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IHEU World Conference on Untouchability

Speech by Lord Avebury

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I am very honoured to have been invited to speak at the World Conference on Untouchability, and to add my congratulations to the IHEU for highlighting an issue which affects 250 million people, mainly in the Indian subcontinent but as you have noted, Mr President, also in Nigeria, Yemen, Gambia, Japan, and Korea. And because of migration from those countries into Europe, there is evidence of a growing problem here, which the Government has chosen so far to ignore, and I'll come back to that in a minute.

Others are far better qualified than I am to discuss the role of the UK, as a leading member of the Commonwealth, as a member of the UN Security Council, and of the UN Human Rights Council, to raise the question of untouchability and the caste system when opportunities arise. There may be understandable hesitation, no doubt, in criticising fellow members in Commonwealth forums, when it can evoke the accusations of neo-colonialism, such as we have had to put up with from Mugabe. In the case of the Dalits, we seem to be particularly reluctant to criticise or even to join in making recommendations. As an example, I've been looking through the UN Human Rights Council's Universal Periodic Reviews of India and Pakistan, there was a good deal of solid evidence submitted by stakeholders and the UN's Special Procedures, but when it came to the recommendations by the Working Group which are supposed to be the end product of the process, the UK was silent on the matter of caste. In the case of Pakistan, our delegation made a general recommendation on the repeal of discriminatory laws and safeguarding the rights of non-Muslim minorities, but the problem actually requires affirmative action, as the first of the Ambedkar Principles for foreign employers emphasises. One sees no echo

of that in the UPRs of India or Pakistan, and in the case of Bangladesh, there is a single mention of caste in the stakeholders' report, and no mention at all in the recommendations by any member of the Human Rights Council.

I wonder if the appointment of the Special Representative of the UN Secretary-General on Human rights and Transnational Corporations and other business enterprises will act to raise the profile of caste? Professor John Ruggie, the holder of the mandate, says he's in the market for ideas on how to implement it, and sent a questionnaire to governments asking about their policies and practices, the remedies open to individuals who claim their rights have been violated by corporate policies, and related matters. Very few of the responses indicate that states have any policies, programmes or tools to deal with corporate human rights challenges, but those which do, rely on soft law such as the OECD's Guidelines for Multinational Enterprises or voluntary initiatives like the UN Global Compact.

Yet increasingly, companies based in the developed world are transferring or subcontracting activities like call-centres and software generation to economies in south Asia, where labour costs are lower and there is an educated labour force with knowledge of English. BT, for instance, has a range of joint ventures in India, is looking for new business opportunities there, and is undertaking studies and pilots for outsourced Call Centres and back office operations based on its experience of software outsourcing in India.¹ Their Statement of Business Practice says that

"BT upholds the UN Convention on Human Rights and the ILO Convention both in relation to its employees, its third party suppliers and supply chain".

They mean, presumably, the Convention on Civil and Political Rights and ILO Convention 182 prohibiting child labour, not 169 on Indigenous and Tribal Peoples. But let's acknowledge that BT have made a start, by having a human rights policy that applies worldwide. They have a senior executive in charge of sustainable development and corporate accountability, and their human resources team works on diversity in the workplace.

¹ <http://www.btplc.com/Societyandenvironment/PDF/india.pdf>

It would be interesting to know whether they monitor employment by caste, and indeed whether any of the UK's major investors in south Asia do so. According to a Guardian article on the film Slumdog Millionaire,

“there is no evidence of any Dalits working in the 1.6 million-strong Indian call centre industry”².

Because they are at the bottom end of the pile educationally, Dalits generally don't have the workplace skills that lead to employment in the multinationals, and when host governments ignore descent-based discrimination, foreign employers aren't going to adopt affirmative action to get more of them into their workforce or training programme, or even to collect data on the caste of their employees. Since the Indian government clings desperately to the pretence that caste is outside the UN Convention on the Elimination of Racial Discrimination, in spite of the Committee's ruling that it is fully covered by Article 1 of the Convention, there is no systematic examination of the issue at international level. It was really disappointing that the Durban Review Conference in April made no explicit mention of caste in its final statement, but at least the High Commissioner, Navi Pillay, said that it was covered by the expression 'related intolerance'. She suggested that caste-based discrimination might be dealt with by an observatory established as a database to collect information on all kinds of discrimination, and that could be a useful initiative. But what's really needed at international level is for the Committee on the Elimination of Racial Discrimination to launch examinations of particular cases of discrimination by descent, which of course is covered by the Article 1 definition. This would include not only caste, but related cases of discrimination such as the Bidoon of Kuwait, and the clans of Somalia.

I now want to ask you to consider for a few moments whether a person's caste matters in the UK. The Equality Bill, now going through the House of Commons, makes new provisions against discrimination on grounds of age; disability; gender

² [Meena Varma](#), The Elephant in the Room, guardian.co.uk, February 11, 2009

reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex, and sexual orientation, but it makes no mention of caste. Why not? Because, Ministers say, the responses to a survey of 20 unnamed organisations conducted over two years ago produced no strong evidence of caste-based discrimination. This is certainly not the view of NGOs such as Voice of Dalit International, Dalit Solidarity Network or the Federation of Ambedkarites, though it has to be admitted that none of them have produced quantitative evidence. The Dalit Solidarity Network produced a study three years ago in which more than half the 130 Dalit respondents said they had relatives who had experienced discrimination, but the question didn't make clear that the law deals with specific kinds of discrimination: employment; vocational training; provision of goods, facilities and services; management or disposal of premises, and the exercise of public functions. The survey dealt with matters such as segregation in temples, marriage outside the caste and the use of dining facilities, which may well be of concern socially but not in law. The three examples quoted of answers given to the question about relatives were not of the kind that would be prohibited if caste were dealt with in the Bill.

So, if progress is to be made, the Dalit organisations should get together and sponsor an independent professional survey to measure the extent of caste discrimination within fields covered by the Equality Bill among south Asian communities. To put manageable boundaries on the study, it could deal with employment, and be confined to one area such as Southall, and since the Government's response to the consultation undertook to consult the Equalities and Human Rights Commission about monitoring for any future evidence of caste discrimination, the Dalit organisations might approach the EHRC to see if they would commission and fund the survey. If it yielded solid and reliable evidence within these parameters, it would be hard for the Government to deny the likelihood that a similar pattern existed in other cities and in other fields covered by the law.

In the meanwhile, since there may not be another Equality Bill for years, it would surely be right to add a new Clause to the present Bill, extending its scope to caste, but giving the Government power to bring it into effect by Order. Then if research shows that caste is at least as big a problem as gender reassignment – and there were estimated to be 5,000 people in the UK suffering from gender identity

problems³, only a fraction of whom undergo gender reassignment, compared with 50,000 Dalits - the clause can be activated, but otherwise it simply lies dormant.

Human Rights Watch and other international organisations criticised the Durban Review Conference, a step backwards from the World Conference Against Racism in 2001, where the outcome document referred to discrimination by descent in several paragraphs. But the Convention itself defines racial discrimination as including any distinction, exclusion, restriction or preference based on descent, and the Committee has affirmed repeatedly that caste systems are incompatible with the Convention. The IHEU has a proud record of leadership too, which it is upholding by staging this world conference today. We need to send a message to the Government, that its time for Britain to stand up and be counted, while the chance is there. Let's make the Equality Bill a first in Europe, which can be a model for the rest of the EU. We will have no untouchability here, and there will be penalties for those who bring the concept or the practice into our country and I hope, the rest of the continent as well.

[Watch the speech being delivered online](#)

³ <http://www.equalities.gov.uk/PDF/Gender%20reassignment%20-%20a%20guide%20for%20employers%202005.pdf>