content. For example, Dalit Camera – a YouTube channel modestly started with a still camera in 2011 – is now an influential anti-caste media outlet with over 69,000 subscribers and thousands of videos. Without funding from international media and development agencies it addresses the gap that the "mainstream" media continues to manufacture. Dalit Camera – a caste-hate speech free space – is now recognised as a credible news source on Dalits and other oppressed groups by mainstream media in India. These anti-caste online media outlets also hold the casteist practices of mainstream media to account.**

Dalit activists across the globe feel strongly that social media platforms (SMPs) should be a lot more caste sensitive. Online activists want tech corporations and SMPs to engage with Dalit groups, as caste-hate speech is layered and locally contextualised. One possible way forward is to make policy manuals and decision-making processes more transparent about what qualifies and constitutes caste-hate speech. This exchange might enable anti-caste activists to share their perspectives with SMPs to foster a caste-sensitive environment.

Constant caste abuse and inadequate measures by SMPs to hold abusers to account can leave Dalit online users with psychological stress and anxiety. Anti-caste handles and online spaces are committed to ensuring equality and dignity. However, many activists feel that SMPs are letting them down. This situation leads to the ghettoization of Dalit users and followers. As a result, some Dalit women choose to anonymise their identities so as not to give ammunition to casteist trolls.

Social media can also expose Dalit activists to online abuse. In some instances, casteist handles join together and descend on Dalits until they are pushed out of this online space due to constant abuse and harassment. "We are very aware that we are constantly watched and monitored by trolls and haters. Frankly, we are scared of this (level of) exposure, especially when the political climate is increasingly anti-Dalit", said another Dalit Women Fight member. She has stopped sharing pictures and family details and now restricts her sharing to work-related updates.

Other Dalit activists felt SMPs should be more caste-sensitive to support Dalit visibility and much-needed anti-caste conversations. According to a Dalit woman activist, “I am popular in social media and attract lots of traffic to my page, but I choose not to upload my picture and name out of fear of being bullied by dominant caste abusers. At the moment, SMPs do not allow me a verified account unless I upload my real face and picture. I am willing to share this information privately, but SMPs tend to insist I upload and de-anonymise myself. On the other hand, dominant caste influencers and politicians are flaunting their privileges in full public view”.

1. **a) What measures have Governments taken to investigate and prosecute attacks against journalists, including online violence and harassment against female journalists? What are the barriers to fighting impunity? What changes would you recommend?**

Impunity in the case of aggression and hate speech against the Dalit communities, activists and communicators is rampant and shows no signs of decreasing. No concrete plan on redressing these caste incidences has been put in place.

**b) The UN Plan of Action on the Safety of Journalists and the Issue of Immunity will mark its 20th anniversary in 2022. How do you assess its results and what suggestions would you make to improve it? How can it be more relevant to gender concerns and to the threats posed by digital technology?**

A focus on the racial implications of the Plan of Action, including caste or descent-based discrimination would be welcome. This instrument could be read in conjunction with the OHCHR’s [Guidance Tool on Descent-Based Discrimination](https://idsn.org/un-2/un-guidance-tool-descent-based-discrimination/) (2017)and the HRC [draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent](https://idsn.org/un-2/un-principles-guidelines-on-caste/) (2005), in order to capture both gender and caste dimensions of media journalists, communicators, bloggers and activists who feel threatened by caste and gender hate speech online and offline.

1. **What do you believe has been the impact of digital and social platforms on press/media freedom, independence, viability and safety of journalists? What specific recommendations would you make to a) Governments and b) the companies to address or mitigate the detrimental impact ?**

Lately large SMPs have engaged with Dalit communicators, bloggers and activists, in order to tackle caste and gender hate speech online. Despite the formal existence of temporary special measures (“reservations”) in the law and in practice, in several sectors, many members of minorities, included those affected by caste discrimination, remain underrepresented in mainstream media online and offline.

1. **What policies, procedures or other measures have the media (broadcast, print and digital) sector taken to promote press/media freedom, independence, pluralism, diversity and viability? What has been most successful? What additional measures would you suggest? What steps should the media sector take to promote gender equality?**

Several social media platforms have acknowledged and included caste in the list of protected characteristics under their hate speech policies. This has happened in response to work done by anti-caste activists and civil society organisations and is an important step in the right direction. According to a former Public Policy Manager on Facebook, the platform has been having a series of internal meetings with stakeholders to acknowledge and mitigate caste-hate speech on the platform**. Google has started to recognise the anniversaries of anti-caste icons such as Ambedkar and Savitribhai Phule in their doodles. Twitter India celebrated Ambedkar’s anniversary by releasing a Twitter-exclusive emoji for a limited period. As part of its efforts to understand caste-related online safety concerns, Twitter India has started to work with the National Campaign on Dalit Human Rights (NCDHR) and Social Media Matters to connect more structurally and comprehensively with members of oppressed castes.**

These responses are encouraging, but many of those interviewed still believe that these platforms could and should invest in more resources to be caste-sensitive at both organisational (diversity and inclusion) and policy levels to mitigate caste-hate speech. Building a caste-sensitive internet is not just about acknowledging caste in policy documents, it requires a structural rethinking of the Internet. Principles behind search engines and machine learning need to be objective and fair. Reimagining the caste-(in)sensitive Internet requires tech corporations to involve and empower Dalits and other oppressed communities to be part of fixing errors in these codes and principles.

Tech corporations, online platforms and internet-related rights-based non-profits are unlikely to back Dalit and anti-caste causes. In the US, the race issue has received its recognition in critical academic scholarship and official policy discourses.

Policy and academic discussions of critical race studies not only reveal the emergence of a racist internet but also how the technology has long produced a set of commercial products that are themselves shaped by historical prejudices, biases and inequalities. For example, light skin became the chemical baseline for film technology, keeping its dominant target market in mind. Known as the “Shirley” card – named for the original model who was a Kodak employee – it was used as the measuring stick against which the lab technicians calibrated the skin tone. This “practice” has now extended into the world of digital technology.

1. **Do you see any major gaps in the international human rights legal framework? Are there any specific recommendations that you would suggest to address such gaps or to improve implementation of existing standards?**

The issue of media freedom, pluralism and diversity should not be read as mutually exclusive, in the context of the ICCPR, but should be conjugated with other international standards, such as the ICERD, the CEDAW, the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) and other relevant instruments, in order to strengthen the equality dialogue in this regard.

1. **The Special Rapporteur would welcome examples of good practice by Governments, companies, the media sector, civil society and other stakeholders, and your recommendations on how best to address the challenges and threats to press/media freedom, independence, diversity, pluralism, and safety of journalists. Please share any relevant documents, reports, news or academic articles that you believe should be considered in the preparation of her report.**

Good practices have been exposed throughout the answers in the questionnaire, specifically in questions 3 and 7 (in bold).