

Defending human rights defenders

Activists, journalists and lawyers from seven countries came to London in February 2012 to participate in the Defending Human Rights Defenders conference.

The conference, jointly organised by The Haldane Society, Amnesty International and European Lawyers for Democracy and Human Rights, was held at Amnesty's Human Rights Action Centre on 24th February 2012. An audience of over 150 people heard from human rights defenders from Belarus, Chechnya, Dagestan, Colombia, Turkey, Palestine and the Philippines.

The Haldane Society has worked in solidarity with activists from across the globe since its

foundation nearly 80 years ago. The conference was organised over the concern that across the globe, human rights defenders face constant threats. In Colombia, for example, at least 14 human rights defenders and 51 trade unionists were killed in 2010 alone. In Turkey, lawyers representing Kurdish and other political prisoners are frequently arrested and made subject to criminal charges because of their work. Similarly, in Belarus, human rights defenders risk imprisonment for doing their work.

The Belarusian delegate had been detained the month before the conference in a freezing prison in Minsk for using offensive language. Criminalisation of human rights defenders seems

normal in a country where 600 people, including presidential candidates, their supporters, human rights defenders and journalists were arrested following protests in the aftermath of the Presidential elections in 2010.

The Human Rights defenders had an opportunity to share their experiences during a plenary

session chaired by Haldane's President, Michael Mansfield QC.

Four workshops were set up for people to share their experiences and knowledge in particular areas with the aim of building solidarity among the delegates.

The human rights defenders also had an opportunity to speak to Members of Parliament at an



Pictures: Ripon Ray

Over 150 people took part in the conference and heard speakers such as Haldane President Mike Mansfield QC.



February

6: The Special Immigration Appeals Commission rules that Abu Qatada should be released on bail. Abu Qatada had spent six-and-a-half years in immigration detention. His bail conditions included a 22-hour curfew and a ban on communicating with a number of individuals.

7: In California, a federal appeals court ruled that the State's prohibition on same-sex marriage was unconstitutional. The measure known as Proposition 8 was defeated 2-1 after the court upheld the decision of the court below that the ban was a violation of the civil rights of gay and lesbian people.

13: Lord Justice Moses launches the new Quality Assurance Scheme for criminal advocates. In a speech to the Middle Temple he said that it was not always a lawyer's job to please the judge, particularly if doing so may not be in their client's interest.

17: The High Court rules that the trebling of tuition fees this year was not a breach of human rights. The judges accepted some students would be deterred from applying to university. The court also criticised the Government's impact assessment of the measure on groups of minorities.

On the picket line

How to stop the Coalition's employment reforms

event hosted by Jeremy Corbyn MP in the House of Commons on 23rd February 2012. The purpose of the meeting was to discuss how British Parliamentarians can provide practical support and solidarity to activists who face persecution because of their commitment to defending human rights.

The Haldane Society is currently working on a proposal on how to take the conference and the ideas that came from it forward.

Siobhan Lloyd

Throughout the past year The Haldane Society, along with many others, has been doing everything in our power to resist the Coalition's attacks on legal aid. Employment law has been an important if subsidiary part of this story. Even before the Legal Aid and Sentencing and Punishment of Offenders Act 2012 was passed there was no provision for representation at the Employment Tribunal to be funded by legal aid. With the Act, things get worse: legal help is removed from unfair dismissal and wages claims and remains only for discrimination claims.

However for the claimant-focussed employment solicitor contemplating the ruins of their career, LASPO is far from the worst culprit. April 2012 sees the extension of the qualifying period for unfair dismissal from one to two years, the removal of Tribunal panellists from unfair dismissal cases (now heard by a sole Judge) and the doubling of the amount of costs orders – a favourite threat of Respondent representatives to unrepresented Claimants, especially ones with a strong case.

The Coalition's plans for October 2012 remain subject to consultation. At the very least we can anticipate the weakening of

the employee's protections on transfer of employment to which the employer will now have a catch-all 'harmonisation' defence, the emasculation of the employer's duty to consult in collective redundancies, the phasing out of unfair dismissal and of redundancy payments for employers with fewer than 10 employees (with larger workplaces undoubtedly next in the Coalition's firing line), and, most troubling of all, fees of between £400 and £1,500 for Employment Tribunals to be paid solely by Claimants, not employers. This in a jurisdiction which has never required fees.

What, if anything, can be done? The primary task must be to encourage voters to complain in large numbers. The Haldane Society is playing its part, by touring trades' councils and trade union branches, speaking to the proposed changes, and attempting to rally the sort of public revulsion that is necessary to cause the Coalition to think again. Indeed if there are any trade unionists reading this who would like to invite us to speak at a meeting, we would be happy to do so. You can approach the Society via our Secretaries, chrisloxton@yahoo.co.uk and sophie.khan@yahoo.co.uk.

It may be that some senior trade unionists are at last starting to

consider a collective response. If so, this is not before time. Not only are individual claimants in the Coalition's firing sights, so undoubtedly are the unions themselves.

Most trade unions have a legal budget, which has to cover more than just Tribunal claims, of around £10 per member per year. If it would take 150 members' contributions to cover the cost of just issuing a claim, let alone doing initial work on it, or still less representing the member at a full hearing, then we are reaching the point where unions might no longer be able to offer representation to their members.

For many years, unions have marketed themselves to potential members on the basis of benefits including protection, amounting to legal insurance, where a worker is dismissed. The Coalition's reforms will price unions out of the game.

One question we are often asked is whether any of these measures, particularly fees, could be challenged by judicial review? On the face of it yes. The fees are high and will have a discriminatory impact. Unions have co-funded judicial reviews before, as in 2003, over the Sexual Orientation Regulations. Time though is running out.

David Renton

Unions in court: Video journalist Jason N. Parkinson (centre) pictured with NUJ and PCS supporters outside the Royal Courts of Justice in April this year, before the Dale Farm production order judicial review. The High Court appeal is challenging a previous Crown Court decision granting a police production order for unpublished footage over two days of the Dale Farm traveller eviction. The NUJ's London Photographers' Branch has organised a 'Not Fit' campaign.



23: Ministry of Justice figures published reveal that nearly 1,000 people were sent to prison for an average of 14 months following the 2011 London riots. The length of sentence was four times the average of 3.7 months given for similar offences during 2010.

Picture: Jess Hurd / reportdigital.co.uk