Racial Discrimination Based on Descent: Caste Discrimination in the UK

The Committee has received correspondence on the issue of caste discrimination in the UK. This is a real issue in the UK, which is why s. 9(5) Equality Act 2010 was introduced to require the Government to legislate by statutory instrument to add caste discrimination to the racial discrimination prohibited by the Equality Act 2010. The Government has failed to legislate, as required by Parliament under that Act. Moreover, we note that you announced the Government’s intention to repeal that provision and instead to rely on the development of caselaw to prohibit caste discrimination based on ethnic origin. We have significant concerns with that proposal.

We agree with your statement that “no one should suffer prejudice or discrimination on any grounds, including any perception of their Caste”. However, a statement of this kind will not protect those suffering racial discrimination in the United Kingdom. Legal prohibition from such racial discrimination is needed to provide real protection. We are concerned that the Government’s proposed reliance on the development of caselaw around the prohibition on racial discrimination based solely on ethnic origin (and not descent) will not adequately prohibit caste discrimination – even if the case law can be relied upon to develop so as to prohibit caste discrimination based on ethnic origin in the context of employment. We therefore ask that you reconsider this proposal and take steps to implement s. 9(5) of the Equality Act to ensure that there are legal protections, in statute, from racial discrimination based on caste (including descent).

Yours sincerely

Harriet Harman MP
Chair of the Joint Committee on Human Rights