

Organization in special consultative status
with the U.N. Economic and Social Council



UK AGAIN REFUSES UN RECOMMENDATION ON OUTLAWING CASTE DISCRIMINATION

VERBAL STATEMENT FOR UNHRC AGENDA ITEM 4

19 SEPTEMBER 2016

25 Red Lion Square

London WC1R 4RL

TEL: 020 7404 3126

FAX: 0870 762 8971

EMAIL: enquiries@secularism.org.uk

WEB: www.secularism.org.uk

Speaker: Josephine Macintosh, Council member of National Secular Society

In 2012, the Universal Periodic Review (UPR) recommended that the UK “put in practice a national strategy to eliminate discrimination against caste” by adopting the Equality Act of 2010, which prohibits such discrimination.¹

It reminded the UK of its human rights obligations, including the CERD’s General Recommendation 29 and recommendations of the Special Rapporteur on Contemporary Forms of Racism.

Sadly, the UPR’s recommendation did “not enjoy the support of the United Kingdom”.²

Four years later, the CERD issued its Concluding Observations on the UK in which it also recommended that the UK invoke Section 9(5)(a) of the Equality Act “without further delay to ensure that caste-based discrimination is explicitly prohibited under law” and for victims to have access to effective remedies.³

The UK has failed to take this action. Instead, it stated that it hopes for “the development of case-law that provides protection.”⁴ This is grossly inadequate.

More worryingly still, the UK announced a public consultation on “*whether* additional measures are needed [on] ... caste discrimination ... under the 2010 Equality Act”.⁵ This is concerning as it risks so-called higher caste and those wishing to discriminate on grounds of caste to oppose the legislation.

We therefore call on all member states to encourage the UK to legislate to implement its international obligations in respect of caste, in line with its human rights obligations, as recommended by the UN, and indeed as required by the UK Parliament.⁶

Thank you.

¹ http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-9_en.pdf (A/HRC/21/9 recommendation 110.61)

² www.crae.org.uk/media/63271/Government-response-to-UPR.doc

³ http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GBR/CERD_C_GBR_CO_21-23_24985_E.pdf 21st to 23rd periodic reports (CERD/C/GBR/CO/21-23) Paragraph 8(a)

⁴ <https://hansard.parliament.uk/lords/2016-07-11/debates/16071120000176/Caste-BasedDiscrimination> House of Lords 11 July 2016, official record col 86 (speech by Lord Cashman)

⁵ <https://www.gov.uk/government/news/caste-discrimination-consultation>

⁶ <http://www.legislation.gov.uk/ukpga/2013/24/part/6/crossheading/caste-as-an-aspect-of-race/enacted>