

European Human Rights Law Review

Edited by Jonathan Cooper and Karon Monaghan

Issue 6 2006

Notes

- Karon Monaghan

Junior

Beyond Discrimination: It's Time for Enforceable Duties on Public Bodies to Promote Equality Outcomes

- Sandra Fredman and Sarah Spencer

Articles

Dignity Discourse in Discrimination Law: A Better Route to Equality?

- Gay Moon and Robin Allen Q.C.

Cracking the Comparator Problem: Discrimination, "Equal" Treatment and the Role of Comparisons

- Aileen McColgan

Human Dignity and the Withdrawal of Medical Treatment: A Missed Opportunity?

- Catherine Dupré

From Equal Treatment to Appropriate Treatment: What Lessons can Canadian Equality Law on Dignity and on Reasonable Accommodation teach the United Kingdom?

- Gay Moon

The Analyst

Same-Sex Couples in *Secretary of State for Work and Pensions v M*: Identical to *Karner* and *Godin-Mendoza*, Yet No Discrimination?

- Robert Wintemute

THOMSON

SWEET & MAXWELL

EUROPEAN HUMAN RIGHTS

Law Review

Issue 6 2006

pages 595–764

EHRLR aims to promote better understanding of European human rights law, and to provide a forum for serious debate on the European Convention on Human Rights. Tailored to the needs of the practitioner and academic lawyers, it carries articles on all aspects of human rights law as well as providing authoritative commentaries on current developments in this field.

TABLE OF CONTENTS

EDITORIAL

Karon Monaghan 595

OPINION

Beyond Discrimination: It's Time for Enforceable Duties on Public Bodies to Promote Equality Outcomes

Sandra Fredman and Sarah Spencer 598

BULLETIN 607

ARTICLES

Dignity Discourse in Discrimination Law: A Better Route to Equality?

Gay Moon and Robin Allen Q.C. 610

Cracking the Comparator Problem: Discrimination, "Equal" Treatment and the Role of Comparisons

Aileen McColgan 650

Human Dignity and the Withdrawal of Medical Treatment: A Missed Opportunity?

Catherine Dupré 678

From Equal Treatment to Appropriate Treatment: What Lessons can Canadian Equality Law on Dignity and on Reasonable Accommodation teach the United Kingdom?

Gay Moon 695

CASE ANALYSIS

Same-Sex Couples in *Secretary of State for Work and Pensions v M*: Identical to *Karner* and *Godin-Mendoza*, Yet No Discrimination?

Robert Wintemute 722

CASES AND COMMENT

Jalloh v Germany 736

Jäggi v Switzerland 740

Saadi v United Kingdom 742

D v Ireland 746

Keegan v The United Kingdom 748

Baybapın v Netherlands; Salah v Netherlands; Sylla v Netherlands 750

Ramirez Sanchez v France 754

BOOK REVIEWS 759

This Review may be cited as: [2006] E.H.R.L.R.

© Sweet and Maxwell Limited, 100 Avenue Road, London, NW3 3PF

(<http://www.sweetandmaxwell.co.uk>) and contributors 2006

The Thomson trademark and Star Design are trademarks of Thomson Financial S.A. used herein under licence.

All rights reserved. Crown copyright legislation is reproduced under the terms of Crown Copyright Policy Guidance issued by HMSO.

No part of this publication may be reproduced or transmitted in any form or by any means, or stored in any retrieval system of any nature without prior written permission, except for permitted fair dealing under the Copyright, Designs and Patents Act 1988, or in accordance with the terms of a licence issued by the Copyright Licensing Agency in respect of photocopying and/or reprographic reproduction.

Application for permission for other use of copyright material including permission to reproduce extracts in other published works shall be made to the publishers. Full acknowledgment of author, publisher and source must be given.

ISSN: 1361-1526

Typeset by Laserwords Private Limited, Chennai, India.

Printed and bound in Great Britain by
Antony Rowe Ltd, Chippenham, Wiltshire