



From Lord Avebury

P1303071

July 3, 2013

Dear Ms Grant,

Thank you for your letter of June 25 about progress, or rather the lack of it, on caste discrimination. Bearing in mind your attitude to the legislation, as exemplified by your letter to Gauri Das of the Alliance of Hindu Organisations, it is no surprise that you are taking your time.

I challenge your assertion that ‘there is a serious risk of unintended consequences if we do not get the details of the legislation right’. The legislation is on the statute book and it is the implementation that we need to get right. Since caste is an aspect of race, those who need to comply with the public sector equality duty as regards caste simply have to add it to the other ingredients of race they must already consider routinely.

As to the ‘limited evidence’, I had thought we were agreed that the number of cases that might arise was not important, and that ANY discrimination within the areas covered by the Act is wrong and needs to be dealt with by the Act, as it is with other protected characteristics.

On the definition of caste, there is one in the Equality Act EM, and I would object strongly to any suggestion that stakeholders have to understand all the nuances of the subdivisions of caste that may exist in the various systems throughout the subcontinent. Nor is an enumeration of those subdivisions necessary for the determination of cases of discrimination. It will be for the court to decide in each case whether discrimination on grounds of caste has occurred in the light of all the relevant facts, including the fact that the employer and employee belong to different castes, and not where precisely they belong within the system.

You now state that the Government will begin the public consultation after the EHRC has reported. This contradicts what Tina Stowell told the Lords on April 22:

“ In last week's debate in the other House, the Minister for Women and Equality announced that in parallel with this work a public consultation will be undertaken on the use of the caste power in the Equality Act ”

“I should like to give your Lordships more detail about this consultation. The Government intend to start the consultation before the Summer Recess and finish it before the end of this year. In the same timescale, as I have already mentioned, the Equality and Human Rights Commission will investigate independently the right way of tackling the problem we see in the evidence presented by NIESR and other studies ”

I have pointed out this contradiction to Tina and am waiting to hear what she has to say about it. As you know, when statements made on the floor of the House are wrong, the custom in both Houses is that the earliest opportunity must be taken to correct them

We expected progress on the detail and drafting of the consultation would be made between April and the summer recess. Delaying the consultation until the EHRC has reported (which in my discussions with them might not be until April 2014 by the latest) is not welcome and not consistent with the Statement made by Tina in Lords. I also believe that the EHRC themselves have been given no reasons why you can't get on with the consultation without waiting for their research. The first they knew about this was when I read the relevant paragraph of your letter to an EHRC official on the telephone!

If it is inevitable that the consultation will be delayed until after the summer recess, may we at least have an undertaking that it will be launched the day we reassemble, and that it will be completed by the end of the year? I can't believe that you haven't a roadmap for the process and would like to see it, rather than having little bits dribbled out from time to time.

You refer to the Equalities and Human Rights Commission (EHRC) being asked to look at "exceptions". What are these, please, and may we please have a copy of the remit you have given the EHRC.

Finally, you say nothing in your letter about the work the *Talk For A Change* were asked to undertake (announced in your March Statement). It would be helpful to know what if any progress has been made by them and to which stakeholders they have been talking.

*Yours sincerely
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