

NSS calls on Prime Minister to urgently enact legislation outlawing caste discrimination

Posted: Tue, 21st Jul 2015

The National Secular Society and Lord Eric Avebury have written jointly to the Prime Minister to protest against the Government's continuing failure to outlaw caste-based discrimination.

Despite announcing its intention make caste discrimination illegal by inserting a power into the Equality Act 2010, the Government delayed doing so for the entirety of the last parliament and appears set to continue to do nothing on the issue; which [research suggests](#) affects over well over 50,000 people in the UK.

The delay has prompted fears from campaigners over the poor state of legal protections for victims, and in light of the Government's continuing delay Lord Eric Avebury and the National Secular Society have jointly [written to David Cameron](#) to make the case for the "urgent enactment of legislation outlawing caste discrimination."

The Government's failure to legislate "is in breach of the UK's treaty obligations, running contrary to a recommendation of the UN Human Rights Council", the letter says.

"Leaving caste discrimination to case law makes it beyond the reach of victims," particularly because many of the victims have scant financial resources, by the very "nature of caste", the NSS has warned.

The NSS and Lord Avebury cited the case of the Begrajs, a couple who alleged caste discrimination on the part of their employer, and who have "been failed by both the justice system and, so far, the legislature."

The National Secular Society has pointed out that Parliament has now expressed an intention to legislate twice, but that in spite of this the Government has still refused to take action, leaving the matter to be established in case law- which is a prohibitively expensive option for victims to take.

The Government previously told the UN that it "intends to introduce legislation to make caste discrimination unlawful" and pledged to begin a public consultation process on prospective legislation. However, the letter notes, "almost a year later, these undertakings have not been honoured."

In addition, several honorary associates of the National Secular Society voiced their concerns in a [recent debate](#) in the House of Lords over the Government's continuing prevarication.

Lord Cashman asked if the Government would comply with the UN Committee on the Elimination of Racial Discrimination's recommendations on caste, but was told only that the Government was "actively considering" the matter – a phrase which was repeated throughout the debate by Baroness Williams, a Minister in the DCLG.

Lord Avebury asked to know which organisations had been campaigning against the change, but no answer was immediately forthcoming.

Lord Desai asked if the problem was that "that the majority Hindu and Sikh organisations are responsible for discrimination of the minority in their own ethnic origin community?"

He added, "I do not think that one should quietly concede the majority's view in this respect."

Baroness Flather pressed this point further, and argued: "The Hindu community says that there is no caste discrimination in this country and therefore we do not need this subsection. Fine—but if that is the case, why are they fighting so hard against it?"

"Because they are fighting so hard," she said, "it leads me to believe that there is discrimination."

However Lord Popat, a Conservative peer, said the "vast majority of the British Hindu and Sikh community" would be "outraged" if the Equality Act were amended to ban caste discrimination.

Baroness Williams said she agreed with Lord Popat that the issue is "divisive."

The Baroness added that the Government did not want to "exacerbate the problem", after Lord Popat claimed that any amendment outlawing caste discrimination would be a "blow to community cohesion".

A [legal opinion](#) commissioned by the National Secular Society in 2013 was scathing of the Government's inaction and concluded that the UK is "obliged in international human rights law to legislate for caste discrimination and further obliged to provide victims of such discrimination with an effective remedy."

The failure to do this, the opinion finds, "cannot be justified, either in principle or on the facts, by the necessity of either further evidence gathering or consultation."

"As a matter of international law", legislation prohibiting caste-based discrimination must be "enacted without delay."

That legal opinion, which has previously been shown to Ministers, has now been sent directly to the Prime Minister.

The National Secular Society's executive director, Keith Porteous Wood, commented: "That legal opinion was written two years ago and the Government's delay then was indefensible. To still be waiting in 2015 is inexplicable."

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