

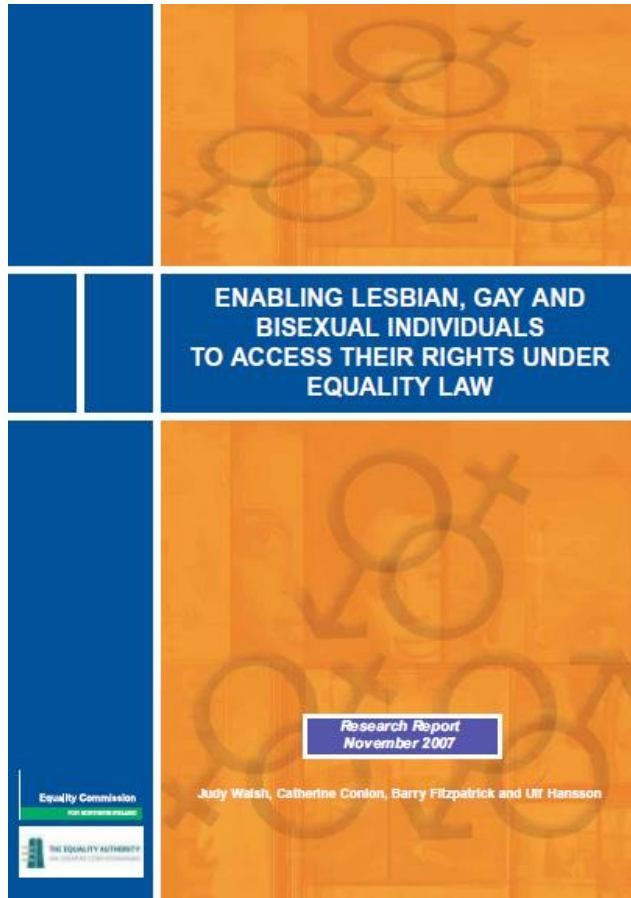
Equinet Training on LGBTI issues
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Session 3: Addressing under-reporting

Research to understand the barriers in
seeking access to justice

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Introduction



Research aim

To propose strategies for equality bodies to further enable LGB people to secure their rights under equality law

Research methodology

Small-scale qualitative study

Literature review

Assessment of legislation, policy and practice

Key barriers to seeking access to justice

- Socio-cultural context
- Naming – acknowledging being victim of discrimination
- Lack of awareness of rights
- ‘Coming out’ and becoming visible
- Generalist advice vs access to specialist advice with equality expertise



Key barriers to seeking access to justice

- 'Individual justice' model
- Low number of successful cases
- Fear of victimisation
- Financial costs, time limits and time delays
- Inadequate remedies

“It is not worth taking a case against an employer...in some cases, after a process of a few years the financial compensation is limited...but even so it's not about the compensation, it is about being acknowledged, but this rarely happens.’

Key barriers to seeking access to justice

- Extra-legal strategies, pre-judicial processes, mediation vs full judicial process and potential ripple effect
- Gaps in the legislation
- Difficulties in proving discrimination
- Lack of data

Overcoming barriers - role of equality bodies

- Promotional, development and outreach work to drive proactive compliance with equality law
- Encourage / require positive duty actions to promote equality
- Collaborate and engage with stakeholders e.g. civil society organisations, employers, trade unions and service providers
- Keep equality law under review and make proposals for amendment to government where appropriate

Overcoming barriers - role of equality bodies

- Monitoring and analysis of data
- Development of resource materials
- Training on equality law - support for advocates and provision of specialist legal advice