

IMPLEMENTING EUROPEAN ANTI-DISCRIMINATION LAW

Workshop Programme

28-30 November 2002

Hotel Bedford, Rue du Midi 135, 1000 Brussels, Belgium

Participating Countries: Belgium, Denmark, Hungary, Latvia, Poland, Portugal

DAY 1 - Thursday, 28 November

Session 1 – Opening (Hotel Bedford, Rue du Midi 135, B-1000 Brussels)

19.00 **Welcome**, Isabelle Chopin, Programme Director, MPG & Project Partner
Introduction to project and goals of the workshop
Short round of introductions of participants

Personal account of discrimination by Viktória Mohácsi Bernátné,
Minister's Commissioner for Integration, Hungarian Ministry of Education

followed by **Buffet dinner**

DAY 2 - Friday, 29 November

Morning Chair: Isabelle Chopin, MPG

Session 2 – General introductions to the two international instruments

9.00-9.30 **1. The EU Racial Equality Directive**, Adam Tyson, Responsible for EU
Anti-discrimination policies, DG Employment and Social Affairs, European
Commission

Short context & history

- EU law and competence in the field of anti-discrimination (gender legislation and Article 13 EC)
- The Anti-discrimination Directives based on Article 13 EC
- Principal elements of the Racial Equality Directive
- Transposition (the process in the EU Member States and in the candidate countries)

9.30-10.00 **2. Protocol N° 12**, Claudia Sciotti, Council of Europe's European
Commission against Racism and Intolerance (ECRI)

- European Convention on Human Rights and supervisory mechanism
- Case-law on anti-discrimination (in particular Articles 3, 8, and 9 in conjunction with Article 14 ECHR)
- Principal elements of Protocol N° 12 (including clarifying differences between, and complementary character of, Protocol 12 and the EC Racial Equality Directive)

- State of ratification
- Draft ECRI Recommendation No.7 on national legislation to combat racism and racial discrimination

10.00-10.15 **Comments and questions**

10.15-10.45 **Coffee break**

Session 3 – Short Presentations of the national situation (law and policy) in the countries represented at the workshop

10.45-12.15 **Belgium:** Isabelle Rorive, Research Fellow, Université Libre de Bruxelles

Denmark: Niels-Erik Hansen, Consultant

Hungary: András Kádár, International Project Consultant, Hungarian Helsinki Committee

Latvia: Gita Feldhüne, Acting Director, Latvian Human Rights Institute

Poland: Monika Mazur-Rafal, Center for International Relations, Ernest

Zienkiewicz, Helsinki Foundation for Human Rights

Portugal: Manuel Malheiros, Judge, Administrative Courts

Session 4 – Definitions: Direct and indirect discrimination, harassment and victimisation

12.15-12.45 **Speaker:** Mark Bell, Lecturer in Law, University of Leicester

12.45-13.45 **Lunch**

Afternoon Chair: Mona Nicoara, Advocacy Officer, ERRC & Project Partner

13.45-15.00 **Working Groups** – the plenary will break out into three smaller groups to discuss in more detail the issues relating to definitions raised in the plenary. The objective is that participants from the different countries share their expertise so that they can benefit from each other's experience.

15.00-15.15 **Report back to plenary**

15.15-15.45 **Coffee break**

Session 5 – Implementation: Independent/specialised bodies

15.45-16.15 **Speaker:** Dirk De Meirleir, Belgian Centre for equal opportunities and opposition to racism

16.15-17.30 **Working Groups** – the plenary will break out into three smaller groups to discuss in more detail the issues raised in the plenary.

17.30-17.45 **Report back to the plenary**

20.00 **Dinner** at restaurant of Hotel Bedford

DAY 3 - Saturday, 30 November

Morning Chair: Andrea Coomber, Legal Officer, Equality Programme, Interights & Project Partner

Session 6 – Remedies and enforcement: Defence of rights, burden of proof and sanctions

- 9.30-10.00 **Speaker:** *Burden of Proof:* Karon Monaghan, Barrister, Matrix Chambers
- 10.00-10.30 **Speaker:** *Use of Statistics:* Ina Zoon, independent consultant
- 10.30-11.00 Comments and questions
- 11.00-11.15 **Coffee break**
- 11.15-12.30 **Working Groups** - the plenary will break out into three smaller groups to discuss *remedies and enforcement* in more detail
- 12.30-12.45 **Report back to plenary**
- 12.45-13.45 **Lunch**

Session 7 – Genuine and determining occupational requirements and Positive action

Afternoon Chair: Isabelle Chopin, MPG

- 13.45-14.30 **Genuine occupational requirements**
Speaker: Prof. Barry Fitzpatrick, Head of Legal Policy and Advice, Equality Commission for Northern Ireland
- Comments and questions
- 14.30-15.15 **Positive Action**
Speaker: Aart Hendriks, Netherlands Equal Treatment Commission
- Comments and questions
- 15.15-15.30 **Coffee break**

Session 8 – Strategies for effectively implementing anti-discrimination law

- 15.30-17.00 **Panel:**
Lilla Farkas, Legal Defence Bureau for National and Ethnic Minorities
Lisa Fischel, Member of the Danish Board for Ethnic Equality
Yonko Grozev, Head of Legal Department, Bulgarian Helsinki Committee

This session will consider the strategic use of litigation and advocacy at the national level to promote effective anti-discrimination law and its implementation. Methods of monitoring the transposition of the Racial Equality Directive and of campaigning for the ratification of Protocol 12 will be discussed. Introductions by the members of the panel will be followed by plenary questions, comments and discussion.

17.00-17.30 **Closing**

20.00 **Dinner** at Restaurant La Rose Blanche, 11 Grand Place, 1000 Brussels

DAY 4 - Sunday, 1 December

Optional: tour of Brussels (suggested meeting point: lobby of Hotel Bedford, 9.30am)

Participants depart