

8 April 2013

Dear «Salutation»,

Outlawing caste discrimination
Enterprise and Regulatory Reform Bill - Lords Amendment 37
Ping Pong stage, 16 April 2013

On 4 March, the House of Lords on a cross-party amendment voted by a majority of 103 to make caste a protected characteristic under equality law (via a New Clause in the Enterprise and Regulatory Reform Bill). We are making this joint appeal to ask you to support the Lords' New Clause.

Peers were persuaded by a report commissioned by the Government during the passage of the Equality Act 2010. It confirms that caste discrimination is a genuine problem in Great Britain and one that requires a legislative response. The report, by the National Institute of Economic and Social Research (NIESR), estimates there are at least 50,000 (and perhaps in excess of 200,000) people living in Great Britain who are classified as "low caste". It found evidence of bullying, harassment, social exclusion and employment discrimination (see Appendix overleaf). Such treatment falls outside the scope of existing race and religious discrimination law. The report therefore advocates amending the legislative framework - a position endorsed by the Equality and Human Rights Commission (EHRC).

Regrettably, the Government merely plans to ask the EHRC to consider the issue yet again and supports an informal conciliation service, further burdening the oppressed by requiring them to confront their oppressors. This is simply not good enough. There is, by definition, an enormous disparity of power between the higher and lower castes which informal, voluntary conciliation simply cannot address. The Government has also suggested the change would place a burden on business. That hardly seems to justify denying rights to victims of discrimination based on the circumstances of their birth - something we would not tolerate on other grounds. In any case, the burden is unlikely to be significant as caste would not be a new ground, simply a subset of race.

We therefore ask you to ensure that proper legal protection is provided for victims of caste discrimination in Great Britain by urging the Government to reconsider its position on the New Clause and by voting in favour of it at Ping Pong stage on 16 April. Our two organisations are usually on opposite sides of fence but on this issue we both agree that genuine good can be done by supporting this clause.

Yours sincerely,

Keith Porteous Wood
National Secular Society

Simon Calvert
The Christian Institute

Appendix

Extract from “Caste Discrimination and Harassment in Great Britain”, Hilary Metcalf and Heather Rolfe, National Institute of Economic and Social Research, December 2010¹

“Caste awareness in Britain is concentrated amongst people with roots in the Indian sub-continent (who comprise five per cent of the population). It is not religion specific and is subscribed to by (and affects) members of any or no religion.

The study identified evidence suggesting caste discrimination and harassment of the type covered by the Equality Act 2010 in relation to:

- work (bullying, recruitment, promotion, task allocation);*
- provision of services; and*
- education (pupil on pupil bullying).*

The study also identified evidence suggesting caste discrimination and harassment which may fall outside the Equality Act 2010 in relation to voluntary work, demeaning behaviour and violence. The caste discrimination and harassment identified in this study was by higher castes against the lowest castes...

To reduce caste discrimination and harassment the Government might take educative or legislative approaches. Either would be useful in the public sector. However, non-legislative approaches are less likely to be effective in the private sector and do not assist those where the authorities themselves are discriminating. Relying on the Indian community to take action to reduce caste discrimination and harassment is problematic.

Equality Act 2010 provisions on religious discrimination cannot cover caste discrimination and harassment as effectively as caste-specific provisions would.”

The Christian Institute shares the belief this is a gaping loophole in the law that needs to be closed. We also note that: “Indian Christians are disproportionately from lower castes” (page 3) and that: “In the case studies, the alleged incidents of caste discrimination were predominantly against people of religions which were either low caste-based or associated with low castes (Ravidassias, Valmikis, Ambedkarite Buddhists and Christians)” (page 58).

The National Secular Society has provided the Government with a legal opinion which concludes that the UK’s failure to outlaw caste discrimination is a violation of Article 2(1) and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination. The UN has formally recommended amending the Equality Act 2010 to make caste discrimination unlawful “in accordance with [the UK’s] international human rights obligations”.

A couple in Leicester who were discriminated against and harassed by their employers because they were of different castes and wished to marry, spent their life savings on a discrimination case in a desperate attempt to create a legal precedent to benefit victims of caste discrimination. This case dragged out over two years and put huge financial and psychological pressure on the couple. Tragically, the case was aborted under circumstances which were not their fault.²

Caste-based discrimination is fundamentally unjust and undermines basic human dignity and freedom. It clearly merits the same kind of legal protection provided for other forms of discrimination.

¹ <https://www.gov.uk/government/publications/caste-discrimination-and-harassment-in-great-britain--2>

² *The Guardian*, 14 February 2013, see <http://www.guardian.co.uk/money/2013/feb/14/caste-discrimination-employment-tribunal-collapses> as at 2 April 2013