



Website: <http://www.acdauk.org.uk>

Email: infoacda@googlemail.com

Patron: Miss Joanna Lumley OBE, FRGS

Anti Caste Discrimination Alliance (ACDA) STATEMENT 2 FEBRUARY 2018
Equality and Human Rights Commission and Caste Discrimination Law in the UK

The Government has indicated it will announce its decision on Caste law early this year following their public consultation that concluded in September 2017. Brexit will no doubt affect the timing of this announcement.

Over the past few months, we have been liaising with the Equality and Human Rights Commission (EHRC) on a Caste Discrimination related matter. In the process of this communication, the EHRC lawyers shared the EHRC's input to the Government's recent consultation on Caste law (attached). We very much welcome the UK's statutory body that operates independently to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote human rights making a very clear case in favour of implementation of the Caste law. The EHRC strongly disagrees with the *Case Law* option offered in the Government consultation and stresses: "*clear and appropriate legislation is required explicitly prohibiting caste discrimination in Great Britain. The powers contained in section 9(5) of the Equality Act 2010 (as amended) provide the basis to do that*". ACDA has always argued that equality laws are not just about legal justice – they also help bring about a change in unacceptable behaviours. The EHRC makes clear: "*Prohibition of caste discrimination on the face of the law demonstrates a public policy position that such conduct is unacceptable and prejudicial attitudes and discriminatory behaviours will not be tolerated*".

The EHRC reminds the Government of its: "*international law commitments*" that "*concur with the United Nations Committee on the Elimination of Racial Discrimination [UN CERD] which set out in its most recent concluding observations that the UK should invoke section 9(5) of the Equality Act 2010 (EA 2010) to provide for caste to be a separate and distinct aspect of race in the legislation*".

The EHRC stresses the legislative changes made in 2013 makes the 2010 order-making power is: "*mandatory, not discretionary, imposing an obligation on Ministers of the Crown to include caste as a specific aspect of race*". Like the ACDA, the EHRC also challenges the sunset clause "*Although it would be possible for Parliament to repeal the power that would not be consistent with the aim of providing clear and appropriate legal protection and remedies for victims of caste discrimination*".

We expect the Government will be considering how their decision may impact on a future India/UK trade agreement post Brexit and strong voice of the Hindu lobby against the law. The EHRC acknowledges there will be those who oppose the law but points out: "*the risks of magnifying social tensions and the perception the legislation targets adherents of certain religions or members of South Asian communities do not, in our view, outweigh the need for proportionate and necessary legislative measures prohibiting caste discrimination*".

The EHRC's position is in line with the ACDA's on Caste discrimination law and the clarity and change in behaviours the law will bring. We have [lobbied for implementation of UK Caste discrimination law at UN CERD](#) level since 2011 followed by our [ACDA 6 November 2013](#) hosted meeting in the House of Lords of the UN High Commissioner for Human Rights Ms Navi Pillay.

ACDA's response to the Government's Caste law consultation is attached. Caste discrimination is an unwelcome and unacceptable reality in the UK. There is enough independent evidence. We urge the Government to listen to the voice of sufferers of caste-based discrimination in the UK, the organisations that represent them, the EHRC, and bring the law agreed in Parliament 2013 into force.