



Caste in Great Britain and Equality Law: A Public Consultation

Government Equalities Office
March 2017

September 2017

Caste in Great Britain

Replies to consultation paper

Q1. What is your name

Andrew Beedham

Q2. What is your e-mail address?

info@birminghamlawsociety.co.uk

Q3. What is your organisation?

Birmingham Law Society

Q4. Would you like us to keep your response confidential?

No

Q5. To what extent do you agree or disagree that protection against discrimination on grounds of ethnic origin provides an appropriate level of protection against caste discrimination

Disagree

Q6. Why?

The Committee thought that protection against discrimination on grounds of ethnic origin provides an inappropriate level of protection because although caste is notoriously difficult to define a more precise definition will ensure that all appropriate categories are protected.

Q7. Which types of caste discrimination would not be covered by ethnic origin in case law

Most caste discrimination is within ethnic origins rather than between them. Robust protection requires clear definition

Q8. Benefits of using case law to implement a legal ban

The Committee does not see it as a benefit to rely on case law. To do so depends on the right cases being brought forward and until they happen legal pressure is unlikely to change long entrenched social and economic behaviour

Q9. Disadvantages of using case law

The Committee sees case law as a significantly less effective force for change. Not only will the right cases not be brought forward at the right times but the behaviours that are discriminatory are in many cases of generational extent and a change to statute would be more likely to bring pressure for social and economic change.

Q10. What are the benefits of inserting caste into the Equality Act

The Committee believe this will immediately start a process of change as well as provide immediate remedy for those who suffer such discrimination.

Q11. Disadvantages of inserting it into the Equality Act

Without clarity of definition “caste” may prove to be difficult for Courts and tribunals to interpret. However it is unlikely to delay the social and economic change which needs to happen.

Q12. Public sector duty and positive action

A Strongly Agree

B) Strongly agree

Q13. Why

- a) There is no logical basis to exclude it and it may be a useful way of ensuring that the equality and diversity issues are promoted in those sectors where caste discrimination is thought to exist most.
- b) There is no logical reason to exclude it

Q14. What is your preferred option

Using the legislative duty to insert caste into the Equality Act 2010 as an aspect of race

Q15. Why

The Committee believe that this will be the best way to achieve social and economic change and a clear focus on the issue.

15 September 2017



Andrew Beedham
President