

February 16, 2023

MEMORANDUM

To: Seattle City Council
From: Asha Venkataraman, Analyst
Subject: CB 120511: Adding Caste to Seattle's Protected Classes

On February 21, 2023, City Council is scheduled to discuss and possibly vote on [Council Bill \(CB\) 120511](#), which would add the category of “caste” to the City’s list of protected classes. This memorandum will provide background on protected classes and caste, describe CB 120511, and outline identified issues for the Council’s consideration.

Background

Protected Classes

The Seattle Municipal Code contains protections against discrimination in the City of Seattle for a broad set of categories, including race, color, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, age, creed, religion, ancestry, national origin, citizenship or immigration status, honorably discharged veteran or military status, an individual's actual, potential, perceived, or alleged pregnancy outcomes, or the presence of any disability. These classes are protected in a variety of settings, including housing, employment, public accommodations, and contracting. The Seattle Office for Civil Rights (SOCR) has jurisdiction over enforcement in most of these settings and investigates potential violations of anti-discrimination laws.

Caste

Caste is defined by the Merriam-Webster dictionary as “a system of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion.”¹

¹ “caste.” Merriam-Webster.com. Merriam-Webster 2023, available at <https://www.merriam-webster.com/dictionary/caste>. The United Nation Special Rapporteur on minority issues also explains that “[b]ecause one’s caste can be determinative of one’s occupation, it is also referred to as ‘discrimination based on work and descent’ and defined as ‘any distinction, exclusion, restriction or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birthplace, place of residence, dialect and accent that 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.’” See Rita Iszák (Special Rapporteur on minority issues), Human Rights Council Thirty-first Session, *Report of the Special Rapporteur on minority issues*, P 25, U.N. Doc. A/HRC/31/56 (Jan. 8, 2016), available at <http://undocs.org/A/HRC/31/56>.

The United Nations Special Rapporteur on minority issues states that while

[t]he concept of ‘caste’ is primarily associated with the South Asian region, where its existence is linked to the religiously sanctioned social structure of Hinduism...[a]t present, the term ‘caste’ has broadened in meaning, transcending religious affiliation. Caste and caste-like systems may be based on either a religious or secular background and can be found within diverse religious and/or ethnic groups in all geographical regions, including within diaspora communities.²

For example, caste-based discrimination is also present in Japan, the Middle East, Nigeria, Somalia, and Senegal.³ The harm done by caste discrimination throughout many regions of the world has been well documented by the United Nations and multiple human rights organizations. Despite laws in countries that prohibit discrimination based on caste, such as India’s constitutional prohibition against discrimination based on caste and Nigeria’s Osu Abolition Law legally abolishing work- and descent-based discrimination, segregation and discrimination persist for around 250 million people worldwide.⁴

The caste system has traveled with diasporas to regions all over the world, including the Americas.⁵ The State of Washington is home to a large population from the South Asian diaspora, largely concentrated in the Greater Seattle area, and the South Asian population is one of the fastest growing major ethnic groups in Seattle. In addition, “[i]n the United States, a rising number of caste-based groups—each with chapters throughout many major cities—also points to the importance of caste as an identifier for migrant Indian communities. Such caste-based associations in the United States are providing funds and political support for a resurgence of caste fundamentalism in South Asia as well.”⁶ This region is also home to many other immigrant and diaspora communities. As of 2014, 18 percent of Seattle residents were foreign born, a percentage representing 113,000 people.⁷ Between 2000 and 2014, Seattle immigrant population grew 20 percent, as compared to 14 percent growth for the overall population. As of 2014, the top ten countries of origin for Seattle residents included India, Somalia, and Japan.⁸

It is difficult to find sources of quantitative, disaggregated data about the scope and scale of caste-oppressed populations in Seattle. This is the case in part because there is no existing

² *Report of the Special Rapporteur on minority issues*, PP 26-27.

³ *Id.* PP 31-44

⁴ See, e.g., *Report of the Special Rapporteur on minority issues*, P 123; Human Rights Watch, *A Report by Human Rights Watch for the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance*. Durban, South Africa, September 2001, available at <https://www.hrw.org/reports/pdfs/g/general/caste0801.pdf>.

⁵ *Report of the Special Rapporteur on minority issues*, P 45.

⁶ Human Rights Watch p. 22.

⁷ Office of Immigrant and Refugee Affairs, City of Seattle, *Seattle’s Immigrants and Refugees* (2016), available at https://www.seattle.gov/documents/Departments/OIRA/2016_OIRA_DataSnapshot_FINAL.pdf.

⁸ *Id.*

systematic data collection at the local level and because self-identifying as belonging to a caste-oppressed group can put individuals at risk. Unlike some other groups subject to oppression from dominant identities where the marginalized identity is clear from visible markers (ie. race or gender), caste does not have visible markers (analogous to sexual orientation), so exposing discrimination may require self-identification that can itself expose those individuals to further discrimination. However, the issue of caste discrimination has been raised by local civil rights organizations, individuals experiencing caste oppression locally, at educational institutions, tech companies, and through recognition by government officials. For example, on May 22, 2019, Representative Pramila Jayapal sponsored the first Congressional briefing about caste discrimination in Washington D.C.

CB 120511

This legislation would add caste as a protected class in all areas of the Seattle Municipal Code where existing protected classes are currently codified:

- 3.14.910, 3.14.931: jurisdiction of the Office for Civil Rights and the Seattle Human Rights Commission;
- 3.110.260: establishing and chartering of public corporations;
- 4.80.020: affirmative action plans;
- 5.30.020: artistic or cultural organizations;
- 6.02.270: license code;
- 6.202.230: new license code;
- 14.04: fair employment practices;
- 14.06: unfair public accommodations practices;
- 14.08: unfair housing practices;
- 14.10: fair contracting practices;
- 14.11: bias-free policing; and
- 18.12.280: Parks code.

In addition, CB 120511 provides the following definition of caste: “a system of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion.”

Identified Issues

Resources for enforcement, education, and outreach

SOCR has jurisdiction over claims of discrimination against individuals who are part of a protected class and is also responsible for outreach, education, and technical assistance. As described in the attachment to the fiscal note, SOCR estimates that to enforce this legislation effectively, it will need:

- 1.0 FTE planning and development specialist 2
- \$185,000 in ongoing funding to support the position and conduct ongoing outreach; and
- \$100,000 in one-time funding for items such as media, materials and rulemaking efforts.

SOCR also stated that:

[i]f the City adds “caste” to our protected classes without additional resources, we will be unable to update our materials to reflect any changes to city code and will be unable to conduct outreach and education to communities who the law intends to protect. Also, without adequate resources, businesses will not be aware of this new protection. As the law requires, we will investigate every claim of discrimination we receive. However, since prevention through education, training and outreach would not be possible, we may incur an increase in investigation cases resulting in longer case processing times.

Additional staffing and resources would ensure that outreach and enforcement for this legislation in addition to existing legislation is effective. Staffing and resources have been a continuing issue for SOCR in recent years (see Central Staff’s memo during 2019 [Budget Deliberations – Seattle Office for Civil Rights](#)) and many members of the public who could pursue remedies through the laws SOCR enforces are not aware that SOCR exists, much less that it could assist them.

If Councilmembers are interested in passing this legislation and providing SOCR with staffing and resources, the Council could consider delaying the effective date of CB 120511 until a supplemental or annual budget process includes funds for SOCR staffing and resources.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director