

**SUBMISSION ON CASTE BASED DISCRIMINATION TO THE
UNITED NATIONS' COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION (CERD, 79TH SESSION)**

1. **This submission informs the UN's Committee on the Elimination of Racial Discrimination (CERD) that the Caste system has been imported into the UK over the last six decades. There is strong evidence of Caste Based Discrimination in the UK. In light of this evidence, we recommend the CERD call on the UK Government to bring Section 9(5)(a) of the Equality Act 2010 into force and amend it to provide for Caste to be an aspect of race. This will legally protect victims and potential victims of Caste Based Discrimination in the UK.**
2. Section 9(5)a of the Equality Act 2010 states:
 "(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".
3. CERD confirmed in 2002 (CERD General Recommendation 29 of 2002) 'the consistent view of the Committee that the term "descent" in article 1, paragraph 1, the Convention does not solely refer to "race" and has a meaning and application which complement the other prohibited grounds of discrimination' and 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'.
4. In 2003 CERD made the following recommendation to the UK in their concluding observations on the UK's combined 16th & 17th report *"The Committee recalls its general recommendation XXIX in which it 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"*
5. UK Government's response (in 2005) in a letter and memorandum from Fiona Mactaggart MP, the then Parliamentary Under Secretary of State, Home Office, stated *"We have noted CERD's comments about caste based discrimination, but also that they have made no suggestion that this is a problem in the UK. We have seen no evidence that there is a particular problem in the UK, but would happy to consider any that is put to us."*
6. Since 2003, there has been little activity by the UK Government to establish the level of Caste Based Discrimination in the UK. Indeed, in its report to the CERD on 9 March 2010, the then Government asserted that there was no evidence in the UK of the existence of Caste Based Discrimination in the fields covered by the Convention. No reference was made of the Anti Caste Discrimination Alliance's (ACDA) report [*Hidden Apartheid – Voice of the Community - Caste and Caste Discrimination in the UK*](#) published in November 2009. The report had academic input from no fewer than four professors and academics from three different universities in the UK. The report presented the findings of research conducted in three months in 2009 in which over 300 people participated in an online questionnaire and nine focus groups in England. This study was presented in the

House of Lords on 11 November 2009 and then referred to in various debates. The study found evidence of Caste Based Discrimination in the areas of education, provision of services and in the workplace – areas covered in the then Equality Bill. The report's key findings were that of the people who responded to the online questionnaire:

- 45 per cent had been treated in a negative way
- 9 per cent had missed promotion at work
- 9 per cent overall had faced verbal abuse
- 7 per cent had suffered threatening behaviour at school
- 25 per cent had experienced Caste Based Discrimination in healthcare
- 58 per cent said they had been discriminated against because of their Caste
- 85 per cent believed the Police would not understand if Caste Based Discrimination was reported to them.

7. We recognise the difference between the manifestations of Caste discrimination in the Diaspora compared to the sub-continent - Caste discrimination in the UK is not the same as in India for example, but the root cause - the concept of Untouchability - is the same. And those who participated in the focus groups for the above study in the UK told us about the impact Untouchability had had on their lives in the UK. Many felt marginalised, excluded, stigmatised, had low self-esteem, and a reduced ability to participate fully in education and the workplace for example.

8. In December 2010, the UK Government commissioned independent research by the National Institute of Economic and Social Research (NIESR) that confirmed in its report [*Caste discrimination and harassment in Great Britain that*](#) Caste Based Discrimination exists in the UK in the areas covered by the Equality Act 2010. NIESR found:

- *'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'*
- *'there was 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).'*

9. NIESR suggested the Government might take educative or legislative approaches. They said *'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'* NIESR's findings were consistent with those contained in ACDA's report and the work of similar organisations including CasteWatchUK, the Dalit Solidarity Network UK, Voice of Dalit International UK, The Federation of Ambedkarite and Buddhist Organisations UK, the Association of Community Cohesion, and the Valmiki and Ravidassia organisations. These organisations collectively and individually reported their concerns to the UK government and its Commission for Race Equality (now the Equality and Human Rights Commission (EHRC)) since and before 2003. The EHRC has been woefully silent on this issue.

10. Caste Based Discrimination affects some 270 million people worldwide. It is estimated that there are over 200,000 Dalits in the UK (ACDA and NIESR conservative estimates) out of the population's three million people of South Asian descent. NIESR have found Caste Based Discrimination was generally people of so-called higher Castes discriminating against so-called lower Castes. The anti- legislation lobby argues that Caste is a community matter and should be dealt within the community and via educational measures. However, stakeholders representing victims of Caste Based Discrimination in the UK have provided evidence that it persists despite the rising awareness of Caste Based Discrimination activities by both pro- and anti-legislation stakeholders. The law in UK must adapt to deal with Caste Based Discrimination just as it has done recently to extend protection for transsexuals for example.
11. More recently, in response to the UK Government's *Red Tape Challenge* in June 2011 on the Equality Act, and specifically on the section 'who is protected', its website received 366 comments, out of which 61 comments (some 16 per cent) were in support of legal protection against Caste Based Discrimination. These responses were both from organisations, concerned individuals and victims of Caste Based Discrimination in the UK and they continue to be logged even after the 30 June end date for responses. This demonstrates the level of public concern in this area and the need to protect victims and future victims by bringing into force the provision on Caste contained in Section 9(5) (a) of the Equality Act 2010.
12. In Geneva, following the Conference '*Decade of Dalit Rights UN, 2011-20: Decisive Decade against Discrimination based on Work and Descent*' on 24-25 June 2011, fifty representatives from the Caste affected countries , including the UK, made it clear that despite the initiative taken by the UN, discrimination based on work and descent still continues. We fully support the conference Declaration and the opportunities and strategies identified for future actions by the participants.
13. Finally, the UK Government's *Equality Strategy Building a Fairer Britain* (December 2010) has within it two principles - equal treatment and equal opportunity - with the policy objective to reduce the prevalence of discrimination in whatever form it takes. By not acting on the evidence presented to it of Caste Based Discrimination in the UK, which we regard as highly significant, we believe that the UK Government is discriminating against victims of Caste Based Discrimination in the UK. These are mainly Dalits and at present, they are not given a similar level of protection accorded to victims of other forms of unacceptable discrimination
14. **We therefore ask CERD to call upon the UK Government to bring into force immediately, by a Ministerial Order, the provisions on Caste contained in Section 9(5)(a) of the Equality Act 2010 and treat Caste as an aspect of race.**

20 July 2011

Organisations supporting this submission are listed on the next page.

The following organisations support this submission:

- Anti Caste Discrimination Alliance
- Anti Land Grab and Forced Displacement of People
- Asian Rationalist Society
- Begumpura Foundation
- Bhagwan Valmik Sabha Bedford
- Bhagwan Valmik Sabha Birmingham
- Bhagwan Valmik Sabha Oxford
- Bhagwan Valmik Sabha Southall
- Bhagwan Valmik Temple Wolverhampton
- British Asian Christian Council
- Catholic Association for Racial Justice (CARJ)
- Dr Ambedkar Mission Society Bedford
- Federation of Ambedkarites and Buddhist Organisations UK
- Hitchin Nirankari Sangat
- Indian Christian Concern
- Indian Scheduled Caste Welfare Association
- Indian Workers' Association
- Jagat Guru Valmik Temple Coventry
- Jagat Guru Valmik Mandir Gian Ashram Birmingham
- Kanshi Radio Ltd UK
- No to Displacement Campaign
- Ravidass Community Centre Derby
- Ravidassia Community Centre, Hitchin
- Shri Guru Ravidass Sabha Bedford
- Shri Guru Ravidass Sabha Birmingham
- Shri Guru Ravidass Sabha Bradford
- Shri Guru Ravidass Sabha Jesmond Rd, Coventry
- Shri Guru Ravidass Temple, Foleshill, Coventry
- Shri Guru Ravidass Sabha Darlaston
- Shri Guru Ravidass Sabha Dartford
- Shri Guru Ravidass Sabha Derby
- Shri Guru Ravidass Sabha East Ham
- Shri Guru Ravidass Sabha Erith, Kent
- Shri Guru Ravidass Sabha Glasgow
- Shri Guru Ravidass Sabha Gravesend
- Shri Guru Ravidass Sabha Hounslow
- Shri Guru Ravidass Sabha Leicester
- Shri Guru Ravidass Sabha Luton
- Shri Guru Ravidass Sabha Northampton
- Shri Guru Ravidass Sabha Strood, Kent
- Shri Guru Ravidass Sabha Southall
- Shri Guru Ravidass Sabha Southampton
- Shri Guru Ravidass Sabha Walsall
- Shri Guru Ravidass Sabha Willenhall
- Shri Guru Ravidass Sabha Wolverhampton
- Shri Guru Ravidass Sabha UK
- Sri Guru Ravidass International Organisation for Human Rights Regd UK
- Voice of Dalit International UK