

EQUINET Legal Training
ALTERNATIVE DISPUTE RESOLUTION:
A TOOL FOR SPECIALISED EQUALITY BODIES
TRAINING PROGRAMME
23-24 May 2012, Vilnius (Lithuania)

Venue

Holiday Inn Vilnius
Seimyniskiu str. 1
09312 Vilnius

Target audience

This training event will primarily target staff within specialised equality bodies handling individual cases of alleged discrimination where negotiations between the victim and the accused perpetrator could be envisaged.

Objectives

The **main general goals of this training** are:

- to deepen participants' knowledge about different Alternative Dispute Resolution (ADR) mechanisms
- to discuss advantages and challenges of ADR methods for national equality bodies.

The **training will in particular enhance participants' knowledge** in the fields of:

- identifying and addressing situations where ADR mechanisms could be effective
- effectively addressing the challenges surrounding ADR mechanisms in discrimination cases
- exploring potential solutions to discrimination cases adopted through ADR mechanisms

Rationale

Alternative Dispute Resolution (ADR) is a relatively well known concept among legal professionals in Europe today, yet it is fairly undeveloped as a tool for specialised equality bodies dealing with alleged cases of discrimination.

Several aspects of ADR make these methods particularly adapted to resolving discrimination cases, such as their future-oriented character and the acceptance by both parties to the conflict of the adopted solution. Identifying the challenges encountered by equality bodies working with ADR and exchanging experiences on how to overcome these challenges are essential elements to determining to which extent these methods are useful in cases of discrimination.

Method

The training event will observe the diversity of Equinet members and will employ a comparative approach to the implementation and interpretation of anti-discrimination law. This will enable participants to discuss, compare and contrast their respective practices and allows for peer learning and practical information exchange.

The training will feature presentations of eminent speakers experienced in the interpretation and application of European equality legislation and in the use of Alternative Dispute Resolution methods. It will also provide an opportunity for peer learning from experiences of other equality bodies.

The training is designed to also create the opportunity for participants to share their experiences and knowledge in relation to the use of alternative dispute resolution methods when dealing with 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 – Wednesday 23 May 2012

08.30 - 09.00	<i>Registration & Welcome coffee/tea</i>	
09.00 – 09.30	Opening Address <i>Aušrinė Burneikienė – Equal Opportunities Ombudsperson, Lithuania</i> <i>Jozef de Witte – Center for Equality and Opposition to Racism (Belgium) and Chair of the Equinet Executive Board</i>	
09.30 – 11.15	Session I (Plenary) – Alternative Dispute Resolution (ADR) as a method for Specialised Equality Bodies to resolve cases of discrimination <i>Chair: Elke Lujansky-Lammer – Ombud for Equal Treatment (Austria) and Member of the Equinet Executive Board</i>	
09.30 – 10.00	Defining ADR and its essential criteria - Pros and cons in cases of discrimination	Linda Reijerkerk <i>European Mediation Network Initiative (Netherlands)</i>
10.00 – 10.15	Questions & Answers – Discussion	
10.15 – 10.30	Situating ADR and its strategic use in the work of national equality bodies - A practical experience	Michiel Bonte <i>Centre for equal opportunities and opposition to racism (Belgium)</i>
10.30 – 10.45	A model for mediation developed by a NEB: mediation applicability criteria	Kosana Beker <i>Commissioner for the Protection of Equality (Serbia)</i>
10.45 – 11.15	Questions & Answers – Discussion	
11.15 – 11.45	Coffee break	
11.45 – 13.00	Session II (Plenary) – Practical experiences of National Equality Bodies using ADR in cases of discrimination <i>Chair: Therese Spiteri – National Commission for the Protection of Equality (Malta) and Member of the Equinet Executive Board</i>	
11.45 – 12.00	An empirical analysis of ADR in discrimination cases	Isabella Zienicke <i>Federal Anti-Discrimination Agency (Germany)</i>

12.00 – 12.30	Sharing the experience – Short case studies on the challenges encountered and how to overcome them when dealing with discrimination cases through ADR <i>Laima Vengalė-Dits – Office of the Equal Opportunities Ombudsman (Lithuania)</i> <i>Andriani Papadopoulou – Greek Ombudsman</i>	
12.30 – 13.00	Questions & Answers – Discussion	
13.00 – 14.00	Lunch	
14.00 – 15.30	Workshop Session I – “World café” covering the concept and criteria of ADR in discrimination cases, including specific questions: - Challenges of convincing the parties to agree to negotiations? - Challenges concerning the neutrality of a specialised equality body acting as a mediator in a discrimination case? - How is it possible to handle the power imbalance during negotiations between victim and alleged perpetrator? - Is an ADR procedure always a good option in a discrimination case (taking into consideration the confidentiality aspect)? <i>Facilitators:</i> <i>Domenica Ghidei – Equal Treatment Commission (Netherlands) and Member of the Equinet Executive Board,</i> <i>Jayne Hardwick – Equality and Human Rights Commission (UK),</i> <i>Vasco Malta – High Commission for Immigration and Intercultural Dialogue (Portugal),</i> <i>Tamas Kadar and Catharina Sahl – Equinet Secretariat</i>	
15.30 – 16.00	Coffee break	
16.00 – 18.00	Session III (Plenary) – Solutions to discrimination cases adopted through ADR <i>Chair: Jozef de Witte – Center for Equal Opportunities and Opposition to Racism (Belgium) and Chair of the Equinet Executive Board</i>	
16.00 – 16.30	Potential solutions to discrimination cases adopted through ADR – The enforcement perspective	<i>Richard de Groot</i> <i>Equal Treatment Commission (Netherlands)</i>
16.30 – 16.45	Questions & Answers - Discussion	
16.45 – 17.45	Panel discussion On the pros and cons of using ADR mechanisms in discrimination cases	<i>Subin Nijhawan</i> <i>Rūta Skyrienė</i> <i>Investors’ Forum (Lithuania)</i>

		<p>Louise Curtis <i>Equality and Human Rights Commission (UK)</i></p> <p>Linda Reijerkerk <i>European Mediation Network Initiative</i></p>
17.45 – 18.00	Questions & Answers - Discussion	
18.45	Departure for dinner and social event	

DAY 2 – Thursday 24 May 2012		
09.15 – 10.45	<p>Workshop Session II – Case study</p> <p>Group discussions based on a case study on the potential use of ADR in a case of alleged discrimination</p> <p><i>Facilitators:</i></p> <p>Domenica Ghidei – Equal Treatment Commission (Netherlands) and Member of the Equinet Executive Board,</p> <p>Jayne Hardwick – Equality and Human Rights Commission (UK),</p> <p>Tamas Kadar and Catharina Sahl – Equinet Secretariat</p>	
10.45 – 11.00	Coffee Break	
11.00 – 12.00	<p>Closing session (Plenary)</p> <p><i>Chair: Néphéli Yatropoulous</i> – Defender of Rights (France) and Member of the Equinet Executive Board</p>	
11.00 – 11.15	<p>Real-life outcomes of the case discussed in Workshop II</p>	<p>Louise Curtis <i>Equality and Human Rights Commission (UK)</i></p>
11.15 – 11.45	Questions & Answers – Discussion	
11.45 – 12.00	<p>Concluding remarks and closing</p> <p>Aušrinė Burneikienė <i>Equal Opportunities Ombudsperson, Lithuania</i></p> <p>Jozef de Witte <i>Chair of the EQUINET Executive Board</i></p>	
12.00 – 13.15	Side event – European Institute for Gender Equality (EIGE)	
12.00 – 12.30	Presentation of the European Institute for Gender Equality	<p>Virginija Langbakk</p>

<i>Director of EIGE</i>	
12.30 – 13.15	Discussion EIGE cooperation with gender equality bodies
13.15 – 14.15	Lunch reception hosted by EIGE