

EQUINET Legal Training – Programme

Practical use of EU anti-discrimination laws: Trial simulation

1-2 October 2009, Lisbon (Portugal)

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| Training dates: | Thursday 1 & Friday 2 October 2009 |
| Location - venue: | Lisbon, Portugal |
| Accommodation | Hotel AC Lisboa (Palácio Sottomayor Hotel); Sana Hotel Lisboa |
| Host Equinet Member: | Commission for Citizenship and Gender Equality (CIG) |

GENERAL INFORMATION

Training seminar duration (1.5 days)

- Participants arrive in the evening or afternoon before day 1 (Wednesday 30 September 2009)
- Day 1 is a full training day (Thursday 1st October 2009)
- Day 2 is a half day training starting at 8h30 and ending after lunch (Friday 2nd October 2009)

Participation

- 45 participants (including speakers, facilitators and staff members)
- Maximum 2 participants per Equinet member organisation and 1 for observer Equality Body
- The training is aimed at legal team experts and legal practitioners within specialised equality bodies only.

In order to make the most out of the training seminar, it is requested that selected staff members participating will be able to attend the whole seminar and are able to follow the training and engage in discussion which will be primarily in English.

Location & Venue details

*EQUAL's facilities
Rua Viriato nº 7 - 5º
1050-233 Lisboa, Portugal*

Language

The main languages of the training will be English. French and Portuguese interpretation will be provided but for the first plenary session only. The rest of the training and group sessions will be conducted in English.

Travel and Accommodation

Both travel and accommodation costs of participants will be covered for by the Equinet Budget.

Travel will be arranged by participants themselves and reimbursed by Equinet subsequently and upon submission of the claim form and supporting tickets / invoices (2nd class travel ticket and local travel, indicatively max €350 in total all travel costs inclusive). Participants need to arrive on Wednesday 30 September as the training seminar will start early at 9.30 on 1st October.

Hotel accommodation will be arranged and paid directly by EQUINET for the two nights of the training (30/09 + 1/10) based on registration form requirements.

AIMS AND APPROACH OF THE TRAINING

Background

The current EU antidiscrimination legislation is frequently criticized for its limited scope and discrepancies, which can result in a “hierarchy of protection”. The legislation offers protection against discrimination on all grounds in the field of employment. Yet, *acquis communautaire* can sometimes concur to unequal treatment in the area of access to goods, facilities, services, education, social protections for those discriminated against on the basis of their age, sexual orientation, disability and religion/belief.

The recent proposal for a new directive relating to the implementation of the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation outside the labour market could settle this situation.

In fact, many EU Member States have complied beyond the minimum standards set by community law and have extended the protection against discrimination beyond the labour market at the national level.

Whilst lawyers have to date developed a level of knowledge and practical skills to combat discrimination in the area of employment, the use of legal tools and solutions to counter unequal treatment in the field of access to goods and services remains new and challenging.

The main goals of the training are as follows:

- Gain increased knowledge of EU equal treatment legislation
- Gain deepened knowledge of ECJ Case Law with regard to goods and services

- Exchange insight and experience how to assess the discriminatory content of a concrete case and how to build a case.

Method

There will be two rounds of plenary sessions and two litigation workshops.

- **Plenary sessions**

The first plenary session will consist of two introduction lectures delivered by high-level experts in the field of EU antidiscrimination legislation. The first one will address the current EU laws prohibiting discrimination on different grounds and in different fields. The goal of the lecture is to provide participants a critical insight into the existing laws and to highlight the necessity to end the hierarchy of protection.

The objective of the second lecture is to deliver an expertise knowledge regarding key concepts of goods and services functioning and defined within the EU law and ECJ case law.

- **Litigation workshops**

During the litigation workshops, participants will be divided into five small groups: complainant (two groups), court (one group) and defendant (two groups). There will be a co-facilitator nominated from participating organisations and each group will be moderated by anti-discrimination lawyers experienced in the cases of unequal treatment.

Participants will be asked to analyse case(s) of discrimination in the field of goods and services. The goal of the litigation workshops is to build and compile all possible pro and against arguments, which can be used before the court.

At the end of training, a trial simulation will take place and give the opportunity to attendees to present their arguments.

TRAINING PROGRAMME

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| Wednesday 30 September 2009 | | |
| Arrival of participants | | |
| 20.00-22.00 | Welcome dinner / drinks (for those who have arrived) | |
| DAY 1 – Thursday 1 October 2009 | | |
| 09.00 - 09.30 | Registration | |
| 09.30 - 10.00 | Legal Training – Opening | |
| 09.30 - 09.45 | Welcome address by Commission for Citizenship and Gender Equality - CIG (Host Organization) | Elza PAIS President of the Commission for Citizenship and Gender Equality, Portugal |
| 09.45 - 10.00 | Opening & Introduction to the training by EQUINET | Chila VAN DER BAS Chair of EQUINET Equal Treatment Commission, Netherlands |
| 10.00 – 13.00 | Session 1 (Plenary) – Prohibition of discrimination under the EU legislation. Critics of the current scope. | |
| <i>Chair: Maria do Céu da Cunha Rêgo, Legal Expert, former President of the Commission for Equality in Work and Employment, Portugal</i> | | |
| 10.00 - 10.45 | <i>Introduction Lecture 1</i> Community anti-discrimination legislation. Fields still to be covered. Possible use of existing tools. | Prof. Sebastien VAN DROOGHENBROECK Facultés universitaires Saint-Louis, Brussels, Belgium |
| 10.45 – 11.05 | Questions & Answers – Discussion | |
| 11.05 – 11.35 | Break coffee / tea | |

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| 11.35 – 12.20 | <i>Introduction Lecture 2</i> Goods, facilities and services under the EU legislation. Review of the current regulations and ECJ rulings. | Prof. Aileen Mc COLGAN Kings College London, United Kingdom |
| 12.20 – 12.40 | Questions & Answers – Discussion | |
| 12.40 – 13.00 | Explanation of the training method | |
| 13.00 – 14.30 | <i>Lunch</i> | |
| 14.30 – 17.00 | Session 2 - Litigation Workshops | |
| GROUP 1 | Defendant group A | <u>Facilitators:</u> <i>Lukasz BOJARSKI & Nanna Margrethe KRUSAA</i> |
| | Defendant group B | <u>Facilitators:</u> <i>Margarita ILIEVA & Peter READING</i> |
| GROUP 2 | Claimant group A | <u>Facilitators:</u> <i>Catherine CASSERLEY & Michiel BONTE</i> |
| | Claimant group B | <u>Facilitators:</u> <i>Lilla FARKAS & Marije GRAVEN</i> |
| GROUP 3 | Court group | <u>Facilitators:</u> <i>Barbara COHEN & Ingrid NIKOLAY LEITNER</i> |
| 19.30 – 22.00 | Dinner | |

DAY 2 – FRIDAY 2 October 2009

08.30 – 11.30 **Session 3 – Litigation Workshops** (continued)

(Refreshments provided in meeting rooms)

11.30 – 11.45 **Coffee break**

11.45 – 12.45 **Session 4 (Plenary) – Court hearing & closing session**

Chairs: Lukasz Bojarski, Legal Expert, Poland & Krzysztof Smiszek, EQUINET Secretariat

12.45 – 13.10 **Preparation of the final Court verdict by group of judges**

(including break with refreshments and sandwiches)

13.15 – 14.15

**Announcement of the court verdicts
debrief & evaluation**

14.15 – 14.20

Closing of the training

Anne GASPARD
Executive Director
EQUINET Secretariat

14.20 – 15.30 **Lunch & Departure of participants**

BIBLIOGRAPHY

- ❖ Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (2nd July 2008)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:DKEY=473800:EN:NOT>
- ❖ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
http://europa.eu/eur-lex/pri/en/oj/dat/2000/l_180/l_18020000719en00220026.pdf
- ❖ Article 50 of the EC treaty
- ❖ “*The Goods and Services Directive: a curate’s egg or an imperfect blessing?*”, Aileen McColgan
- ❖ Sex Discrimination in the Access to and Supply of Goods and Services and the Transposition of Directive 2004/113/EC, Susanne Burri and Aileen McColgan, 2009
<http://ec.europa.eu/social/main.jsp?catId=641&langId=en&moreDocuments=yes>
- ❖ “*Sex-segregated Services*”, Susanne Burri and Aileen McColgan, 2009
<http://ec.europa.eu/social/main.jsp?catId=641&langId=en&moreDocuments=yes>
- ❖ Williams v. Spain, UN Human Rights Committee decision
<http://www.soros.org/initiatives/justice/litigation/williams>
- ❖ Ethnic Profiling in the European Union: Pervasive, Ineffective, and Discriminatory
http://www.soros.org/initiatives/justice/focus/equality_citizenship/articles_publications/publications/profiling_20090526/profiling_20090526.pdf
- ❖ Addressing Ethnic Profiling by Police. A Report on the Strategies for Effective Police Stop and Search Project. Improving relations between police and minority communities by increasing the fairness, effectiveness, and accountability of police stops in Bulgaria, Hungary, and Spain
http://www.soros.org/initiatives/justice/focus/equality_citizenship/articles_publications/publications/profiling_20090511/profiling_20090511.pdf