torture claims

suffered whilst their relatives were in the custody of UK forces.

Such accountability is yet to be found. The difficulties in jurisdiction, the convenient ‘loss’ of evidence and the apparent difficulty the British public has in accepting that UK forces are to blame in this instance, make the task taken on by Phil Shiner to expose these abuses a challenging one.

David Renton

Coalition takes unequal stance

The Equality Act was one of the last measures to be enacted under the Labour Government. The Act sought to harmonise existing legislation and clarify the definitions of discrimination, harassment and victimisation. It seeks to provide a uniform approach to providing protection for nine ‘protected characteristics’. They are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The Act also sought to provide some more transformative powers: powers that can actually help realise equality for a person with a protected characteristic. For example, positive action and stronger provisions on public sector equality duties. Part 1 of the act also provided for a public sector duty regarding socio-economic inequalities. It had been described as, ‘a major landmark in the long struggle for equal rights,’ by Bob Hepple in *Equality The New Legal Framework*.

I need not rehearse here the dire need for effective and stronger equality laws. We all know the dismal statistics that continue more than three decades after the UK’s first major equality laws, the impact of race on sentencing, the lack of diversity within a legal system that plays such an essential role in society, the lack of entry into professions of some minority groups and the overall lack of fairness and opportunity for some who have a ‘protected characteristic’. In opposition the Conservatives had opposed some of the more transforming aspects of the legislation and for anybody who cares about fairness there is a lot to worry about now.

At the time of its proposal the Act received a predictable but particularly alarmist and frothy reception from the right. There was particular concern voiced about positive action measures. In reality the measures under the Act go no further than that already provided for. Positive action is allowed in only three circumstances:

1. Where it is a proportionate means of achieving a relevant aim;
2. As a ‘tie-break’ in recruitment and promotion; and
3. In the selection of candidates by political parties for public elections.

There was really no need for the *Midsummer Murders* viewers in the Tory party to feel alarmed. The reality is that there has always been positive action – unwritten – for centuries for those with the shared characteristics of going to Oxbridge, the right school and being white. Although opposed by the Conservatives in opposition, sections 158 and 159, which provide for optional positive action, have been brought into force. However, being ‘optional’, their impact is likely to be minimal.

The Coalition has axed important parts of the Act. The part aimed at addressing socio-economic inequalities is gone. The provision on dual discrimination has been axed. This provided protection for the person who had more than one ‘protected characteristic’ and was discriminated against because of both of them, i.e. black women, who may have not been subjected to a detriment because of one of those things alone. The specific duties under the public sector equals duties were seen as the mechanisms which would give real teeth to the aims of eliminating discrimination and advancing equality, but these have been delayed in their implementation as the Government espouses its wish to ‘minimise bureaucracy’.

The public sector equality duty which could provide for the most transformative measures is weakened by the proposed watering down of the specific duties. It is clear that this Government is seeking to shrink the public sector in a way not witnessed for decades. The stronger parts of the Act will have a limited effect in creating actual equality for people regardless of having a ‘protected characteristic’. It is a great shame that this Government chose to demolish steps aimed at achieving actual fairness rather than embracing them fully.

The people who need the Act most will be the people with the least ability to enforce it as the Government is cutting legal aid for employment cases and the funding and remit of the Equalities and Human Rights Commission.

David Renton

9: A hunt saboteur wins a claim for unfair dismissal after a court found his anti-hunting beliefs should be protected from discrimination in the same way as religion. Joe Hashman said he had been sacked from his job as a landscape gardener after his bosses realised his views. The judge said Hashman’s stance was akin to a ‘philosophical belief’.

15: The Government announces its plans for reform of libel law which it said would bring to an end so-called ‘libel tourism’. The new bill includes a public interest defence and requirement that claimants show substantial harm before they can sue. The Libel Reform Campaign welcomed the bill but said the Government needed to go much further.

20: The House of Commons justice select committee warns against the impact of proposed cuts to legal aid. It criticised the Government’s plans to restrict financial support in family disputes to only those in which physical violence was alleged. It also said poorer and more vulnerable groups would be hit hardest.

26: Crowds of around 500,000 march from Embankment to Hyde Park to protest against the coalition Government’s programme of cuts. The march organised by the TUC attracted people from across the public sector and beyond. The Haldane Society and Young Legal Aid Lawyers both joined the demonstration.