

# EQUINET Training Seminar

## PROGRAMME

### *Solving discrimination cases from a comparative law perspective*

12-13 June 2008, Sofia (Bulgaria)  
Venue: Hilton Hotel

Wednesday 11 June 2008

19.30	Arrival of participants Welcome dinner (for those who have arrived)	Hotel Hilton Sofia
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**DAY 1 - Thursday 12 June 2008**

**09.00**                    **Registration & Welcome coffee/tea**

**09.30 - 10.00**        **Training Seminar – Opening**

09.30 – 09.45	Welcome address	<b>Kemal EYUP (Chair, Commission for Protection against Discrimination), Bulgaria</b>
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09.45 – 10.00	Introduction to the training	<b>Chila VAN DER BAS (Chair of Equinet), Netherlands</b>
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**10.00 - 13.00**        **Session I – Collective Bargaining and Age Discrimination**

10.00 – 11.15	<b>Lecture 1: The role of the social partners and collective bargaining in EU discrimination law</b> Questions & Answers - Discussion	<b>Christian BAYART, Belgium</b>
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11.15 - 11.30        *Break coffee / tea*

11.30 – 12.45	<b>Lecture 2: Age discrimination and employment</b> Questions & Answers - Discussion	<b>Colm O'CINNEIDE, UK</b>
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12.45 - 14.00        *Lunch*

**14.00 - 15.30**        **Workshop I – Age Discrimination and Employment**

14.00 – 15.30	<b>Workshop I: Cases on age discrimination (and collective bargaining)</b>	<i>Facilitators:</i> <i>Marije Graven (Group A)</i> <i>Michiel Bonte (Group B)</i> <i>Nanna Krusaa (Group C)</i>
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15.30 – 16.00        *Break coffee / tea*

**16.00 - 17.30**        **Session II – Strategic Litigation**

16.00 – 16.30	<b>Presentation: Strategic litigation</b>	<b>Peter READING EHRC, UK</b>
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16.30 – 17.30	<b>Workshop II: Case on strategic litigation</b>	<i>Facilitators:</i> <i>Marije Graven (Group A)</i> <i>Michiel Bonte (Group B)</i> <i>Nanna Krusaa (Group C)</i>
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<b>19.30</b>	<b>Dinner – Meeting point: Hilton Hotel hall</b>	Restaurant Vodenizata
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**DAY 2 - Friday 13 June 2008**

**09.00 – 12.30 Session III – Racial Discrimination and Education**

**09.00 – 10.15 Lecture 3 : Anti-discrimination law in relation to ethnic origin/race and Roma in Education** **Lilla FARKAS, Hungary**  
Questions & Answers – Discussion

*10.15 - 10.45 Break coffee / tea*

**10.45 – 12.00 Workshop III: Cases on ethnic/racial discrimination**

*Facilitators:*  
*Marije Graven (Group A)*  
*Michiel Bonte (Group B)*  
*Nanna Krusaa (Group C)*

**12.00 – 13.00 Training Seminar – Closing**

12.00 – 12.30 Overview lessons and insights learned  
Sharing learning experiences

*Facilitators:*  
**Marije GRAVEN** (Group A)  
**Michiel BONTE** (Group B)  
**Nanna KRUSAA** (Group C)  
**Anne GASPARD /**  
**Krzysztof SMISZEK**  
**(Equinet Secretariat)**

12.30 – 13.00 Discussion with participants  
Closing

**13.00 – 14.00 Lunch**  
& departure of participants

## Recommended Training Resources

- **Article 13 of the EC Treaty**
- **Racial Equality Directive 2000/43/EC**  
[http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/legisl/2000\\_43\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/legisl/2000_43_en.pdf)
- **Employment Framework Directive 2000/78/EC**  
[http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/legisl/2000\\_78\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/legisl/2000_78_en.pdf)
- **A Good Way to Equality: Roma seeking judicial protection against discrimination in Europe**, European Anti-discrimination Law Review, Issue 3, April 2006.
- **Equal Access to Quality Education for Roma, Monitoring Reports 2007**, Open Society Institute EU Monitoring and Advocacy Program, Budapest, 2007, [www.eumap.org](http://www.eumap.org) – covers countries participating in Decade of Roma Inclusion
- **For Council of Europe Member States, reports on discrimination in education based on race and ethnicity: country and thematic reports by ECRI and FCNM Advisory Committee**, [www.coe.int](http://www.coe.int)
- **Segregation of Roma Children in Education: Addressing structural discrimination through the Race Equality Directive**, July 2007, European Commission, [http://ec.europa.eu/employment\\_social/fundamental\\_rights/policy/aneval/legnet\\_en.htm](http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/legnet_en.htm)
- **D.H. and others v. the Czech Republic, judgment of 13 November 2007**, <http://cmiskp.echr.coe.int/tkp197/portal.asp?sessionId=8903663&skin=hudoc-en&action=request>
- **Stoica v. Romania, judgment of 4 March 2008**, <http://cmiskp.echr.coe.int/tkp197/portal.asp?sessionId=8908397&skin=hudoc-en&action=request>
- **Sampanis and others v. Greece**  
<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=&sessionId=9002563&skin=hudoc-pr-en>
- **Mangold case C-144/04**  
(reference to The European Court of Justice) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2004:146:0001:0001:EN:PDF>  
(judgment of The European Court of Justice)  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:036:0010:0011:EN:PDF>
- **Félix Palacios de la Villa and Cortefiel Servicios SA case C-411/05**  
(reference to The European Court of Justice)  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:036:0020:0021:EN:PDF>  
(judgment of The European Court of Justice)  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:297:0006:0007:EN:PDF>
- **Developing Anti-Discrimination Law in Europe. The 25 EU Members States compared. Chapter 2 – The grounds of discrimination.**  
[http://www.migpolgroup.com/multiattachments/3948/DocumentName/AntiDis\\_Eur\\_0707\\_EN.pdf](http://www.migpolgroup.com/multiattachments/3948/DocumentName/AntiDis_Eur_0707_EN.pdf)
- Age Platform - the European Older People's Platform reports and studies:  
**Building the case for more action at European level to combat age discrimination in access to goods, facilities and services**

- [http://www.age-platform.org/EN/IMG/pdf\\_Building\\_the\\_case\\_for\\_more\\_action\\_to\\_combat\\_age\\_discrimination\\_in\\_access\\_to\\_GFS\\_October\\_2007.pdf](http://www.age-platform.org/EN/IMG/pdf_Building_the_case_for_more_action_to_combat_age_discrimination_in_access_to_GFS_October_2007.pdf)  
**Transposition and Implementation of the Employment Equality Directive 2000/78/EC**
- [http://www.age-platform.org/EN/IMG/pdf\\_AGE\\_report\\_on\\_Employment\\_Directive\\_review\\_2007\\_FINAL\\_EN.pdf](http://www.age-platform.org/EN/IMG/pdf_AGE_report_on_Employment_Directive_review_2007_FINAL_EN.pdf)
- ENAR - The European Network Against Racism  
**Fighting racism and promoting equal rights in the field of education (report 2007)**  
[http://cms.horus.be/files/99935/MediaArchive/pdf/education\\_en.pdf](http://cms.horus.be/files/99935/MediaArchive/pdf/education_en.pdf)  
**Extending EU anti-discrimination law: Report of an ENAR ad hoc expert group on anti-discrimination law**  
<http://cms.horus.be/files/99935/MediaArchive/pdf/Extending%20EU%20Anti-Discrimination%20Law%20final.pdf>
  - ERIO - The European Roma Information Office  
**Equality for Roma in Europe: A Roadmap for Action**  
[http://www.erionet.org/files/equality\\_2006.pdf](http://www.erionet.org/files/equality_2006.pdf)  
**The Situation of Roma in an Enlarged European Union**  
[http://www.erionet.org/files/roma\\_in\\_enlarged%20european%20union\\_en.pdf](http://www.erionet.org/files/roma_in_enlarged%20european%20union_en.pdf)
  - ETUC European Trade Union Confederation  
**Action Plan for an ETUC policy on migration, integration, and combating discrimination , racism and xenophobia**  
[http://www.etuc.org/a/1944?var\\_recherche=discrimination](http://www.etuc.org/a/1944?var_recherche=discrimination)

**Articles recommended for lawyers working for NEBs.  
Not directly related to the training cases.**

- **European Court of Justice and anti-discrimination law: some reflections on the experience of gender equality jurisprudence for the future interpretation of the Racial Equality Directive.** Sejal Parmar. (in) **The development of legal instruments to combat racism in a diverse Europe. 2004, p. 131-154** ed. by Jan Niessen and Isabelle Chopin,
- **The Race Directive : redefining protection from discrimination in EU law** Timothy Jones, European human rights law review. Issue 5 (2003), p. 515-526
- **Bases for action against race discrimination in E.U. law** Siobhán, McInerney, European law review. Vol. 27 (2002), no. 1, p. 72-79
- **The EC Directive on Race Discrimination : surprises, possibilities and limitations,** Barry Fitzpatrick and Claire Kilpatrick Industrial law journal. Vol. 29, No. 4 (2000), p. 416-423
- **Recent Developments and the Non-discrimination Directives: Mangold and More,** Lisa Waddington (2006). In: Maastricht Journal of European and Comparative Law, Vol. 13, issue 3, p. 365-373
- **The effect in national legal systems of the prohibition of discrimination on grounds of age as a general principle of Community law : case C-144/04, Werner Mangold v. Rüdiger Helm (2005) ECR I-9981,** Jan H. Jans, Legal issues of economic integration. Vol. 34 (2007), no. 1, p. 53-66

**EQUINET Training Seminar – Programme**  
***Solving discrimination cases***  
***from a comparative law perspective***  
12-13 June 2008, Sofia (Bulgaria)

## OUTLINE INFORMATION

### ***Training seminar duration (1.5 days)***

- Participants arrive in the evening or afternoon before day 1 (Wednesday 11 June 2008)
- Day 1 is a full training day (Thursday 12 June 2008)
- Day 2 is a half day training ending after lunch at 14h00 (Friday 13 June 2008)

### ***Location***

The training venue - Hilton Hotel is located in the city centre of Sofia (Bulgaria) and is at close reach from the international airport and other public transports facilities.

### ***Participation***

- Around 40 participants (including speakers, facilitators and staff members)
- Maximum 2 participants per Equinet member organisation or observer Equality Body

In the event that member organisations or observers would like additional staff members to attend, the person should complete a registration form clearly stating 'reserve' on the form. If there are then enough places, contacts on the reserve list will be informed in the week of 26 May 2008.

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 in English.

### ***Language***

The main language of the training will be English. There may be a possibility to provide for interpretation from Bulgarian or French (if necessary for parts of the training - plenary presentation lectures).

### ***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 (2<sup>nd</sup> class travel ticket and local travel, max € 450 in total, all costs inclusive). Participants need to arrive on Wednesday 11 June as the training seminar will start early at 9.00 on 12 June.

Accommodation for participants will be arranged at the training venue (or in a near-by hotel) by the host organisation. Costs for 2 nights will be paid directly by Equinet (room and breakfast only – additional costs or extra nights to be paid by participants). All meals and subsistence (incl. lunches on 12 & 13 June, and dinner on 12 June), and training material / venue will be provided and paid for by the host organisation and Equinet.

## AIMS AND APPROACH

### **Overall aim**

- Enhance Equinet members' staff ability to solve equal treatment/ non-discrimination cases by solving cases, learning from each others' experiences and getting lectures from high profile lecturers in anti-discrimination law.

### **Specific aims**

- Gaining increased knowledge of EU equal treatment legislation and ECJ Case Law on the selected topics of discrimination
- Exchange of insight and experience on how to assess the discriminatory content of a concrete case and how to build a case
- Gaining insight how legal concepts are interpreted and can be interpreted in concrete cases from an EU law perspective, as well as from various national legal perspectives

### **Training seminar approach**

- Balanced mix of lectures/presentations by experts and group workshops in which participants apply the information from lectures and pool their experience
- Small group workshops (maximum 15 participants) facilitated each by one expert
- During the workshops the participants act partly as resource persons by being asked to share and bring cases/ examples of their work under the relevant discrimination grounds and topic for the workshops
- Lively/ interactive training seminar: lecturers and workshops facilitators stimulate active participation and inputs from individual participants

### **Each lecture will present:**

- Introduction to the subject / selected ground(s), according to European Equal Treatment legislation and case law of ECJ.
- Interpretation issues (how should the articles from the Directives be interpreted and how are they interpreted in the various countries).

### **Each group workshop will:**

- Consider a hypothetical case concerning the subject/discrimination ground(s), based on a real case that had come before a partner and each participant will apply their own national laws to the facts of the case.
- Analyse the case with the help of questions from facilitators and by following the structure of the Directives (direct/indirect discrimination, exceptions, objective justification etc) and if there is case law on the subject, with the help of ECJ case law. Given that there is not much ECJ case law as yet participants try to solve the case according to their national legislation and case law and for that bring examples of national cases in this subject area.
- Analyse the differences in the way the case is interpreted in the different Member States and the extent to which the different interpretations are in-line with the directives/ECJ case law.

### **Experts and trainers**

#### **Lectures by:**

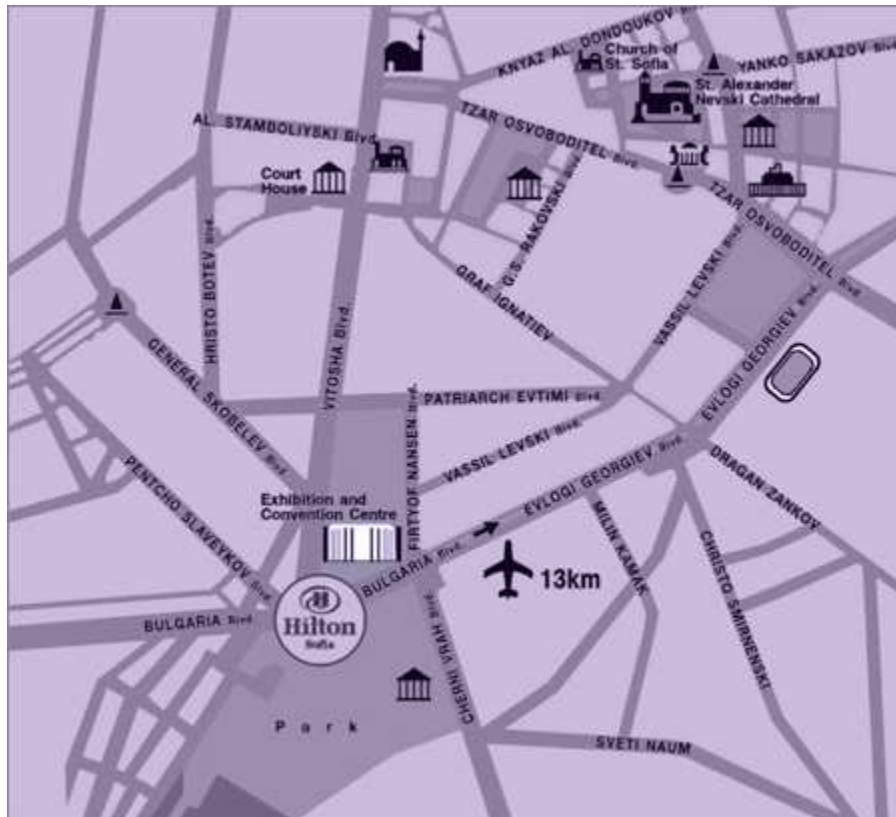
- Christian Bayart, Partner, Allen & Overy LLP – Belgium
- Lilla Farkas, President of the Hungarian Equal Treatment Authority's Advisory Board and Race ground coordinator (including Roma) of the Network of EC independent experts in the non-discrimination field (MPG) – Hungary
- Colm O'Conneide, University College London – United Kingdom

- Peter Reading, Equality and Human Rights Commission, United Kingdom
- Workshop Facilitators:*
- Michiel Bonte, Centre for Equal Opportunities and Opposition to Racism – Belgium
  - Marije Graven, Dutch Equal Treatment Commission – Netherlands
  - Nanna Margrethe Krusaa, Danish Institute for Human Rights – Denmark (with the support of Ulrike Salinger, National Equality Body/Equal Treatment Ombud – Austria)



## **DIRECTION: How to reach the Hilton Hotel**

**HILTON Sofia**  
**1 Bulgaria Blvd. – 1421 Sofia, Bulgaria**  
Tel. +359 (0)29335000



The distance between the Sofia airport and the Hilton hotel is 13 km.

### Getting there by bus:

The No 84 Bus line goes from Terminal 1 and No 284 bus line goes from Terminal 2 and it covers the route Sofia Airport - Sofia University. The bus stop is located near to the Arrival Hall. Services are available from 05.00 a.m. - to 11.00 p.m.

If you take bus No 284, you will travel 7 stops, about 30 minutes, to Sofia University. If you take bus No 84 you will travel 17 stops, about 40 minutes, to Sofia University.

From either bus you should descend on the last bus stop – Sofia University and from there transfer on to bus No 94 and descend (without counting the stop you got on) on the 4<sup>th</sup> bus stop – the Hilton hotel. You travel time is approximately 12 minutes. The hotel is visible from the bus

stop. If you miss getting off on the 4<sup>th</sup> stop, you can get off on the next stop (Hotel Hemus) and walk back towards the Hilton hotel. (10 minutes walk if you are with less luggage).

The price of a bus ticket is BGN 0.70 (around EUR 0.35 EURO). Tickets can be bought from the pavilion, at the bus stop or upon getting on the bus from the driver. You should be prepared to have exact change. For each bus you will need a new ticket which you have to hole-punch at the mechanisms usually placed above the seats of the bus. If you carry luggage larger than 60x60x40 cm, you are expected to buy a separate ticket for it. The ticket price for a piece of luggage is also BGN 0.70 (approximately EURO 0.35).

If you forget to hole-punch your tickets you may be fined 7 leva (or 3.5 euros)

Transportation by bus is will take you at least an hour to get to Hilton hotel as they are not very regular and you have the inconvenience of having to transfer.

#### Getting there by taxi:

If you wish to order a taxi, you can turn to the office of “**OK Supertrans**”, which is located in the public zone of the Arrival Hall. Look for their booth inside the arrival hall. The taxi company has a contract with the airport and the taxis have a special waiting place. Ask at the booth to direct you there. Do not take a random taxi, you are running a risk of being overcharged.

The trip from the airport should take no more than 20 minutes unless it is traffic peak hour. The cost should be about 10 leva (about 5 euros).

#### Shuttle:

Local transport and pick-up from the airport in Sofia to the hotel can be arranged with the Hilton Hotel upon request at your convenience (costs covered directly by Equinet through Hilton hotel). If you are interested, please contact and arrange this directly with the Hilton Sofia Hotel (Ms. Katia Kovacheva - Tel. +359 29335025 mentioning the *Equinet legal training* as reference) or ask the Equinet Secretariat by confirming your flight travel arrival details (time of arrival and flight number) by Tuesday 10 June.

For more information the internet link to the airport is: <http://www.sofia-airport.bg/>

The internet link to the Hilton hotel is: <http://hilton.bg/>