

Lord Avebury
House of Lords
London
SW1A 0PW

Ref: OO'N/MWT/205avebury
Date: 9 July 2013

Dear Lord Avebury

Thank you for our recent conversation, and for your conversations with officers at the Equality and Human Rights Commission. I am now writing about the Commission's proposed work on caste issues, in the knowledge that there is still a lot to be discussed and sorted out.

As you know of course, the Enterprise and Regulatory Reform Act 2013 amended the Equality Act 2010 by providing that Government "must", rather than "may", by order provide for caste to be an aspect of race, and may by order provide for exceptions to apply or not to apply to caste. It also provided that Government may after five years carry out a review of the effect of the provision and whether it remains appropriate, must publish the report of any such review and may by order repeal or amend the provision.

Helen Grant has recently written to you about how the Government is approaching this new requirement. The Commission has had some discussion with the Government Equalities Office about this, but all decisions about the consultation and secondary legislation, including the timing and sequencing, are of course solely a matter for Government. As a National Human Rights Institution and regulator of equality law, the Commission has a separate statutory role, to consider the likely effectiveness of this change in the law, and to provide authoritative and independent advice and guidance to Government, Parliament and others about its implementation.

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The Equality and Human Rights Commission was established by the Equality Act 2006 as the Commission for Equality and Human Rights.

The Commission is approaching this with some care in order to address the right questions in the right order. As well as understanding the breadth of the problem which the provision seeks to address, I am concerned in particular to establish how people can be protected from unlawful discrimination without disproportionate (and potentially unlawful) collection and retention by public service providers of data about caste. The first stage of our work which will start shortly and will bring together experts and interested groups in order to plan how we can prepare for the legislation by producing the most accurate and up to date picture that we can of the nature and extent of the problem and of the extent and formats in which data on caste membership might be collected.

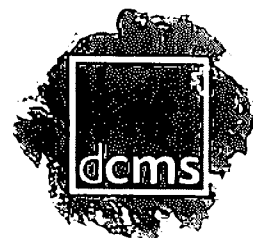
We would do this work over the next three to six months or so.

During the course of this work, we will consult with individuals and groups with an interest in caste discrimination and hope you will be able to contribute to discussions.

Yours sincerely



Baroness Onora O'Neill
Chair



department for
culture, media
and sport

MINISTERIAL WRITTEN STATEMENT

FRIDAY 1 MARCH 2013

CASTE

Minister for Women and Equalities (Helen Grant): This Government believes that no-one should suffer prejudice because of caste. That is why we have been giving the issue careful consideration in order to identify the most appropriate and effective way of tackling the problem.

We are therefore pleased to announce that the Government Equalities Office and the Department for Communities for Local Government have appointed Talk For A Change to engage with the affected communities to run an educational programme to help tackle this complex and sensitive issue.

Talk For A Change will be working with interested organisations and individuals, particularly from within the Hindu and Sikh communities, to find practical solutions to the problems and harm that caste-based prejudice can cause. Talk For A Change has extensive experience of facilitating difficult conversations and working with local partners to address tough issues, helping to build positive relationships and



improving
the quality
of life for all

resilient communities.

This educational programme will be used to raise awareness of those channels of help and redress that are already open to those who feel themselves to have been victims of caste discrimination or harassment. The programme will also be used to generate educational material that will subsequently be made available to local authorities, schools, colleges, employers, police and any others who may be likely to come into contact with caste-related issues.

Talk For A Change will be engaging with partners from local communities to deliver regional events in London, the Midlands and the North. Participation in these events will be open to all individuals and organisations who wish to take part in this opportunity.

We believe that this programme will be an appropriate and targeted way of dealing with incidents relating to caste and which are not already susceptible to criminal law or other remedies. We have decided not to exercise the caste power contained with the Equality Act 2010 at the present time – though we have no plans to remove the power from the Act, in case this position should change.

In addition to the work being done by Talk For A Change, we have also been in discussion with the Equality and Human Rights Commission about caste discrimination. The Government Equalities Office and the Commission have agreed that the latter can usefully contribute to this issue by examining over the next few months the nature of caste prejudice and harassment as evidenced by existing studies, and the extent to which this problem is likely to be addressed by either legislative or other solutions. The Commission will publish its findings later in 2013.



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Lord Avebury
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232782/asg
25 June 2013

Dear Eric

PROGRESS ON CASTE DISCRIMINATION

I am writing in response to enquiries I know you have recently made about the Government's work on introducing the new legislation on caste discrimination. I believe Rachel Clark, the Director of the Government Equalities Office, has recently been in touch with you about this, but I wanted to set out the position in more detail.

We are making good progress on the initial steps in our preparatory work. We are aware that legislating – on the basis of limited evidence, in a controversial and sensitive area where even key points are disputed by different groups – carries a serious risk of unintended consequences if we do not get the detail of the legislation right. As part of its statutory remit, the Equalities and Human Rights Commission is also concerned about the effectiveness of the equality and human rights enactments and the likely effect of a proposed change of law.

We have therefore been discussing with the EHRC a proposal that they carry out, or commission, some research into the key aspects of the legislation – in particular the definition and any exceptions. This work would inform the consultation process in a way designed to minimise the risk of contention over even quite basic aspects of caste. This means that we will want to see the results from this piece of work before determining the drafting of the consultation questions. We expect to be in a position to outline the timetable for both the research and the consultation before the summer recess.

I know that whoever carries out the research will certainly want to involve key pro-legislation groups, and other advocates of caste legislation, as well as those that lobbied against the legislation. We are also keen to ensure that the views of stakeholders less familiar with caste issues are heard in the preparation of the legislation. The Parliamentary debates during the Enterprise and Regulatory Reform Bill emphasised the need for employers, public authorities and others to get some familiarity with the concept of caste before the law is changed, and also to deal with concerns about increased bureaucracy and to avoid the need for people to register their caste because of the legislation. Together with the consultation process, we would also therefore want to hear from these groups.



As recognised in the Parliamentary debates, the process as a whole, including thorough and proper consultation, will inevitably take some time. However, I hope that this letter, which I am also copying to Lords Deben, Harries and Lester, will show that we are actively taking forward the preparatory steps to the new legislation, while taking account of the Parliamentary debates and the evidence of the NIESR report and other advice on caste and caste discrimination.

A handwritten signature in black ink, appearing to read 'Helen Grant', written in a cursive style.

HELEN GRANT
Minister for Women and Equalities
Parliamentary Under Secretary of State