



Newsletter

European network of legal experts in
gender equality and non-discrimination

Thematic reports published

We are proud to announce the publication of five thematic reports.

Legal implications of EU accession to the Istanbul Convention

This thematic report clarifies the legal preconditions and legal impact of the possible accession of the EU to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). In the first chapter of the report, Christine Chinkin considers the evolution of human rights law concerning violence against women, the drafting and adoption of the Istanbul Convention, and the main features of the Convention. The second and third chapters of the report, written by Kevät Nousiainen, consider the Istanbul Convention in relation to EU law, and describe the positions of the 28 EU Member States concerning the Convention. The report is based on a comparative study of country reports submitted by the gender equality experts of the European network of legal experts in gender equality and non-discrimination.

<http://www.equalitylaw.eu/downloads/3794-legal-implications-of-eu-accession-to-the-istanbul-convention>

Disability law and reasonable accommodation beyond employment – a legal analysis of the situation in EU Member States

This new thematic report was authored by Lisa Waddington and Andrea Broderick with the assistance of Anne Poulos. The report provides a legal analysis of the situation in the 28 EU Member States with regard to obligations to provide reasonable accommodation

outside the field of employment. More specifically, the report outlines the duties contained in Member States' laws and policies with respect to reasonable accommodation in the areas covered by the 2008 proposal of the European Commission for a directive to protect people from discrimination on the ground of disability, as well as discrimination on a number of other grounds.

<http://www.equalitylaw.eu/downloads/3795-disability-law-and-reasonable-accommodation-beyond-employment>

Reasonable accommodation for disabled people in employment – a legal analysis of the situation in EU Member States, Iceland, Liechtenstein and Norway

This thematic report was authored by Delia Ferri and Anna Lawson, and provides a legal analysis of the European and national frameworks regulating the duties of employers to provide reasonable accommodation for disabled job seekers and employees. Such a duty stems from the Employment Equality Directive (2000/78/EC) and from the UN Convention on the Rights of Persons with Disabilities which has been ratified by the EU as well as by almost all Member States. The report also addresses the link between reasonable accommodation and accessibility of workplaces. It provides a highly relevant comparative analysis of the legal frameworks in 31 European countries (28 EU Member States, Iceland, Liechtenstein and Norway).

<http://www.equalitylaw.eu/downloads/3724-reasonable-accommodation-for-disabled-people-in-employment>

Measures to address the challenges of work-life balance in the EU Member States, Iceland, Liechtenstein and Norway

This new thematic report, authored by Aileen McColgan, provides a comparative analysis of the extent to which 31 European states (the 28 Member States and the 3 EEA countries: Iceland, Liechtenstein and Norway) have adopted measures that promote the reconciliation of working and private and family life. In particular, the report focuses on measures that go beyond those required by EU law. The analysis looks at flexible work arrangements, flexibility in use of family-related leave, carers' leave, and sharing of parts of maternity leave between parents.

<http://www.equalitylaw.eu/downloads/3631-reconciliation>

Intersectional discrimination in EU gender equality and non-discrimination law

It is increasingly recognised that discrimination can occur on the basis of more than one ground. The central problem identified by the notion of intersectional discrimination is how to render visible and properly remedy the wrongs of those who are multiply disadvantaged. In the course of this thematic report, author Sandra Fredman explores the challenges posed by intersectionality in relation to EU law. The report analyses the ways in which European states deal with multiple discrimination and intersectionality, drawing on responses by national experts from all the EU member States, as well as the candidate countries (Montenegro, the former Yugoslav Republic of Macedonia, Serbia and Turkey), Liechtenstein, Iceland and Norway. The report considers the potential within existing EU anti-discrimination law to incorporate an intersectional approach, whether intersectional



experiences can be addressed within EU law and the extent to which existing jurisprudence from the Court of Justice might be understood as reflecting intersectionality. In the final chapter of the report, Fredman discusses how an intersectional approach to equality and non-discrimination can be adopted through proactive measures and mainstreaming.

<http://www.equalitylaw.eu/downloads/3850-intersectional-discrimination-in-eu-gender-equality-and-non-discrimination-law-pdf-731-kb>

Comparative analyses published

Comparative analyses

The comparative analyses provide a summary of the state of affairs in the non-discrimination and gender equality field in the EU Member States, the former Yugoslav Republic of Macedonia, Iceland, Liechtenstein, Montenegro, Norway, Serbia and Turkey and provide analysis of the key issues. They include the latest and most important legal developments at the national level such as case law and legislative amendments, and illustrate the evolution of non-discrimination and gender equality law.

A comparative analysis of gender equality law in Europe 2015

<http://www.equalitylaw.eu/downloads/3823-a-comparative-analysis-of-gender-equality-law-in-europe-2015-pdf-1-03-mb>

A comparative analysis of non-discrimination law in Europe 2015

<http://www.equalitylaw.eu/downloads/3824-a-comparative-analysis-of-non-discrimination-law-in-europe-2015-pdf-1-12-mb>

European Parliament

In February 2016 a small delegation of the European Parliament's Committee on Legal Affairs visited Utrecht University and the gender stream of the Network. The delegation was informed of the work completed in 2015 and forthcoming work in 2016. The delegation showed a keen interest in the report on the Istanbul Convention. After the publication of the report it was distributed to all members of the Committee on Legal Affairs by the Committee's secretariat. We received positive feedback on the report from some MEPs. The Network seized the opportunity to introduce the work of the Network as a whole and will continue to inform the members of the Committee on a regular basis.

Infringement proceedings

On 26 May 2016, the European Commission has initiated infringement proceedings against Hungary for failure to correctly implement the Racial Equality Directive (2000/43/EC), due to systemic discrimination of Roma children in schools. The Commission raises a number of concerns related to, on the one hand, Hungarian legislation on equal treatment and on education and, on the other, its administrative practices. The situation facing Roma children in Hungary is that of disproportionate over-representation in special schools for mentally disabled children and also a considerable degree of segregation within mainstream schools. The infringement proceedings follow numerous signals by the European network of legal experts in gender equality and non-discrimination and by its predecessor the European Network of Legal Experts in the non-discrimination field through their publications. Most importantly, the highly relevant thematic report Discrimination of Roma children in education, authored by Lilla Farkas and published in 2014, provides in-depth analysis of this particular issue in a number of EU Member States.

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