

Outlaw caste discrimination

Caste-based prejudice should have no place in modern Britain. We want to see caste-based discrimination explicitly recognised as a form of discrimination under UK equality legislation.

What's the problem?

Caste-based prejudice and discrimination is a gross violation of human rights and must not be tolerated. All individuals have the right to protection against discrimination on the basis of their caste or perceived caste, in the same way that they do on the basis of race or gender

Dawn Butler MP (Shadow Minister for Women and Equalities, Labour Party)

The caste system is rooted in ancient religious and cultural beliefs. It is imbued with inequality and discrimination, and is in diametric opposition to the Universal Declaration of Human Rights.

[Research](#) has estimated there are at least 50,000 (and perhaps in excess of 200,000) people living in the UK who are regarded by some as "low caste" and at risk of caste discrimination. The research found evidence of caste-based discrimination, harassment and bullying present in employment, education and in the provision of services.

The Equality Act does not explicitly deal with the issue of caste, meaning victims of caste discrimination currently have to use unclear and precarious case law to secure justice. An express provision in the Equality Act 2010 would have removed any legal uncertainty. Both Parliament and the [United Nation Human Rights Council](#) have called on the Government to explicitly outlaw caste-based discrimination, but it has delayed doing so for years.

What are we doing?

- The NSS actively supports efforts to outlaw caste discrimination. We have been working for many years with anti-caste campaigners to highlight the problem of caste discrimination in the UK. In 2016 we [addressed the UN Human Rights Council](#) (UNHRC) urging it to hold the UK Government to account over its failure to tackle caste-based discrimination.
- The NSS has been closely involved with the introduction of both legislative provisions passed by the UK Parliament concerning caste. A provision in the Equality Act 2010 that enabled secondary legislation to be passed by a Ministerial Order was replaced in 2013 by an instruction by Parliament to the Government to outlaw such discrimination, a move strongly endorsed by the United Nations, most recently in 2016.
- In April 2017 the Government announced a long awaited public consultation on the issue of caste and the Equality Act 2010. We called on the Government to legislate against caste discrimination in our [submission to the consultation](#), which closed in September 2017. In July 2018, the Government [announced](#) that it would not explicitly recognise caste-based discrimination under equality legislation, a decision criticised by the NSS, the [Equality and Human Rights Commission](#) and various organisations and individuals in the field of human rights

What you can do:

[I support the NSS campaign for caste-based discrimination to explicitly recognised under UK equality legislation.](#)

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More information

- [Response to public consultation on Caste and Equality Law](#) (PDF, 596 Kb)

Our response to the 2017 to the public consultation on Caste in Great Britain and Equality Law by the Government Equalities Office.

[Join the campaign to outlaw caste discrimination](#)

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The Government has not yet complied, but in April 2017 it published a consultation seeking views on caste in Great Britain and on equality law.

Out of the possible approaches set out in the consultation, the Government's preferred option is not to legislate, but instead await a development of case law. One problem with this approach is that case law gives much poorer access to justice to those alleging discrimination. The Government acknowledges that case law does not currently offer protection, and there is no guarantee that it ever will. Indeed, it is unlikely that case law will be 'developed' as the Government implies is inevitable.

In the case of *Tirkey v. Chandok*, an Employment Appeal Tribunal considered whether Ms Tirkey's claim for caste discrimination fell within the definition of "race" in section 9 of the Equality Act 2010. While caste discrimination was alleged, no judgment about it was made, and the case was decided on other aspects. Caste as such was not a protected characteristic under the Equality Act but, dependent on the facts, aspects of it may be. This means that, while caste discrimination can

be found to constitute unlawful race discrimination under the Equality Act 2010, this will not necessarily be so in all cases. In light of this case, the Equality and Human Rights Commission called on the Government to make an express provision for caste discrimination in the Equality Act 2010 to ensure legal clarity.

The Government also says it wants to be "careful not to create or entrench any notion of caste consciousness or caste-based practices into British society". Whilst this is an understandable concern, outlawing caste-based discrimination would send the clearest signal possible that such discrimination in the public sphere will not be tolerated.

The Government has also expressed concern about associating caste issues with any one particular community or religion. Such an association is much more likely if the protection is through case law as any case is likely to be religion-specific whereas legislation would not be.

The case for legislation

Victims have unclear legal protection. The law should be explicit in protecting them from caste discrimination, as Parliament and the UN have said.

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- [Caste Discrimination Briefing](#) (PDF, 305 Kb)

Our detailed briefing on caste discrimination and why it should be outlawed.

- [UK again refuses UN recommendation on outlawing caste discrimination](#)

Verbal statement for United Nations Human Rights Council, 4 September 2016

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