

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.**

REFERENCE: OL Minorities (2005-4) G/SO 214 (78-15)  
GBR 1/2013

2 May 2013

Excellency,

We have the honour to address you in our capacities as Independent Expert on minority issues and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Human Rights Council resolutions 16/6 and 16/33.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the amendment to the Enterprise and Regulatory Reform Bill which calls for including caste as a type of discrimination among other forms of discrimination in the Equality Act 2010 of the United Kingdom, and which was voted in the House of Lords and the House of Commons on 23 April 2013. We welcome this move to outlaw caste based discrimination. The adoption of the amendment will be instrumental in addressing the legal protection gap that reportedly existed and which prevented victims of caste-based discrimination to seek redress.

A number of reports have identified the existence of caste-based discrimination in the United Kingdom. In this regard we take note that the Government has set up an education programme to tackle caste based discrimination.

We also understand that there is no official data on the Dalit population in the United Kingdom and therefore the extent of the problem may not be known in full. An official study to map the issue and collect data would be particularly important to inform policies and programmes since the Dalits seem constitute the main victims of caste based discrimination.

The recent court case concerning the alleged dismissal of the Begraj couple based on caste discrimination was the first such case in the UK. The failure of the case due to procedural errors further highlights the need for an effective recognition and understanding of caste based discrimination.

The issue of discrimination based on caste was underlined twice by the Committee on the Elimination of Racial Discrimination, firstly in 2002 (CERD/C/63/CO/11 para.25) and then in 2011 (CERD/C/GBR/CO/18-20 para.30) in its observations on the United Kingdom. The report of the Working Group on the Universal Periodic Review also included recommendations to adopt the notion of caste in legislation (A/HRC/21/9).

In addition, we deem it appropriate to refer to the General recommendation 29 on article 1, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination, which recommends that the States, as appropriate for their particular circumstances, adopt some or all of the following measures:

(a) Steps to identify those descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status, and whose existence may be recognized on the basis of various factors including some of all of the following: inability or restricted ability to alter inherited status; socially enforced restrictions on marriage outside the community; private and public segregation, including in housing and education, access to public spaces, places of worship and public sources of food and water; limitation of freedom to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; subjection to dehumanizing discourses referring to pollution or untouchability; and generalized lack of respect for their human dignity and equality;

(b) Consider the incorporation of an explicit prohibition of descent-based discrimination in the national constitution;

(c) Review and enact or amend legislation in order to outlaw all forms of discrimination based on descent in accordance with the Convention;

(d) Resolutely implement legislation and other measures already in force;

(e) Formulate and put into action a comprehensive national strategy with the participation of members of affected communities, including special measures in accordance with articles 1 and 2 of the Convention, in order to eliminate discrimination against members of descent-based groups; and

(f) Adopt special measures in favour of descent-based groups and communities in order to ensure their enjoyment of human rights and fundamental freedoms, in particular concerning access to public functions, employment and education.

(g) Finally, we wish to draw the attention of your Excellency's Government to the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 4.1 of the Declaration establishes that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law."

We would be grateful if your Excellency's Government could keep us informed on the specific measures that it intends to take in order to implement and enforce the new prohibition of caste-based discrimination as well as any other measures taken to combat this and other forms of discrimination.

Please accept, Excellency, the assurances of our highest consideration.

IZSÁK Rita  
Independent Expert on minority issues

Mutuma Ruteere  
Special Rapporteur on contemporary forms of racism, racial  
discrimination, xenophobia and related intolerance