

Alternative report submitted to the UN Committee on the Elimination of Racial Discrimination when reviewing the 18th and 19th periodic reports of the United Kingdom at its 79th session:

CASTE-BASED DISCRIMINATION IN THE UNITED KINGDOM

**Prepared and submitted by the Dalit Solidarity Network UK and
the International Dalit Solidarity Network**

July 2011



DALIT SOLIDARITY NETWORK UK

**IDS
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International Dalit Solidarity Network

WORKING GLOBALLY AGAINST DISCRIMINATION BASED ON WORK AND DESCENT

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INTRODUCTION

The Dalit Solidarity Network UK (DSN-UK) and The International Dalit Solidarity Network (IDSN) are pleased to submit this alternative report on the occasion of the review of the United Kingdom (UK) by the UN Committee on Elimination of Racial Discrimination (CERD) at its 79th session in August 2011. This report focuses specifically on the issue of caste discrimination in the UK; an issue which was addressed by the Committee in the Concluding Observations from 2003 and mentioned briefly by the UK Government in its report from 2010.

The report argues that the UK Government should, without any further hesitation, take immediate action to adopt the proposed amendment to outlaw caste discrimination in the UK Equality Bill 2010. Furthermore, DSN-UK and IDSN call on the UK Government to take specific measures, in accordance with CERD General Recommendation 29, to eliminate this form of discrimination, including adopting a national strategy, undertaking further research, and promoting public awareness of the issue, as recommended in the last section of this report.

DSN-UK is a network of nearly 100 individuals, Dalit community organisations, faith bodies and international NGOs. Our members include CasteWatch UK in Coventry, Association for Community Cohesion in London and the Federation of Ambedkarite and Buddhist Organisations UK (FABO).ⁱ Our international NGO supporters include Minority Rights Group International and Anti Slavery International. DSN-UK works alongside the Anti Caste Discrimination Alliance (ACDA) who submitted a report to Parliament on caste discrimination in the UK in 2009.ⁱⁱ We are also part of the Churches' Dalit Support Group, hosted by the Methodist Church in London. The Director of the Dalit Solidarity Network UK coordinates a recently formed All Party Parliamentary Group for Dalits, whose priorities include working for the right to justice for Dalits in the UK through the implementation of civil legislation to outlaw caste based discrimination within the Equality Act of 2010.

In 2006, DSN-UK published 'No Escape: Caste Discrimination in the UK' a report on the existence and impact of caste discrimination in the UK.ⁱⁱⁱ It was the first national study that explored this issued and outlined recommendations for further research needed to develop, capture and understand the complex and wide canvas of caste discrimination in the UK. The study found that Dalits face discrimination in the sectors of employment, healthcare, education and politics, and identified caste based discrimination in access to Hindu temples. The significance of the report was that it identified the existence of the caste based discrimination in UK for the first time, which gave grounding and impetus to tackle caste based discrimination in the UK.^{iv}

ARTICLE 1, PARAGRAPH 1 (DESCENT)

According to Article 1(1) of the International Convention on the Elimination of Racial Discrimination, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

In 2002, CERD issued General Recommendation 29 (hereafter "CERD GR 29") which confirmed that the term "descent" does not solely refer to "race" and has a meaning and application which complement the other prohibited grounds of discrimination. The Committee also strongly reaffirmed that discrimination based on "descent" includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights.

1.1. CERD observations on caste discrimination and the UK Government's response

In CERD's Concluding Observations in August 2003 (CERD/C/63/CO/11), the Committee made the following recommendation to the UK Government:

25. The Committee recalls its general recommendation 29, in which the Committee condemns descent-based discrimination, such as discrimination on the basis of caste and analogous systems of inherited status, as a violation of the Convention, and recommends that a prohibition against such discrimination be included in domestic legislation. The Committee would welcome information on this issue in the next periodic report.

In the combined 18th and 19th reports submitted in 2010, the UK Government briefly responds to CERD's recommendation from 2003. The state report does however not give an elaborate reply, and lacks information about the process leading up to the proposed amendment of the law and status quo:

42. The Government has noted the Committee's request for information on "descent-based" discrimination in the UK (paragraph 24, 2003 Concluding Observations). The Government has seen no firm evidence on whether caste-based discrimination in the fields covered by the Convention exists to any significant extent in the UK. The Government has therefore made a commitment to commission research into caste discrimination.

1.2. Caste-based discrimination in the UK

Caste and its ensuing discrimination tend to stay with the South Asian Diaspora, despite people having left their home countries and many being highly educated. Exact figures on the numbers of Dalits in the UK are unknown due to issues around identification as a 'Dalit', lack of detailed research, and the absence of caste data in the census. However, it is accepted that there is a significant 'population pool' of people of Dalit origin numbering 150,000 to 500,000 and spanning the various sub-continental religions. People of South Asian origin in the UK number 2.3 million or 4% of the total population. Some religious groups are almost wholly from the lowest castes, for example Ravidassia, Valmiki, Ramdasis and Ambedkarite Buddhists. Christians with roots in the Indian sub-continent are also often assumed to be low caste or Dalit.

According to the 2001 census, there are 1.6 million Muslims, 558,000 Hindus, and 336,000 Sikhs in the UK. Unofficial sources claim that the number of Sikhs in Britain is more likely to be around 500,000, and that one third of this number traditionally belongs to the Dalit category.^v Furthermore, approximately 149,000 Buddhists are affected. Based on these numbers, it has been estimated that at least 250,000 Dalits live in the UK. This proves the necessity for the Government to include caste-based data in any future census.

While individuals of Dalit origin and their descendants no longer pursue the culture-specific menial ('polluting') occupations traditionally associated with their caste status in the UK, the 'untouchability mindset' persists in the form of direct and indirect discrimination. Ancestry is identified in a number of ways, including on the basis of name (although names may be changed), place of origin, former occupation, family members' occupations, place of worship, education, social circle and on the basis of community knowledge. Therefore it is of little surprise that such a deeply entrenched form of discrimination also exists within the Diaspora communities in the UK.

1.3. Introducing caste as a discriminatory factor in the UK's Equality Bill

In February 2005 the Labour Government announced a two-stage overhaul of the UK's equality framework, leading to a new Single Equality Act. The Equality Act was to consolidate and include a complex raft of equality legislation prohibiting discrimination on various grounds.^{vi} Since 2005, DSN-UK and other UK Dalit organisations have campaigned for the inclusion of 'caste' as a discriminatory characteristic in the Equality Bill.

Despite this campaign, discrimination on grounds of caste remains outside existing anti-discrimination provisions. Nowhere is caste explicitly identified as grounds for discrimination. Furthermore, caste is not directly synonymous with race or religion and therefore does not easily fall within existing 'race' or 'religious belief' categories as currently formulated. In relation to criminal law, where the burden of proof must be

proved 'beyond reasonable doubt, assault, violations and discrimination on the basis of caste are not recognised as an aggravated offence, nor is hostility on grounds of caste recognised as an aggravating feature for sentence as is the case with racially or religiously motivated assault or homophobic or transphobic crime.^{vii}

The amendment below was introduced at Committee stage in the House of Commons in July 2009. In response, the Government said that there was no evidence of caste discrimination in the UK and rejected the following amendment.

Caste: To move the following Clause:—

“In relation to the protected characteristics of caste—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular caste.

(b) a reference to persons who share a protected characteristic is a reference to a person of the same caste.”

In her closing statements to that stage of the Bill, Lynne Featherstone MP persuaded the Solicitor General Vera Baird MP to agree that if further evidence came forward, they would consider it.^{viii}

After the Minister in the House of Commons turned down the request to include caste in the Bill citing lack of evidence, Dalit organisations successfully lobbied the House of Lords to support an amendment to the Bill in November 2009.

Different suggestions emerged on how to introduce caste in the UK legislation. One was to add caste as a new, freestanding protected characteristic that would become a tenth strand in addition to the nine ‘protected characteristics’ already proposed in the Bill (sex, gender reassignment, race, ‘religion or belief’, age, disability, sexual orientation, ‘marriage and civil partnership’ and ‘pregnancy and maternity’). A second proposal was to add caste to the currently proposed definition of the protected characteristic of race in the Equality Bill, which includes colour, nationality and ethnic or national origin. As explained in section 2.1, it was decided that an amendment for caste be included as an aspect of race in the Bill.

Although welcoming the prohibition of caste discrimination in UK legislation, DSN-UK and IDSN consider caste and race to be two substantially different concepts. We would have preferred for caste to be introduced as a freestanding characteristic on a par with other prohibited grounds in the Equality Bill. Nonetheless, DSN-UK and IDSN align themselves with the interpretation made by CERD that caste falls under the scope of the “descent” leg in article 1(1) of the Convention in the definition of “racial discrimination”.

2. ARTICLE 2 (NON-DISCRIMINATION)

According to Article 2 of the Convention, States Parties must condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races.

In CERD General Recommendation 29, the Committee furthermore calls on States Parties to review and enact or amend legislation in order to outlaw all forms of discrimination based on descent, including discrimination on the basis of caste and analogous systems of inherited status. The Committee also recommends governments to take several special measures and affirmative action to prevent and eliminate this form of discrimination.

2.1. The process to outlaw caste discrimination in the UK

After a lot of pressure, the UK Government took action to amend national legislation to outlaw caste discrimination, as recommended by the Committee in 2003. However, the final decision to prohibit caste discrimination is still pending action.

During the passage of the Equality Bill through Parliament, the Government considered that the available evidence did not indicate that caste discrimination was a significant problem in the UK in the areas covered by discrimination legislation (i.e. employment, education and provision of goods facilities and services). However, the Government acknowledged that the protected characteristics of race and religion and belief might not always allow an avenue to provide redress for caste discrimination (if it exists), although there may be overlap in some cases.^{ix}

On February 4 2010, an historic and unprecedented meeting took place at the House of Lords at the invitation of Baroness Thornton. Lords Avebury, Harries and Lester as well as Baroness Northover were all present in support of the caste amendment. Over 20 national and community Dalit organisations representing over one million people in the UK came together with one voice and called on the Government to outlaw caste discrimination in the same way as other forms of discrimination. Both Hindu and Sikh leaders had claimed that caste discrimination did not exist in Britain despite substantial evidence to the contrary. Although they admitted there may still be “caste prejudice”.

As a result of this meeting, it was agreed to amend section 9 (5)(a) in the Equality Act 2010 to include caste with the following wording:

"(5) A Minister of the Crown may by order-

(a) amend this section so as to provide for caste to be an aspect of race;

(b) amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.

(6) The power under section 205(4)(b), in its application to subsection (5), includes power to amend this Act."

This decision allowed the introduction of secondary legislation if there was evidence of caste discrimination in the UK. At that point, the Government would decide whether exercising the power in section 9(5)(a) was a proportionate and appropriate response. The Government commissioned independent research in March 2010 in order to verify the existence of caste-based discrimination and to assess the nature, extent and severity of caste prejudice, discrimination and harassment in Britain and the implications for Government policy.

2.2. Findings of Government-commissioned report

The Government-commissioned study was carried out by the National Institute of Economic and Social Research (NIESR) and was published in December 2010. The study aimed to identify whether caste discrimination and harassment exists in relation to aspects covered by the Equality Act 2010, i.e. employment, education and the supply of goods and services.^x The study clearly confirmed the existence of caste-based discrimination in the UK, and a summary report was published by the Government Equalities Office (GEO).^{xi} 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, harassment, demeaning behaviour, and violence.

The study further concluded that the Equality Act 2010 provisions on religious discrimination cannot cover caste discrimination and harassment as effectively as caste-specific provisions would. The report recommended that "extending the definition of race to include caste would provide further, explicit protection".^{xii}

The report also recommended: "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."^{xiii}

2.3. Current status of the enactment of the law to prohibit caste discrimination

In January 2011 over 80 people attended a meeting in the House of Lords, chaired by Lord Avebury. The groups represented various Dalit national and community organisations including representatives from the Anti-Caste Discrimination Alliance, CasteWatch UK, Association for Community Cohesion, FABO, Voice of Dalits International, Valmik Sabha and Ravidassia organisations as well as DSN-UK.

Despite pleas from those present to “trigger” the power to legislate against caste discrimination as per the recommendations of the NIESR report, Lynne Featherstone MP, Minister for Women and Equalities, stated that their “government would respond in due course and that response would be reasonable and proportionate”.

The Government has yet to respond to the report and has therefore not taken the final decision whether or not to trigger the power in section 9(5)(a) to introduce secondary legislation in the Equality Act that would make caste discrimination illegal. We still await a ‘reasonable and proportionate’ response to the evidence that caste-based discrimination does in fact exist in the UK (as per the completion of this report in mid July 2011).

These delays by the Government ignore the sufferings and abuse of people in the UK who experience caste discrimination and go against the will of the UK Parliament, which has declared caste discrimination to be unacceptable. DSN-UK, alongside CasteWatch UK, ACDA and many other organisations and individuals who have worked for so long on this issue urge the Government to outlaw caste and trigger the power already included in the Equality Act 2010 to bring the UK in-line with the International Convention to which it has signed.

The Government has suggested that non-legislative measures could be used to tackle incidences of caste discrimination in the UK rather than legislation. But history proves the necessity for legislation and the critical role it plays in changing discriminatory behaviour. In 1975, the British White Paper on Racial Discrimination highlighted the importance of legislative measures: *“Legislation is the essential pre-condition for an effective policy to [...] promote equality of opportunity and treatment. [...] To fail to provide a remedy against an injustice strikes at the rule of law. To abandon a whole group in society without legal redress against unfair discrimination is to leave them with no option but to find their own redress.”*^{xiv} This is supported by the NIESR report which states: *“Relying on the Indian community to take action to reduce caste discrimination and harassment is problematic”*.^{xv}

3. RECOMMENDATIONS AND QUESTIONS

The UK Government has had eight months to consider the independent evidence of caste-based discrimination in the UK and the recommendations made in the National Institute of Economic and Social Research's report *Caste discrimination and harassment in Great Britain* (published in December 2010).

DSN-UK and IDSN therefore call on the UK Government to take immediate action to adopt the proposed amendment to outlaw caste discrimination in the Equality Bill 2010. Moreover, we recommend that the UK Government take specific measures, in accordance with CERD General Recommendation 29, to eliminate this form of discrimination, including adopting a national strategy and affirmative action programmes, undertaking further research to document the scale and nature of this human rights concern in the UK, and promoting public awareness of the issue.

3.1. Immediate enactment of provision to prohibit caste discrimination

Recommendation:

- The UK Government should, without any further hesitation, immediately enact the provision to include caste in the Equality Act 2010, thereby taking action to amend legislation in order to outlaw caste discrimination in accordance with CERD GR 29 (para. 1.3 and 1.4).

Questions:

- What concrete steps does the Government plan to take to resolutely implement this legislation?

3.2. National strategy and special measures to eliminate caste discrimination

Recommendations:

- The UK Government should formulate and put into action a comprehensive national strategy with the participation of members of affected communities, including special measures in accordance with articles 1 and 2 of the Convention, to eliminate discrimination against members of descent-based groups, as recommended in CERD GR 29 (para. 1.5).

- In this process, the UK Government should consider endorsing the Draft UN Principles and Guidelines on the effective elimination of discrimination based on work and descent as a guiding framework on how to comprehensively address caste discrimination.^{xvi}
- The UK Government should support the endorsement of the Draft UN Principles and Guidelines on the effective elimination of discrimination based on work and descent in the UN Human Rights Council.

Questions:

- Does the UK Government plan to adopt any special measures in favour of descent-based groups and communities in order to ensure their enjoyment of human rights and fundamental freedoms, in particular concerning access to public functions, employment and education, in accordance with CERD GR 29 (para. 1.6) and CERD General Recommendation 32 on Special Measures?

3.3. Further research and disaggregated data on caste discrimination in the UK

Recommendations:

- The UK Government should take steps to identify descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status, in accordance with CERD GR 29 (para. 1.1), and include this information in the next periodic report to CERD.
- The UK Government should conduct periodic surveys on the reality of descent-based discrimination and provide disaggregated information in their reports to the Committee on the geographical distribution and economic and social conditions of descent-based communities, including a gender perspective, in accordance with CERD GR 29 (para. 1.10).
- The UK Government should include caste-based data in any future census.

Questions:

- How does the UK Government intend to use, follow up, and disseminate information on the findings and conclusions of the Government-commissioned study?

3.4. Public awareness raising and dialogue with affected communities

Recommendation:

- The UK Government should enact affirmative action programmes to educate the general public on the situation of victims of descent-based discrimination, including the prohibition of discrimination on the basis of caste in the UK when adopted, in accordance with the recommendations contained in CERD GR 29 (para. 1.8). Such awareness campaigns could target schools, work places, the public sector, etc.

Questions:

- Which organisations and stakeholders has the UK Government had subsequent representations and/or meetings with to discuss caste-based discrimination in the UK?
- How does the UK Government intend to ensure a regular and meaningful dialogue with stakeholders in the future?

ⁱ In January 2009 FABO's report The 'Evil of Caste' by the late Mr. Chanan Chahal, Chairman FABO, UK was published in association with DSN-UK and launched in the House of Commons.

ⁱⁱ Roger Green & Stephen Whittle, 'Hidden Apartheid – Voice of the Community A Scoping Study into Caste and Caste Discrimination in the UK', Anti Caste Discrimination Alliance (ACDA) 2009

ⁱⁱⁱ Savio Lourdu Mahimaidass & Dr Nidhi Sadana, *No Escape: Caste Discrimination in the UK, Dalit Solidarity Network UK Report*. Dalit Solidarity Network UK, London, 2006.pp.1-24.

^{iv} Evidence of Caste Discrimination in the form of case studies and testimonies have been presented to Government by a number of organisations since 2004 in the UK including ACDA, CasteWatchUK, Federation of Ambedkarites & Buddhists Organisations UK, British Asian Christian Council, Shri Guru Valmiki Sabha International, Central Valmiki Sabha International, Association for Community Cohesion, Shri Guru Ravidass Sabha UK (SGRS-UK), the voice for all Shri Guru Ravidass Temples in the UK, Voice of Dalits International, and Dalit Solidarity Network UK.

^v "Hidden Apartheid – Voice of the Community", (ACDA), 2009

^{vi} A table of the protected characteristics and issues covered by the Equality Act can be found on: http://www.equality.salford.ac.uk/cms/resources/uploads/File/equality_act/equality-act-2010-briefing%20just%20table.pdf

^{vii} Annapurna Waughray, 'Caste: invisible discrimination?', New Law Journal, Vol. 157, issue 7263,pp. 348 349

^{viii} House of Commons, Notices of Amendments given on Tuesday 7 July 2009 laid down by Lynne Featherstone and Dr. Evan Harris

^{ix} "Caste discrimination and harassment in Great Britain" by Hilary Metcalf and Heather Rolfe, National Institute of Economic and Social Research, p. 1 published December 2010

^x The study entailed a literature review, discussions with organisations and experts with an interest in caste issues and interviews with 32 people who believed they had been subject to caste discrimination and harassment in work, education or the provision of goods and services.

^{xi} Summary- Research findings: *Caste discrimination and harassment in Great Britain*: Government Equalities Office (GEO) in December 2010. No. 2011 / X.

^{xii} "Caste discrimination and harassment in Great Britain" by Hilary Metcalf and Heather Rolfe, National Institute of Economic and Social Research, p. 65 published December 2010

^{xiii} Summary- Research findings: *Caste discrimination and harassment in Great Britain*: Government Equalities Office (GEO) in December 2010.

^{xiv} British White Paper on Racial Discrimination, 1975, cited in W.H.B Dean, 'The Role Of The Law In The Elimination Of Racial Discrimination' Acta Juridica, 1976, p 171.

^{xv} Summary- Research findings: *Caste discrimination and harassment in Great Britain*: Government Equalities Office (GEO) in December 2010. No. 2011 / X.

^{xvi} The draft UN Principles and Guidelines is an outcome of a Sub-Commission study on discrimination based on work and descent, the UN terminology for caste-based discrimination. They were published by the Human Rights Council in May 2009 (A/HRC/11/CRP.3). Although still a draft, DSN-UK and IDSN recommend that governments endorse them as a guiding framework to comprehensively eliminate discrimination based on work and descent.



Caste discrimination and harassment in Great Britain

Abstract

Caste discrimination and harassment has not been explicitly covered by British discrimination legislation. However, the Equality Act 2010 includes the provision that, by order of a Minister, caste may be treated as an aspect of race. This research was commissioned to help inform the Government whether to exercise this power. The research sought to identify whether caste discrimination and harassment in relation to aspects covered by discrimination legislation (i.e. work, education and the supply of goods and services) exists in Britain. Evidence suggesting such discrimination and harassment was found.

Key findings

- The term 'caste' is used to identify a number of different concepts, notably, *varna* (a Hindu religious caste system), *jati* (an occupational caste system) and *biraderi* (often referred to as a clan system). The examples of caste discrimination identified related to *jati*.
- 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)¹.
- The study also identified evidence suggesting caste discrimination and harassment which may fall outside the Equality Act 2010 in relation to voluntary work, harassment, demeaning behaviour and violence.
- The caste discrimination and harassment identified in this study was by higher castes against the lowest castes.
- There is no clear evidence on whether the extent of caste discrimination and harassment is changing. There are both positive and negative influences at work.
- 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.

¹ Pupil on pupil bullying is not directly covered by the Equality Act 2010. However, the actions of a school may be covered where it deals with bullying in a particular way because of a protected characteristic (e.g. race, sex).



Background

Caste discrimination and harassment has not been explicitly covered by British discrimination legislation. However, the Equality Act 2010 allows, by order of a Minister, caste to be treated as an aspect of race. This would offer protection against discrimination and harassment in areas such as work, education and goods and services.

This research was commissioned to identify whether caste discrimination and harassment exists in these areas in order to help inform the Government whether to exercise the power.

Key evidence from the study

Caste

The term 'caste' is used to identify a number of different concepts, notably, *varna* (a Hindu religious caste system), *jati* (an occupational caste system) and *biraderi* (often referred to as a clan system). The examples of caste discrimination identified related to the *jati*. There are thousands of *jati*. An individual's *jati* (or caste) is determined by that of their forefathers (such as sweeper, leather-worker).

The British population affected by caste

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.

Individuals may reject the notion of caste, but still be regarded by others as having a caste.

Caste discrimination and harassment may occur between any castes. However, that found in the study was against the lowest castes. Estimates of the size of the low caste population in Britain vary between 50,000 and 200,000 or more.

Some religious groups are almost wholly from the lowest castes: Ravidassia, Valmiki, Ramdasis and Ambedkarite Buddhists. Christians with roots in the Indian sub-continent are also often assumed to be low caste.

Beliefs about caste discrimination and harassment in Britain

Views on the existence and nature of caste discrimination and harassment in Britain vary extensively. Some believe it exists and is highly destructive. Some believe it is limited to personal social relations (e.g. marriage). Others believe it does not exist.

Evidence on caste discrimination and harassment relevant to the Equality Act 2010

The study identified cases where the evidence suggested caste discrimination or harassment relevant to the Equality Act 2010 had probably occurred. These related to:

- work (bullying, failure to recruit, promotion, task allocation);
- provision of services (the provision of personal care, access to a day centre); and
- education (pupil on pupil bullying)².

Other examples relating to education (bullying by teachers and refusal of a place at a school) were also identified. However, the evidence presented was inadequate for the researchers to make a judgement as to the likelihood that the actions were because of caste.

² Pupil on pupil bullying is not directly covered by the Equality Act 2010. However, the actions of a school may be covered where it deals with bullying in a particular way because of a protected characteristic (e.g. race, sex).



Evidence on other caste discrimination and harassment

The study identified cases where the evidence suggested caste discrimination or harassment outside the remit of the Equality Act 2010 had occurred. These related to:

- voluntary work (dismissal);
- worship and religion; and
- public behaviour (harassment in public places).

Caste discrimination and harassment was also reported in respect of political activity.

At the extreme, caste prejudice and harassment resulted in violence.

Caste discrimination: who is affected

In all cases of caste discrimination and harassment identified in the study the victim was of low caste and the perpetrator(s) of higher caste.

Current response to alleged caste discrimination and harassment

Four responses to alleged discrimination and harassment were identified in the case studies:

- taking the case to the authorities (the school, the employer, the service provider, the police);
- speaking to the perpetrators (or their parents);
- doing nothing; and
- taking the law into one's own hands.

People's experience of taking cases to the authorities varied. For some, it was satisfactory (i.e. the discrimination or harassment stopped). For others, problems were perceived with this approach due to 'the authorities' being non-Asians and therefore ignorant about caste.

Speaking to the perpetrators (or their parents) did not seem to yield change and might escalate the problem.

Others did nothing. This was for a range of reasons, including: that the authorities were of the same caste as the perpetrators (or were the perpetrators); reluctance to have to explain caste to non-Asians; a belief that they would not understand and so one would be seen as a troublemaker; embarrassment and shame at having to reveal one's own caste; a lack of belief that there would be any effective action taken; and a belief that going to the authorities would exacerbate the problem and lead to retribution. This meant that some took the law into their own hands, which tended to lead to violence.

Caste discrimination: the effects

The personal consequences of alleged caste discrimination and harassment include:

- reduced career prospects, lower earnings;
- detrimental effects on education;
- social isolation;
- reduced access to social provision;
- depression, loss of self-esteem, loss of confidence; and
- anger.

Consequences also include public violence.

The effect on community cohesion is unclear, depending on the definition of 'community'. Caste (as opposed to caste discrimination and harassment) is seen by some as providing identity and support and so reinforcing community. By others, it is seen as dividing people and communities.

Caste discrimination: is it dying out?

Anti- and pro-caste legislation organisations express opposing views about the trend in caste awareness. The former consider caste to be dying out in this country (if not already dead); the latter believe it remains and will remain strong. There is no hard evidence either way. Whilst one belief is that caste awareness is strongest amongst the older



generations and will die with these, other factors can be identified which may counteract this (e.g. new migration from the Indian sub-continent and a reported growth in caste-pride amongst the young).

Conclusions and implications

Caste discrimination and harassment

The study found evidence of caste discrimination and harassment in Britain in areas relevant to the Equality Act 2010, namely in work and the provision of services. It also found evidence of caste discrimination and harassment in other areas, namely education (pupil against pupil bullying), voluntary work (dismissal), worship and religion and public behaviour (harassment in public places). The consequences of these could be severe for the victims.

Religion and caste

Because some religions are almost wholly low caste, some cases of caste discrimination and harassment may be covered by religious discrimination provisions of the Equality Act 2010. However, for caste discrimination and harassment, religious provisions are likely to be less effective than caste-specific provisions and are unlikely to provide protection for members of a mixed-caste religion (including many Hindus, Sikhs, Christians and Muslims) or for atheists.

Implications for Government policy

The Government might tackle caste discrimination and harassment through:

- extending anti-discrimination legislation to cover caste (i.e. using the power in the Equality Act 2010 to make caste an aspect of race);
- through educative routes.

It might also extend the criminal law to address caste-motivated harassment and violence.

Anti-discrimination legislation would provide access to redress for victims. It would also prompt employers, educators and providers of goods and services to develop non-discrimination and anti-harassment policies. This would lead to much greater understanding of the issues and reduce the acceptability of such discrimination and harassment.

The educational approach is relevant where people are unaware of caste. This approach does not assist those where either the authorities themselves are discriminating or feel helpless to achieve change.

Education without legislation could be effective in the public sector, but is unlikely to be so in the private sector.



About the study

The study was carried out in 2010. It aimed to identify whether caste discrimination and harassment exists in relation to aspects covered by the Equality Act 2010. It entailed a literature review, discussions with organisations and experts with an interest in caste issues and interviews with 32 people who believed they had been subject to caste discrimination and harassment in work, education or the provision of goods and services.

Further information

The study by Hilary Metcalf and Heather Rolfe at the National Institute of Economic and Social Research is published by the Government Equalities Office (GEO).

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