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## **Equality in Practice**

Opportunities and Problems in the enforcement and of  
Equality Law,  
Jenny E. Goldschmidt



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# **Background**

- Involvement in 'specialised body' 1985-2004
- Academic research on Equality and other Human Rights
- Opportunity for some personal thoughts



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## **Some history**

- 1990's: research on utilisation of sex equality litigation
  - Research on social working of the law (Griffiths)
  - Research on a.o. selection procedures and stereotyping
- equality litigation as necessary but insufficient condition



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## **Legal aspects**

- Equality Law: refine concepts and duties and provide multiple instruments
- Human Rights Law: development of equality as inclusive and two sided concept
- Positive obligations







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## **Hard cases**

Go to Court?  
Pros and Cons  
Role of Equality Bodies

(District Court Assen, 14 October 1997)



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# **Follow up policies**

NHRI the Netherlands, Annual Report 2013

Effects of opinions issued in cases in which the Institute was of the opinion that the law had been contravened or had issued recommendations (N=99)

- 23,2% No measures
- 32,3% Both individual and structural measures
- 11,1% Individual measure
- 33,3% Structural measure



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## **Conditions**

- Specific and multiple implementation mechanisms
- Legal aspects: inclusive approach
- Human rights based approach
- Enforcement instruments
- Role of different actors



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## **Recommendations**

- Legal Framework
  - Equality Law
  - Human Rights Law
- Policy aspects
  - Consistency and inclusiveness
  - Civil Society
- Research



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