



THE EQUAL RIGHTS TRUST

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The Equal Rights Trust
is a company limited by
guarantee incorporated
in England. Company
number 5559173.
It is also a registered
charity, number 1113288.

Dimitrina Petrova
Executive Director

London 2 April 2008

Project: Legal Standards on Non-discrimination and Equality

Advisory Committee:

Sir Bob Hepple (Chair), Barbara Cohen, Andrea Coomber,
Sandra Fredman, Christopher McCrudden, Alice Leonard,
Gay Moon, Colm O'Cinneide, Michael O'Flaherty

The project "Legal Standards on Non-discrimination and Equality" aims at systematising, harmonising, modernising and publicising in appropriate formats legal standards related to the protection against discrimination and the promotion of equality. The objective of the first stage of the project is to elaborate and publicise a short document reflecting a moral and professional consensus among human rights experts, entitled *Principles on Equality*. The objective of the second stage is to develop standards on equality law and policy which can be translated into national legal norms.

Conference

PRINCIPLES ON EQUALITY AND THE DEVELOPMENT OF LEGAL STANDARDS ON EQUALITY (London, 2 – 5 April 2008)

Conference Programme

<u>Meeting venue:</u> Park Crescent Conference Centre 229 Great Portland Street, London W1W 5PN	<u>Hotel accommodation:</u> Melia White House Hotel Albany Street, Regents Park, London NW1 3LP
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The purpose of the conference is (a) to discuss and adopt a document entitled Principles on Equality and (b) to discuss selected themes related to equality, in order to facilitate ERT in its subsequent work on the elaboration of a comprehensive set of legal standards on equality.

Wednesday, 2 April

Arrival of participants

19:00 Evening informal drinks and buffet dinner for those staying at Melia Hotel

Thursday, 3 April

09:00 – 09:30 Registration, coffee

09:30 – 11:00 **Opening (Session 1)**

Moderator: **Dimitrina Petrova** - Overview of the conference purpose, agenda, format and ground rules (10 minutes)

Speakers:

Professor Sir Bob Hepple QC: “What are the Objectives of Equality Law?” (30 minutes)

Ivan Fišer: *Principles on Equality* - slide presentation of the consolidated draft *Principles* with brief comments (20 minutes)

Discussion (30 minutes)

11:00 – 11:30 Coffee break

11:30 – 13:00 **Four working groups** (comprising 10-15 participants each) to discuss the draft document *Principles on Equality*.

Moderators: **Veronika Szente Goldston, Mark Lattimer, Gay Moon, Edwin Rekosh**

Rapporteurs: **Prof. Mark Bell, Krassimir Kanev, Norani Othman, Patricia Prendiville**

13:00 – 14:00 Lunch

14:00 – 15:30 **Session 2:** Discussion on the draft *Principles on Equality* in plenary.

The Rapporteurs of the four working groups will report on the group discussions. Suggestions will be incorporated by a drafting group and an updated copy will be circulated as soon as ready.

Shortly after the conference a finalised and edited copy of the *Principles on Equality* and accompanying *Explanatory Notes* will be circulated to all participants with an invitation to endorse the publication of the document with their names and to engage in further stages of the Project.

Moderator: **Imrana Jalal**

Rapporteurs: **Michael O’Rawe and Katherine Perks**

15:30 – 16:00 Coffee break

16:00 – 17:30 **Session 3: The Concepts of Discrimination and Equality**

This session will explore the concepts of discrimination, non-discrimination and equality. It will draw on the different legal, policy and practical experiences of participants. It will explore what discrimination means in practice, and how a right to non-discrimination relates to the right to equality. It will consider the grounds on which discrimination must be prohibited: should an enforceable right to non-discrimination apply to a closed list of grounds? Are new grounds emerging that should have equal protection? How should multiple discrimination be recognised? If the list of protected grounds is open-ended, should any grounds merit greater legal protection? In what circumstances, if any, should discrimination based on any protected ground be permitted?

Moderator: **Barbara Cohen**

Rapporteur: **Scott Long**

Speakers: **Prof. Sandra Fredman, Wan Yanhai, Paola Uccellari**

19:30 – 22:00 **Welcome reception and dinner**

Venue: Massala Hut, 161-163 Drummond Street, London NW1 2PB

Guest speaker: **Lord Lester of Herne Hill QC, Founding Chair of The Equal Rights Trust**

Friday, 4 April

09:30 – 11:00 **Session 4: Positive Action and Positive Duties**

This session will discuss the formulation of universally applicable equality standards related to positive action and positive duties. It will address the following questions: What concept of positive action follows from one's concept of equality? When is positive action required? What role should merit play in defining positive action?

Moderator: **Shami Chakrabarti**

Rapporteur: **András Kádár**

Speakers: **Prof. Christopher McCrudden, Michelle O'Sullivan, Prof. Roger Raupp Rios**

11:00 – 11:30 Coffee break

11:30 – 13:00 **Session 5: Non-discrimination and Equality in International Law**

This session will discuss how a comprehensive set of standards on equality could include standards related to fields of international law other than international human rights law, e. g. humanitarian law, international criminal law, conflict resolution, peace-building, security and anti-terrorism, environment, climate change, disaster relief, development, poverty, migration, corporate social responsibility, etc. Is anti-discrimination as an underlying principle in international law given sufficient effect in all fields that international law regulates? How does the general principle of non-discrimination translate into specific standards applicable in these areas of law? How does the right to non-discrimination provide protection in areas regulated by international law?

Moderator: **James Goldston**

Rapporteur: **Prof. Roberto Gargarella**

Speakers: **Tapan Kumar Bose, Stefanie Grant, Mikewa Ogada, Prof. John Packer**

13:00 – 14:00 Lunch

14:00 – 15:30 **Session 6: Non-discrimination and Other Human Rights**

This session will consider what legal standards – if any – might be formulated regarding the balance of rights, especially when the right to equality conflicts with other rights. For example, is it possible to formulate a standard (a test) on how to balance religious harassment and freedom of expression? What other important issues involving a conflict of rights would benefit from formulating a general standard?

Moderator: **The Honourable Madam Justice Claire L'Heureux Dubé**

Rapporteur: **Salim Ebrahim**

Speakers: **Slim Ben Achour, Shanon Shah, Roman Wieruszewski**

15:30 – 16:00 Coffee break

16:00 – 17:30 **Session 7: Enforcement and Specialised Bodies**

This session will focus on standards regarding the effectiveness of the enforcement mechanisms in implementing equality. Should there be special measures encouraging people who experience discrimination to seek legal redress - to facilitate their access to the courts, provide them with support, including through legal aid? Are some types of discrimination less likely to be complained of and how could a set of standards reflect this? What standards should be in place with regard to

sanctions? How should individual remedies and institutional reform, including actions that need to address institutional discrimination, be combined to achieve good results? Could there be universally applicable standards on specialised equality bodies to improve/ensure their effectiveness?

Moderator: **Prof. Lisa Waddington**

Rapporteur: **Oliver Lewis**

Speakers: **Rincon Gallardo, Prof. Jenny Goldschmidt, Alice Leonard, Janet Love**

There is no organised dinner. Free evening.

Saturday, 5 April

09:30 – 11:00 Session 8: The Unified Perspective on Equality and Standard Development

This session will focus on the practical aspects of advancing the harmonisation and modernisation of legal standards on equality, from an integrated perspective. How can we bridge the gap between equality and human rights? Can we concurrently work on overcoming the fragmentation of the non-discrimination field? Can useful standards be developed to facilitate advocacy of comprehensive, multi-ground anti-discrimination law and policy?

Moderator: **Prof. Tiyanjana Maluwa**

Rapporteur: **Boriss Cilevics**

Speakers: **Jarlath Clifford, Andrea Coomber, Margarita Ilieva**

11:00 – 11:30 Coffee break

11:30 – 13:00 Closing session

This session will aim at finalising the discussions on the development of legal standards on equality. The Rapporteurs of the sessions will summarise ideas put forward during the discussions with particular emphasis on issues that should inform further ERT work in its project “Legal Standards on Non-discrimination and Equality”.

Moderator: **Dimitrina Petrova**

13:00 – 13:30 Lunch