



## EUROPEAN COMMISSION

DG Justice

### Legal Seminar – Enforcement of equality and anti-discrimination law

28 November 2014

Courtyard Marriott Hotel

Avenue des Olympiades 6, Brussels

**From 9.00**      **Participant Registration (in the Foyer, first floor)**

Plenary Session	Athens ballroom
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**Chair:** **Ms. Susanne Burri** – Associate Professor, Utrecht University School of Law, Coordinator of the European Network of Legal Experts in the Field of Gender Equality (The Netherlands).

**09.30 – 10.00**    **Introduction** – **Johan ten Geuzendam** (Adviser Equal Rights – DG Justice) and **Andréas Stein** (Head of Unit – DG Justice)

**10.00 – 11.00**    **Keynote speech** – **Ms. Jenny Goldschmidt** – Professor emeritus in Human Rights Law, Utrecht University School of Law (The Netherlands).

**11.00 – 11.15**    **Coffee Break**

Workshop Sessions
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**1 –Update on European case law**

The workshop will discuss recent developments in European case-law in the field of non-discrimination and equality, focussing in particular on the case-law of the Court of Justice of the European Union and on the practice of the European Committee on Social Rights. Participants will discuss recent important judgments and their impact on equality and anti-discrimination legislation on the national as well as European level. The specific focus of the workshop will be on the effective enforcement of equality and anti-discrimination law, and participants will be invited to examine a case-study related to this topic.

**Room:**            **Athens Ballroom**

**Chair:**            **Mr. Matthias Mahlmann** – National expert for the European Network of Legal Experts in the Non-Discrimination Field (Germany), Chair of Philosophy and Theory of Law, Legal Sociology and International Public Law, University of Zurich.

**Speakers:**      **Mr. Colm O’Cinneide** – Reader in Law, University College London (UCL); general rapporteur, European Committee on Social Rights (the United Kingdom).

**Ms. Christa Tobler** - Universities of Basel and Leiden, Member of the Executive Committee of the European Network of Legal Experts in the Non-Discrimination Field.

## **2 – Parental leave and the reconciliation of work and family life (including relevant provisions of Directive 2010/18)**

The issue of reconciliation of work, private and family life is high on the social agenda of the European Union. Two specific directives have been adopted : the Pregnancy Leave Directive 92/85 and the Parental Leave Directive 96/34, now repealed by Directive 2010/18. In addition, the prohibition of direct and indirect sex discrimination applies to reconciliation issues. In this workshop findings will be presented of the report produced by the European Network of Legal Experts in the Field of Gender Equality on the transposition of Directive 2010/18 in European countries. We will also discuss enforcement issues in this field and a case.

Room: **Sydney**

Chair: **Prof. Kevat Nousiainen** - LLD, Professor of Comparative Law and Legal Theory, Turku University, Finland

Speakers: **Prof. Dr. Maria do Rosário Palma Ramalho** – Full Professor of Labour Law, Faculty of Law of the University of Lisbon, National expert for the European Network of legal Experts in the Field of Gender Equality (Portugal).

**Ms. Aileen McColgan** (case study) - National expert for the European Network of Legal Experts in the Non-Discrimination Field and the European Network of Legal Experts in the Field of Gender Equality (The United Kingdom), Barrister and Professor of Law.

## **3 – Self-employment (relevant provisions of Directives 2000/78, 2006/54 and 2010/41)**

This workshop will discuss the findings of a report produced by the European Network of Legal Experts in the Field of Gender Equality on equal treatment of self-employed men and women, in particular the implementation of Directive 2010/41. Issues related to other anti-discrimination directives will be addressed as well, in particular the scope of protection against discrimination. A case will be presented as well in order to highlight enforcement aspects.

Room: **Antwerp**

Chair: **Ms. Herdís Thorgeirsdóttir** - Past President of the European Women Lawyers' Association and Professor at Faculty of Law, Bifrost University; Vice President of the Council of Europe's Venice Commission and practicing attorney in Reykjavík.

Speakers: **Ms. Catherine Barnard** – Professor of European Law, Cambridge University (The United Kingdom).

**Ms. Marlies Vegter** (case study) – Independent lawyer (The Netherlands).

## **4 – Burden of proof**

The shift of the burden of proof is an essential procedural issue for equality and discrimination law; common to all grounds and to all European countries. Participants will be invited to discuss and reflect upon the implementation of this rule by national and European courts, and its importance for the effective enforcement of EU law in these areas. A recent thematic report of the European Network of Legal Experts in the non-discrimination field which looks into this issue will be presented, as will a detailed case-study which the participants will be invited to discuss.

Room: **Barcelona**

Chair: **Ms. Else Leona McClimans** - National expert for the European Network of Legal Experts in the Non-Discrimination Field (Norway).  
Speakers: **Ms. Lilla Farkas** – Human rights lawyer specializing in desegregation litigation and Roma rights. Member of the executive committee of the European Network of Legal Experts in the Non-Discrimination Field.  
**Mr. Declan O'Dempsey** (case study) - Barrister, Cloisters, London.

### **5 – Sexual orientation**

The workshop will discuss the specificities of the prohibition of sexual orientation discrimination with regards to EU law as well as national legislations, and will examine issues relating to its implementation and its effective enforcement. The findings of the recent thematic report of the European Network of Legal Experts in the non-discrimination field focussing on sexual orientation discrimination will be presented, as well as a case study which the participants will be invited to examine.

Room: **Atlanta**

Chair: **Mr. Dieter Schindlauer** - National expert for the European Network of Legal Experts in the Non-Discrimination Field (Austria).

Speakers: **Mr. Krzysztof Śmiszek** – Chair of the Polish Society of Antidiscrimination Law, University of Warsaw, Faculty of Law and Administration (Poland).  
**Dr. Helmut Graupner** (case study) – Attorney at law, Vienna (Austria); Co-Coordinator, European Commission on Sexual Orientation Law (ECSOL).

**12.45 – 14.00 Lunch**

<b>Timetable Workshop Sessions</b>
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**11.15 – 12.45 Workshop Sessions 1,2,3 and 5**

**14.00 – 15.30 Workshop Sessions 1 - 5**

**15.30 – 16.00 Coffee Break**

<b>Closing Session</b>
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<b>Athens Ballroom</b>
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Chair: **Ms. Isabelle Chopin** - Deputy Director of the Migration Policy Group and Content manager and Deputy Coordinator of the European Network of Legal Experts in the Non-Discrimination Field.

**16.00 – 16.30 Presentation of two examples of good practice:**  
**Mr. Martin Mörk** - The Swedish Equality Ombudsman  
**Ms. Valeria Montaruli** – Italian Ministry of Justice

**16.30 – 16.45 Closing** – **Johan ten Geuzendam** (Adviser Equal Rights – DG Justice)

**16.45 Cocktail**