Equality and Diversity Forum

An open letter to all Members of the House of Commons

15 April 2013

Dear Member of Parliament

Enterprise and Regulatory Reform Bill

We are sending this open letter to all MPs to urge you to retain amendments made by the House of Lords to the Enterprise and Regulatory Reform Bill concerning the general duty of the Equality and Human Rights Commission and caste discrimination. We believe that these amendments, which were passed with cross party support in the Lords and which have widespread civil society support, add real value to the ERR Bill without imposing burdens on employers or public bodies.

The Equality and Diversity Forum (EDF) is a network of national organisations committed to equal opportunities, social justice, good community relations, respect for human rights and an end to discrimination.[1]

General Duty of the Equality and Human Rights Commission (clause 64)

Although it has yet to fulfil its potential, the Equality and Human Rights Commission has a key role to play in supporting the modern, inclusive Britain that we all want to see by helping to eliminate discrimination, reduce inequality and protect human rights.

The Government had proposed to repeal section 3 of the Equality Act 2006 which currently mandates the EHRC's to act 'with a view to encouraging and supporting the development of a society in which people's ability to achieve their potential is not limited by prejudice or discrimination, there is respect for and protection of each individual's human rights, there is respect for the dignity and respect of each individual, each individual has an equal opportunity to participate in society and there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights.'

[1] Our members are: Action on Hearing Loss, Age UK, British Humanist Association, British Institute of Human Rights, Children's Rights Alliance for England, Citizens Advice, Disability Rights UK, Discrimination Law Association, End Violence Against Women Campaign, Equality Challenge Unit, English Regions Equality and Human Rights Network, Fawcett Society, Friends Families and Travellers, Gender Identity Research and Education Society (GIRES), JUSTICE, Law Centres Network, Mind, National AIDS Trust, Press for Change, Race on the Agenda, Refugee Council, RNIB, Runnymede Trust, Scope, Stonewall, The Age and Employment Network (TAEN), Trades Union Congress (TUC), UKREN (UK Race in Europe Network), UNISON, Women's Budget Group and Women's Resource Centre.

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The Lords voted to retain this duty. There are 3 reasons why we urge you to agree with the Lords and retain this provision:

- The EHRC needs this clear purpose to guide it when deciding priorities and to ensure that it approaches its different equality and human rights duties in an integrated and effective manner.
- Without this provision, the EHRC's duty to monitor progress towards greater respect for equality and human rights (s12 of the Equality Act 2006) makes little sense. It would turn from a duty to monitor and report on these issues in Britain to a duty to report on the EHRC itself, which would be far less valuable to policy makers, parliamentarians and civil society.
- The section 3 duty is vital in ensuring the EHRC meets international standards to maintain its status as a United Nations "A" National Human Rights Institution.

We therefore urge you to accept the Lords' amendment.

Inclusion of caste as an aspect of race discrimination (clause 65)

We support the Lords' decision that 'caste' should be included as an aspect of race discrimination, as proposed by Lord Harries of Pentregarth, for three reasons:

- Recent government-funded research has found evidence that people in Britain are still being discriminated against and harassed because of their caste, both at work and in service provision.[2]
- Recent legal cases have highlighted the difficulties of taking legal action to tackle caste discrimination under current law.[3]
- Tackling caste discrimination an international obligation to which the UK has signed up: the UN Convention on the Elimination of all forms of Race Discrimination (CERD) requires the recognition of race discrimination on grounds of descent (which includes caste).

This is an aspect of race discrimination that needs to be tackled by explicit recognition and protection. Although the non-legislative measures that the Government is proposing, such as discussions with community elders, will be valuable, they are insufficient on their own to bring an end to this harmful form of discrimination. We therefore urge you to reject Edward Garnier's amendment and to accept the amendment made in the House of Lords.

Yours sincerely

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The Equality and Diversity Forum

[2] Caste Discrimination and Harassment in Great Britain, NIESR, December 2010.
[3] See for example, *Begraj v Heer Manak Solicitors*, and *Naveed v Aslam,* Denbigh Employment Tribunal, 26.11.12.