

## **KENT CRITICAL LAW SOCIETY CONFERENCE 2012:**

### **Conference Report**

***Daniel Packer***<sup>1</sup>

When awarded the chance to visit the University of Kent's Critical Law Society Conference 2012 I was extremely delighted to attend on behalf of Plymouth University and Plymouth Law School. Being both a first-time experience to myself as well as a first attempt at hosting a conference by Kent Critical Law Society, I was at first rather unsure of what to expect. Upon arrival at the Keynes College division of Kent's campus we were welcomed by the committee of the student society responsible for the weekend's arrangements. We were each given a conference programme outlining exactly what was on offer across the weekend. On first glance it became clear that a significant amount of time and effort had gone into the arrangements, with a well-structured and clear format to the two-day proceedings. The overall title of the conference being 'Equality: Are we there yet?' left a clear scope for a wide variety of controversial issues surrounding the law to be discussed and debated to a great degree. Allowing such broadness meant that there was opportunity to hear opinions on a range of different aspects of equality from various different guest speakers from all areas of the legal profession.

In terms of the conference in general, it was of great value to listen to the issues surrounding equality that arose from the perspective of various lecturers, professionals, and even students. Contribution of these differing opinions left me with a wide range of knowledge on the subject areas at hand from the perspective of not only people from different areas of the legal profession, but also from different walks of life, cultures, races and up-bringing. Being a first year law student, I was mostly relieved to find out that a great majority of the issues discussed related to aspects of law that I have previously studied or touched on within this academic year. The broad and limitless title left room for discussion on areas of law in relation to human rights, constitution, employment and contract law to name but a few. This enabled me to gather information that became valuable in order to further both my current and future studies.

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<sup>1</sup> Daniel was awarded the opportunity as a first year student to attend the conference through the Plymouth Law School Student Enhancement Fund in recognition of achieving a first class mark in a case reading exercise of the Supreme Court decision in *Yemshaw v Hounslow LBC* [2011] UKSC 3 [ed.].

Despite the entire event being interesting and informative, if I had to choose a 'most preferred session' it would be the panel session 'Disability and Equality'. This was delivered by Anne Arstein-Kerslake (Human Rights Watch), Dr. Eilionoir Flynn (Researcher – Centre for Disability Law and Policy), and Lorraine Lally (LLB, LLM, International Human Rights Law Barrister). This session on disability and equality law tied in and related nicely to my current studies, particularly those within my human rights module. I unexpectedly found this area particularly interesting because it is not an issue that would at first spring to my mind when questioned about equality, but it is in fact a major issue in society as to whether or not disabled individuals have gained equality in modern terms, and what can be done, and is being done to further ensure this.

In theory, everyone qualifies as a person before the law, but in practice, women, people in slavery, ethnic and religious minorities, and disabled people are, to name but a few, often excluded. An interesting key point raised concerning disability was the issue of legal capacity, meaning that an individual is classed as an 'article' within the law rather than beneath it. If an individual is considered to have legal capacity, it successfully results in the right to marry, vote, enter into legally binding contracts, and engage in various other aspects of life that the majority of us may take for granted. This raised discussion on legislation such as the Mental Capacity Act 2005, and also conventions such as The Convention on Rights of Persons with Disabilities 2006.<sup>2</sup> In particular, Article 12 of this Convention states that 'persons with disabilities have the right to recognition everywhere as persons before the law' providing a clear-cut example of an attempt currently in place to provide those with disabilities with equality before the law.<sup>3</sup> Lorraine Lally then went on to raise interesting issues under the question 'To tell or not to tell?' in respect of disabled employment, as it is often the case that those with disabilities are felt to be disadvantaged in comparison to those without when it comes to finding and successfully obtaining a job. This brought to light a variety of case law, and raised discussion on overlapping human rights issues such as the right to privacy which can often conflict with the duty of disclosure of information. Where should the line be drawn? Such debateable issues meant that I left the session with questions still to be answered, providing me with great initiative to further my studies surrounding human rights law.

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<sup>2</sup> The Convention on Rights of Persons with Disabilities 2006 A/RES/61/106

<sup>3</sup> *Ibid*

In addition, it was therefore interesting to hear the opinions of this matter from the perspective of a student on the committee of the Kent Critical Law Society who suffered from a disability, and ran the session alongside the guest speakers. This allowed us to understand from his first-hand experiences the extent to which inequality can effect an individual's life when total equality is not present.

Across the weekend it was also valuable to hear the opinions of professionals from varying fields. Interesting speeches were presented by Lord Dholakia (leading House of Lords spokesman of ethnicity and also mental health issues), Dr Keith Lomax (the solicitor of the Dale Farm residents), as well as the University of Kent's lecturer, Dr Alex Magaisa who is currently contributing towards the re-writing of his native country, Zimbabwe's constitution.

In summary of the weekend's proceedings, overall I am delighted and honoured to have been given the opportunity to take part in such a great and successful event on behalf of Plymouth University. I believe that without a doubt, the overall conference was a success, and would advise anyone studying law or related subject areas to attend such future conferences. Being a success first time round for Kent's Law Society, it would be an interesting and advisable challenge to see if our own Law and Criminal Justice Society could host a similar event of equal success in the near future.