

EQUINET Training

1-2 October 2009, Lisbon

Hosted by the Commission for Citizenship and Gender Equality (CIG), Portugal

**Practical use of EU anti-discrimination laws:
Trial Simulation**

On 1-2 October 2009, EQUINET – the European Network of Equality Bodies organised a legal training titled “Practical use of EU anti-discrimination laws: Trial Simulation”. Thanks to the support and assistance of its Portuguese member - the Commission for Citizenship and Gender Equality (CIG), the event took place in the premises of EQUAL in Lisbon. Around 60 legal experts working in equality bodies from all over Europe attended this two-day training.

The main objectives of the training were:

- 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.

The training was conducted in English and French with simultaneous interpretation in these two languages as well as the host language, Portuguese. It included a variety of training methods and techniques including plenaries with Q&A sessions, individual reading of the background documentation (i.e. cases to study, methodology of trial simulation), group discussions and a trial simulation.

João Pereira, representative from CIG, opened the training by greeting participants on behalf of **Elza Pais**, President of CIG. In his speech, he underlined the importance of training legal experts in the EU equal treatment legislation in order to better assist and protect victims of discrimination. Mr Perreira also mentioned CIG’s honour to host the event.

The first part of the EQUINET legal training was chaired by **Maria do Céu da Cunha Rêgo**, Legal Expert, (former President of the Commission for Equality in Work and Employment, Portugal) and focused on the current scope of the prohibition of discrimination under the EU legislation and on the concepts and definition of goods, facilities and services under *acquis communautaire*.

The plenary session included excellent and lively presentations delivered by **Prof. Sebastien van Drooghenbroeck** (Facultés universitaires Saint-Louis, Brussels, Belgium) and **Prof. Aileen Mc Colgan** (Kings College London, United Kingdom) which then stimulated a fruitful discussion and exchange.



The importance of abolishing the hierarchy of protection against discrimination in EU legislation as well as the need of the global legal reform and were raised and debated. The panels addressed also the issue of the newly proposed EC directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

The topics developed during the presentations built up basis for interesting discussion with training participants. Thus both panel speakers and delegates agreed on concluding that there are still some fields of discrimination which require further intervention of the EU legislator.

The second part of the training involved more interactions and dialogue between delegates. Participants were divided into 5 groups to work on two discrimination cases. Each group was asked to reflect on ways to tackle and solve the cases under study according to different perspectives; claimant, defendant and the court.

The groups were facilitated by a pool of well-recognized anti-discrimination lawyers (**Barbara Cohen, Lilla Farkas, Margarita Ilieva, Catherine Casserley** and **Lukasz Bojarski**) with the support of legal specialists from national equality bodies from all over Europe (**Peter Reading, Nanna Margrethe Krusaa, Marije Graven, Ingrid Nikolay Leitner** and **Michiel Bonte**). Facilitators and co-facilitators developed their own approach on how to challenge the cases and ensure that the learning objectives were achieved. Most importantly, during the elaboration of their argumentation, training participants were stimulated and encouraged to base their arguments not only on the existing EU anti-discrimination laws, but also on the newly proposed horizontal directive, which lays down prohibition of discrimination in the field of goods and services on the ground of sexual orientation, age, disability and religion/belief.

After two hard working and very productive days of group work, the training ended with a trial simulation. It was the opportunity for each group to present to the wider public all arguments they elaborated in order to support one of the parties involved in the cases. After two hours of oratorical battle the court agreed with arguments of both claimants and decided that discrimination on the ground of age and race could have been found.

It was the first time since 2006 that EQUINET training participants were involved in this type of trial simulation and the results were satisfactory. The feedback received for this legal training was extremely positive and supportive. The training seminar was a great opportunity not only to practice the knowledge on antidiscrimination provisions but also to test in reality the newly proposed laws aiming to combat discrimination as well as to compare the national legal solutions in the area of equality.