



## NEWS REPORT

**Date:** 18 January 2010  
**Expert:** Aileen McColgan  
**Title:** Ahmed v Amnesty International UKEAT/0447/08  
**Country:** United Kingdom

### Context

**Issue at stake:** scope of the prohibition on direct race discrimination  
**Ground of discrimination:** Race/ethnic origin  
**Source:** national court decision  
**Field:** employment  
**Legislative provisions:** Race Relations Act 1976

### Content

**Case:** The Claimant, a woman of Sudanese ethnic origin, applied for promotion to role of “Sudan researcher” for Amnesty International. She was not appointed because Amnesty believed that the appointment of a person of her ethnic origin would compromise its perceived impartiality and would expose the Claimant (and those with her) to an increased safety risk when visiting Sudan. The Claimant resigned and claimed race discrimination and unfair (constructive) dismissal.

The question for the Employment Appeal Tribunal was whether it was direct race discrimination (incapable of justification or excuse under domestic law) for the Respondents, an international campaigning organisation, to refuse to appoint the Claimant to a position which involved visiting the Sudan because of concerns that her origin would result in increased risk to her and her colleagues on the ground in Sudan.

**Decision of the Court:** The Employment Appeal Tribunal ruled that the decision at issue amounted to unlawful direct race discrimination and was unlawful regardless of the benign intent of the Respondent. Direct discrimination does not require any animus on the relevant ground (here race). It was sufficient that, “but for” her race, the Claimant would have been treated more favourably (by having the chance to be awarded the job).

### **Internet link source and additional information: (no newspaper links)**

<http://www.employmentappeals.gov.uk/Public/results.aspx?id=5567>

