

Session : Juin 2019

Année d'étude : Troisième année de Licence Droit

Discipline : *Anglais juridique*

Examen : Deuxième semestre (UEC 2 7396)

Durée : 1h30

Titulaires du cours : Ms. Cingal, Mr. Huet, Mr. Jendoubi, Mr. Lecocq, Mr. Williams

UEC 2  
7396

Les documents et les appareils électroniques ne sont pas autorisés.

**I. Complete the following sentences using between fifteen and thirty words. DO NOT START A NEW SENTENCE. (20 points)**

1. At first instance, ...
2. Before the UK Supreme Court...
3. Following the Equality Act...
4. Unlike marriage...
5. The role of lay members...

**II. Essay. Choose ONE of the following topics and write an essay in approximately 250 words (-/+ 10%). (50 points)**

1. Is privacy legally protected in England and Wales?
2. Are magistrates' courts a good foundation upon which to build a criminal justice system?

**III. Read the following document and answer each of the questions below (about ten lines each). Use your own words. DO NOT QUOTE DIRECTLY FROM THE TEXT. (30 points)**

**“Vegans may get same anti-discrimination rights as religious people in test case”**

By Zamira Rahim, *The Independent*, December 3, 2018

A tribunal is to decide whether veganism is a philosophical or religious belief during a landmark legal action that could significantly extend the rights of vegans.

Jordi Casamitjana claims he was sacked by the League Against Cruel Sports after raising concerns that its pension fund was being invested into companies involved in animal testing.

He claims he was unfairly disciplined for making this disclosure and that the decision to dismiss him was because of his philosophical belief in ethical veganism, which means that he does “not eat, wear or consume any animal products”, or use products tested on animals.

The League disputes unfair treatment and dismissal. Mr Casamitjana’s employment tribunal is now set to decide if veganism is a legally “protected characteristic” that should be treated in a similar way to religious belief.

Mr Casamitjana is seeking to bring a case against the organisation under the Equality Act 2010, on the grounds that he was discriminated against as an ethical vegan. The zoologist has followed the lifestyle for more than 17 years.

Before the matter can proceed, however, the tribunal must decide if veganism comes under the Equality Act. The act protects those who have a religious or philosophical belief from discrimination but it is unclear if these definitions extend to ethical veganism.

Campaigners are hoping that the hearing will establish that the ethical vegan lifestyle is capable of protection under the law.

“For many people, veganism is a deeply held belief,” said Louise Davies of The Vegan Society, which is supporting Mr Casamitjana at the hearing. The society is supporting the hearing to determine the question of whether “ethical veganism” is philosophical belief under the Equality Act 2010.

Ms Davies added: “This could be a landmark ruling that will not only recognise the validity and importance of veganism, but also confirm that the needs of vegans in their employment and their everyday lives must be taken seriously.”

Another spokesperson for the society told *The Independent*: “This has never been tested before. We are hoping to win so that vegans are protected in the future.”

Mr Casamitjana, who is raising funds online for his legal costs, wrote in a post on the society’s website that, if the case is successful, it is “very likely that ethical veganism will effectively be established in law as a philosophical belief and discrimination against ethical vegans will be unlawful”.

The hearing is scheduled for March.

If Mr Casamitjana succeeds, a full and separate hearing will be held to determine whether his former employer discriminated against him due to his ethical veganism.

His solicitor, Peter Daly, said: “The tests for determining whether a belief reaches the required threshold for protection from discrimination are well established but they are exacting. It is our view that the tests are comfortably met by a belief in ethical veganism and that Mr Casamitjana’s personal belief is sufficiently strong to achieve that protection.

“Ethical veganism is more than simply a dietary choice. It is a particular and well-defined philosophical view about the relationship between humans and animals. It is based on well-considered and substantial philosophical thinking. We look forward to demonstrating this before the tribunal.”

But a spokesperson for the League said the charity “emphatically rejects” the claim that Mr Casamitjana was sacked for his views, adding: “The discussion about veganism being a ‘philosophical belief’ is a thought-provoking one which many of our staff will be interested in – however this debate has absolutely no connection with why Mr Casamitjana was sacked. It’s sad that one of our former employees, who is passionate about protecting animals, is now trying to bring into disrepute a charity which is not only one of the most important pro-animal voices in this country, but also no doubt one of the most vegan friendly employers.

“Mr Casamitjana was dismissed from his position because of gross misconduct, and to link his dismissal with issues pertaining to veganism is factually wrong.”

## **Questions**

1. Summarize the facts of the case. What legal issue is at stake here?
2. Explain and discuss the underlined sentence.
3. Do you think veganism should be added to the list of protected characteristics under the Equality Act 2010?