



Government
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GEO ref: CMS 269440

September 2015

Dear Keith,

CASTE DISCRIMINATION

Thank you for your letter of 20 July to the Prime Minister. I have been asked to reply as Minister for Women and Equalities.

Firstly, I would like to re-iterate what Baroness Williams said in the Lords on 15 July - this Government strongly opposes discrimination because of caste and that is why we have been giving this matter such serious consideration.

You will be aware of the responses given by Baroness Williams to oral questions in the House of Lords on 15 July, so I will not repeat those at any length but I thought that it might be helpful for me to respond to a number of specific points raised in your letter.

In relation to the UK's international treaty obligations on caste, the Government's view is that we are fully compliant with our international obligations in this area. We consider this position is borne out by the employment appeal judgment in *Chandhok v Tirkey*, which post-dates the legal opinion attached behind your letter. Nevertheless, I am aware of the legal opinion that you forwarded and I have asked for that to be given further consideration.

In respect of Baroness Williams' response in the House of Lords, that "*case law provides potential protection for someone wishing to claim caste discrimination*", you draw attention to the word "*potential*". Lady Williams used that term to reflect the fact that the Employment Appeal Tribunal (EAT) in *Chandhok v Tirkey* has only recently set its precedent on the coverage of caste by Section 9 of the Equality Act, and we await any further cases that rely on that ruling.

You also refer to the question that Lord Lester raised as part of the 15 July debate, where he asked:

“...how [leaving the outlawing of caste discrimination to case law] is compatible with legal certainty, given that the only way one could do it through case law would be by going to the Supreme Court, at a cost of many hundreds of thousands of pounds, when Parliament has decided that it should be done by us by statute?”

We acknowledge that the Supreme Court is the highest court within the UK, but not all issues need to go there to establish legal principles. Case-law established in courts below the Supreme Court has confirmed that Romany Gypsies, Irish Travellers and Scottish Gypsy/Travellers are all ethnic groups protected under domestic anti-discrimination law.

The Employment Appeal Tribunal is a superior court of record. The law as it currently stands has changed because of the *Chandhok v Tirkey* judgment. A litigant could now seek to bring a case of caste discrimination in an employment tribunal, using the ethnic origin route in section 9(1)(c) of the Act. We see the development of case-law that provides protection against it as helpful and are carefully considering the caste duty particularly in the light of the EAT judgment.

I hope that you find this reply helpful.

A handwritten signature in blue ink, consisting of the word 'yems' on the top line and a more complex signature 'Caroline Dinenge' on the bottom line.

CAROLINE DINENAGE