



EQUINET Legal Training TOOLS OF EVIDENCE IN DISCRIMINATION CASES

TRAINING PROGRAMME

11-12 October 2010, Bratislava (Slovakia)

This legal oriented training event will primarily target legal staff within specialised equality bodies dealing with individual cases and assistance to victims.

The training event will observe the diversity of Equinet members and will employ a comparative approach to the implementation of anti-discrimination law.

The **main goals of this training** will be:

- to deepen participants' knowledge necessary to efficiently deal with case law
- to further develop their skills in interpreting anti-discrimination legislation,
- to help identifying and collecting facts from which it may be presumed that there has been direct or indirect discrimination and therefore result in the shifting of the burden of proof according to the EU Directives
- to raise and discuss difficulties of collecting and evaluating evidence for discrimination cases
- to identify and analyse new tools of evidence and their characteristics.

The training will feature short presentations of speakers from equality bodies, the academia, representatives of NGOs and the social partners, focusing on aspects such as:

- the use of situation testing as evidence in court,
- the use of statistics as evidence of discrimination.
- the preparation of evidence in relation to particular incidents of discrimination and
- the role of different stakeholders in collecting evidence.

The training is designed to also create the opportunity for participants to share their experiences and knowledge in relation to building and developing effective strategies when taking discrimination cases. Participants will share and discuss their ideas on concrete cases in two interactive workshop sessions and will be asked to contribute their experiences at the plenary sessions.





DAY 1 - Monday 11th October 2010

09.00 – 09.30 Registration & Welcome coffee/tea

09.30 – 10.00 **Opening Address**

Daniela Gemerská, Deputy Director, Slovak National Centre for Human Rights

Mandana Zarreparvar, Chair of EQUINET Board, Danish Institute for Human Rights (Denmark)

10.00 – 11.00 **Session 1 (Plenary) – Approaches of national equality bodies to collecting evidence**

Chair: Jozef de Witte, Director, Center for Equal Opportunities and Opposition to Racism (Belgium) and EQUINET Board Member

10.00 - 10.20 **Collecting evidence - practical shortcomings of the traditional tools of evidence in discrimination cases** **Bjørn DILOU JACOBSEN**
Danish Institute for Human Rights (Denmark)

10.20 - 10.40 **Collecting and evaluating evidence: the perspective of an equality body** **Marie BECKER**
High Commission Against Discrimination and for Equality – HALDE (France)

10.40 – 11.00 Questions & Answers – Discussion

11.00 - 11.15 **Coffee break**

11.15 – 13.15 **Workshop Session I – Working group discussions on proving an equal pay case (possible approaches, difficulties)**

Facilitators:

Marije Graven, Dutch Equal Treatment Commission (The Netherlands)

Geraldine Hynes, Equality Authority (Ireland)

Tamás Kádár, EQUINET Secretariat





13.15 - 14.30	Lunch	
14.30 – 15.30	Session 2 (Plenary) – Roles of different stakeholders and new tools in collecting evidence	
	<i>Chair: Domenica Ghidai, Commissioner, Equal Treatment Commission (The Netherlands) and EQUINET Board Member</i>	
14.30 – 14.50	The role of NGOs and the civil sector in collecting evidence. How equality bodies can make use of it?	Dieter SCHINDLAUER, ZARA – Zivilcourage und Anti- Rassismus- Arbeit (Austria)
14.50 – 15.10	The use of situation testing as evidence in legal proceedings	Márton UDVARI dr. Legal Defence Bureau for National and Ethnic Minorities (NEKI) (Hungary)
15.10 – 15.30	Questions & Answers – Discussion	
15.30 - 15.45	Coffee break	
15.45 – 17.45	Workshop Session II – Working group discussions on proving a housing case (possible approaches, difficulties)	
	<i>Facilitators:</i> <i>Marije Graven, Dutch Equal Treatment Commission (The Netherlands)</i> <i>Nanna Margrethe Krusaa, Danish Institute for Human Rights (Denmark)</i> <i>Tamás Kádár, EQUINET Secretariat</i>	
18.30 – 19.30	Guided tour of Bratislava Meeting Point: Lobby of the Crowne Plaza Bratislava, 18H30	
19.30 -	Dinner and social event Restaurant Parlamentka, Nám. A. Dubčeka 1, 812 80 Bratislava	



DAY 2 -Tuesday 12th October 2010

09.00 – 10.10 **Session 3 (Plenary) – Making the legislation work – alternative tools for collecting evidence in equal pay cases**

Chair: Ingrid Nikolay - Leitner, Equal Treatment Ombud (Austria) and EQUINET Board Member

09.00 - 09.25 **Collecting evidence and litigating equal pay cases strategically** **Bronwyn McKenna**
Legal Director
UNISON – Public Service Union (United Kingdom)

09.25 - 09.50 **Pay survey and analysis to identify and adjust differences in pay between women and men at the workplace. Applicability of the method for other grounds.** **Ulrika JOHANSSON**
Equality Ombudsman (Sweden)

09.50 – 10.10 Questions & Answers – Discussion

10.10 – 10.30 Coffee Break

10.30 – 12.30 Session 4 (Plenary) – Lessons learned and practical experiences

Chair: Mandana Zarreparvar, Danish Institute for Human Rights (Denmark) and Chair of EQUINET Board

10.30 – 11.20 **Presentation of the results of workshop I and II**

11.20 – 12.00 **Sharing the experiences – short case studies from 4 different equality bodies**

- *Office of the Ombudsman for Minorities (Finland)*
- *Office of the Greek Ombudsman*
- *Equal Treatment Commission (the Netherlands)*
- *Slovak National Centre for Human Rights*





12.00 – 12.30 Questions & Answers – Discussion

12.30 - 13.00 **Closing of the training and concluding remarks**

***Daniela Gemerská**, Deputy Director, Slovak National Centre for Human Rights*

***Anne Gaspard**, Executive Director EQUINET Secretariat*

13.00 -14.00 Lunch & Departure of participants

