

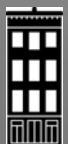
# Indirect discrimination

## *The Case of Redlining*

Making equality rights work in practice

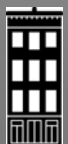
Legal Seminar 9 November 2010

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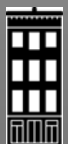
# Indirect discrimination

- Unequal treatment
- Differentiation on neutral grounds
- Disadvantage for protected group
- No objective justification



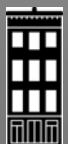
# Indirect discrimination

- Objective justification
  - Legitimate aim
  - Appropriate means
  - Necessity



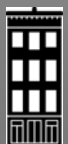
# Indirect discrimination

- Redlining
- Post code discrimination
- Certain area's are excluded
- Financial services: mortgages
- Limiting financial risks



# Indirect discrimination

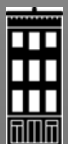
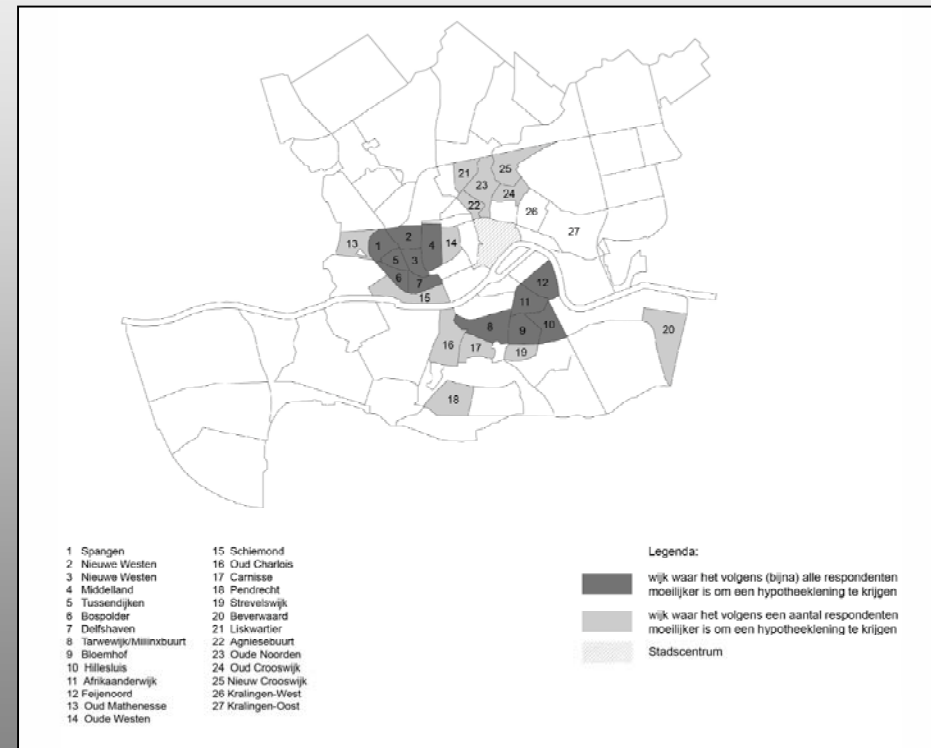
- Dutch Equal Treatment Commission
- Research on own initiative
- Unequal treatment of ethnic minorities
- Temporary residence permit
- Wrong neighbourhood



# Indirect discrimination

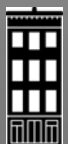


# Indirect discrimination



# Indirect discrimination

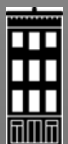
- Amsterdam, Rotterdam, The Hague and Utrecht
- On the grounds of race and nationality
- Redlining means exclusion
- No objective justification
- Non-discriminatory selection criteria are available





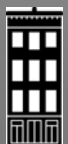
# Indirect discrimination

- Ruling of the ETC
- Research took 3 years
- Code of conduct Mortgage Lenders
- Proof of indirect discrimination
- Again in 2009: housing insurance



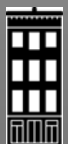
# Indirect discrimination

- Lessons learned:
  - Indirect is mostly structural discrimination



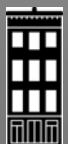
# Indirect discrimination

- Lessons learned:
  - Indirect is mostly structural discrimination
  - Indirect discrimination is not always on purpose, but still forbidden



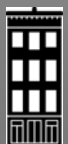
# Indirect discrimination

- Lessons learned:
  - Indirect is mostly structural discrimination
  - Indirect discrimination is not always on purpose, but still forbidden
  - Disparate impact can be hard to proof



# Indirect discrimination

- Lessons learned:
  - Indirect is mostly structural discrimination
  - Indirect discrimination is not always on purpose, but still forbidden
  - Disparate impact can be hard to proof
  - Investigation or research is helpful



# Indirect discrimination

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