

CASTE DISCRIMINATION IN THE UK

A briefing paper by the International Dalit Solidarity Network – March 2014

On 23 April 2013, the British Government made a historic decision to outlaw caste discrimination in the UK. The move followed years of campaigning by human rights groups. South Asian immigrants have imported caste discrimination to Britain, but until now, hundreds of thousands of Dalits have had no legal protection.

The UK is a caste-affected country. This has been well documented by government-commissioned researchers as well as campaign groups over the past few years. Caste discrimination exists in various forms within diaspora communities from the Indian sub-continent - such as in the work place, in the provision of services and in education. It can lead to harassment, bullying and violence against Dalits committed by members of 'higher castes'.

While caste discrimination in the UK does not reach the same level of brutality as in India where Dalits are subjected to violence, rape and murder, it can have serious consequences for the victims. Dalits are known to have been harassed at their work places and even dismissed when managers from a 'higher caste' discovered their low status. Dalits have been refused treatment by doctors and help by carers, and Dalit school children have been bullied. Depression, social isolation, loss of earnings and reduced career prospects are among the effects of this form of discrimination. The number of victims is unknown, but it is estimated that there are hundreds of thousands of Dalits in the UK.

In recent years, human rights groups, including the Dalit Solidarity Network UK, have campaigned for a legal ban on caste discrimination. They argued that Dalits – the lowest group in the caste hierarchy – lacked legal protection against discrimination from members of 'upper castes'. The government acknowledged the existence of caste discrimination, but initially preferred a community education programme to legislation. The reluctance to legislate may have been brought on by pressure from Hindu and Sikh groups in the UK.

Caste to be "an aspect of race"

On 4 March, the House of Lords went against the government's position by voting in favour of a legal ban on caste discrimination.ⁱ When the House of Commons overturned the first Lords vote, they sparked a tug-of-war between the two Houses. But after the Peers again voted in favour of the amendment, the government was forced to reconsider.

On 23 April, Jo Swinson, the equalities minister, said that the government recognises the existence of caste discrimination in the UK and that it is "unacceptable". She added that "very strong views have been expressed in the Lords on this matter and, in light of those views, we have reconsidered our position and agreed to introduce caste-related legislation."

This will be done by including caste discrimination in the 2010 Equality Act, a law that covers various forms of discrimination and will "provide for caste to be an aspect of race". A clause on caste discrimination already existed in this Act, but until now, the UK government had been against activating it.

This position stood in contrast to strong evidence that had emerged over the years about the existence of caste discrimination in the UK. The government itself commissioned research into the matter in 2010 by the National Institute of Economic and Social Research (NIESR). The ensuing report, '[Caste discrimination and harassment in Great Britain](#)', included numerous cases of caste discrimination. While it stated that education or legislation could be used to reduce this form of discrimination, it also noted that "non-legislative approaches are less likely to be effective in the private sector".

Current status

In February 2014, the UK Equality and Human Rights Commission published [two reports](#) confirming that caste discrimination "cannot be tolerated and should be included in the protections against discrimination and harassment provided in the Equality Act 2010"

The government's turnaround in April 2013 was a historic victory for the UK's Dalit population and the campaigners who have worked alongside them for many years. However, concerns have emerged that the government intends to renege



Campaigners against caste discrimination demonstrate outside the British Parliament on 4 March 2013. Photo: DSN-UK

on its pledge to end caste discrimination. In July 2013, it published a long-awaited timetable for consultation and implementation of the new legislation. Campaigners criticized the two-year timetable for being too lengthy and, indeed, unprecedented. The timetable means that the Government can repeal the legislation before it is implemented.ⁱⁱ

The anti-legislation lobby, led by the Alliance of Hindu Organisations, has expressed „concerns about the consequences and practicality of [the] legislation and about the impact it may have on communities living within the UK.“ They believe that anti-caste discrimination legislation is a direct slight on their religion.

Dalit human rights campaigners, including DSN-UK, are convinced that this is not the case and that a well-drafted, fully inclusive consultation will expose this and begin to allay fears. They accuse the Government on backtracking on its promises and pandering to the Hindu lobby. To Dalit rights groups, it is not a Hindu issue, but one of basic human rights. They are waiting for legislation to be implemented and enforceable.

Case study: The Begraj case

In a landmark case, an Indian couple belonging to different caste groups became the first in Britain to claim ‘caste’ discrimination in the court system. Vijay Begraj, a former practice manager at the Coventry solicitors firm Heer Manak, and his wife Amardeep, a former solicitor at the same firm, are contesting their case at a Birmingham employment tribunal. They claim that they have been discriminated against by senior colleagues from the firm, because he is a Dalit, and she is from a ‘higher’ caste. According to Vijay Begraj, their decision to get married led to harassment, denial of promotion and, ultimately, his dismissal. In an unexpected twist, the case collapsed in February 2013 on a technicality and may now be subject to a retrial.ⁱⁱⁱ

UN actions and recommendations

The UN Committee on the Elimination of Racial Discrimination (CERD) has on two occasions recommended the UK government to enact a prohibition against caste discrimination. In 2011, CERD recommended that the Minister invoke the clause in the Equality Act for “caste to be an aspect of race”.^{iv}

In 2012, the UK was recommended to prohibit caste discrimination during the second examination of its human rights record by the Universal Periodic Review mechanism under the UN Human Rights Council. The UK Government decided, however, not to accept the recommendation.^v

The UN Special Rapporteur on contemporary forms of racism and the former UN Sub-Commission on the Promotion and Protection of Human Rights have also noted the existence of caste discrimination in the UK.

REFERENCES

[Research report 91 : Caste in Britain: Socio-legal Review \(EHRC 2014\)](#)

[Research report 92: Caste in Britain: Experts' Seminar and Stakeholders' Workshop \(EHRC 2014\)](#)

[Caste discrimination and harassment in Great Britain \(NIESR, 2010\)](#)

[No Escape: Caste discrimination in the UK \(DSN-UK, 2006\)](#)

[Caste discrimination briefing \(National Secular Society, 2013\)](#)

[Caste case collapses \(analysis by legal expert Michael Rubinstein, 2013\)](#)

[Ministerial statement on caste discrimination \(Department for Culture, Media and Sport, 2013\)](#)

[Caste discrimination: Campaigners vow to fight for legislation \(BBC, 2013\)](#)

[UK wakes up to caste bias \(Indian Express article, 2013\)](#)

[Touching the untouchable \(economist.com, 2013\)](#)

[Tory ministers accused of renegeing on caste pledge \(The Independent, 2013\)](#)

[Dalit Solidarity Network UK homepage](#)

[Documents on the UK in IDSN's database](#)

ⁱ See [BBC news report from 5 March 2013](#)

ⁱⁱ See <https://www.gov.uk/government/publications/caste-discrimination-legislationtimetable>

ⁱⁱⁱ See legal analysis: [Caste case collapses](#)

^{iv} See IDSN page on [UN treaty body reviews of the UK](#)

^v See IDSN page on the [Universal Periodic Review of the UK](#)