

Equinet Legal Seminar: 'Legal developments and concepts in the field of equality and non-discrimination in Europe'

1-2 July 2010, Brussels, Belgium

In cooperation with the Institute for the Equality of Women and Men of Belgium, Equinet delivered its second high-level legal seminar on 1-2 July in Brussels. The seminar explored the recent developments in European anti-discrimination legislation, case law and jurisprudence.

The Equinet legal seminar is aimed at senior legal staff/experts within specialized Equality Bodies / Equinet members across Europe, as well as legal experts from European Institutions and stakeholder organizations at European and national levels dealing with equal treatment and anti-discrimination law.

After a first and successful high-level legal seminar in 2009, this year Equinet has organised the event as a one and a half day conference thereby widening the scope of the material dealt with and allowing for relaxed and fruitful discussions between the legal expert participants.

Michel Pasteel, Director of the Institute for the Equality of Women and Men welcomed the participants together with **Mandana Zarrehparvar**, Equinet Chairperson and he informed the audience of the most recent legal and policy projects and initiatives of the Institute.

The first plenary session was devoted to presentations and discussion on the litigation powers of national equality bodies. **Peter Reading** of the Equality and Human Rights Commission (Great Britain) talked about the importance of strategic litigation for equality bodies followed by **Nanna Margrethe Krusaa** of the Danish Institute for Human Rights who informed the participants about the main findings of a draft report on the litigation powers of equality bodies. The report was written on the basis of a survey conducted by the Equinet Working Group on Dynamic Interpretation and takes into account the answers of 25 different national equality bodies. Although the report is still a working document, it was received by the audience with great interest and it triggered a handful of comments. In his comments, **Stefan Olsson**, head of the anti-discrimination legal unit at the European Commission praised the work of Equinet and national equality bodies and underlined the significant contribution they are making by providing facts-based information, experience and expertise on equality issues.

Participants then had the opportunity to discuss further the question and importance of strategic litigation in three workshops, each dealing with different case studies. The cases raised important practical legal questions and triggered



a fruitful exchange of ideas regarding the possible use of strategic litigation techniques.

The second plenary session dealt with the UN Convention on the Rights of Persons with Disabilities as a new tool for protecting equality and human rights. **Alexander Hoefmans** from the Belgian Federal Ministry of Justice presented some key concepts and novelties of the Convention whereas **Inmaculada Placencia Porrero** from the European Commission informed participants about the practical issues and implications arising from the EU's forthcoming conclusion of the Convention.

In the next session **Kristīne Dupate** from the University of Latvia explored the legal issues around the use of gender factor in justifying differences in the provision of goods and services and called attention to the rarely clear distinction between social and biological differences. **Declan O'Dempsey**, from the Cloisters Chambers in London informed participants about the recent judgments of the Court of Justice of the EU concerning age limits and age discrimination and called attention to some of the questions raised by these.

At the end of the day, participants were informed about the present state of the consultation process on the new strategic plan for Equinet (2011-2014), followed by some further very useful contributions and inputs.

The second day of the legal seminar concentrated on the rights of trans people and on exploring the new possibilities of protection against discrimination available under the EU's Lisbon Treaty and the European Convention on Human Rights. **Lauri Sivonen**, advisor to the Commissioner for Human Rights of the Council of Europe highlighted the possible advantages and disadvantages of creating a separate ground for gender expression or gender identity. Thereafter, Professor **Elisabeth Holzleithner** from the University of Vienna presented and analyzed the jurisprudence of the Court of Justice of the EU regarding the rights of trans persons and explored the recent trends in this field.

In the last plenary session Dr. **Adam Bodnar** from the University of Warsaw explored the concepts of discrimination in the judiciary of the European Court of Human Rights and analyzed the recent jurisprudence of the Court. Dr. **Mario Oetheimer** from the EU Agency for Fundamental Rights presented some of the crucial legal effects of the binding EU Charter of Fundamental Rights and the EU accession to the European Convention on Human Rights foreseen in the new Treaties. He underlined that as a result of these developments, individuals may rely on the rights set out in the EU Charter before the Court of Justice of the EU and that the decisions of the Court of Justice of the EU will be reviewable by the European Court of Human Rights.





The Equinet high-level legal seminar was closed by Anne Gaspard, Executive Director of Equinet Secretariat thanking all speakers and participants for a very useful and inspiring event.

The presentations of the speakers are available for information at the Equinet website, under: <http://www.equineteurope.org/857721.html>.



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