

Equinet Conference

The other side of the law: Enforcement of antidiscrimination legislation

12 October 2023, 09.00-12.30, Brussels

CONCEPT NOTE

Equality and non-discrimination for all is an essential requisite of any democratic society. But equality legislation needs to be effectively implemented and enforced if we are to reach our objectives. Sanctions and remedies in cases of proven discrimination are crucial for this. The EU anti-discrimination Directives contain scarce guidance on such sanctions, which has resulted in the ‘effectiveness’, ‘proportionality’ and ‘dissuasiveness’ to be interpreted in a very heterogeneous fashion across member states. The FRA opinion [‘Equality in the EU 20 years on from the initial implementation of the Equality Directives’](#) in the case of the 2000 Directives (RED and EED), “...calls into question the effectiveness of the measures and institutional arrangements Member States have put in place to enforce non-discrimination legislation, including the rules they have laid down as regards the effectiveness, proportionality and dissuasiveness of sanctions in cases of discrimination”, which coincides with the [Future of Equality Legislation in Europe roundtable discussion](#) conclusion organised by Equinet in that current sanctions “do not guarantee effective redress nor do they act as an effective deterrent”. Further, FRA signals that the problem of underreporting is inextricably linked to the perceived effectiveness of the redress for the victim and should therefore be reinforced by member states.

The European Commission has noted that “some national courts tend to establish rather moderate levels of damages, favour non-monetary compensation or offer amounts of compensation at the lower end of the scale. Such tendencies may discourage victims from taking legal action or from asking for pecuniary compensation in court”. The European Parliament has also noted that “...at this stage few countries are considered to have appropriate sanctions in place.” Other areas of law have given further and stronger guidance on sanctions, especially regarding the dissuasiveness of such violations, and are regarded as dissuasive such as Data Protection or Consumer related legislation in the EU.

Based on Equinet’s report [Preventing and Reacting to Discrimination through Sanctions and Remedies](#), a conference will be organised with the objective of reflecting on the enforcement of the existing equality and non-discrimination legislation and the role of Equality Bodies in order to ensure that future legislative and policy measures target ensuring effective enforcement through the redress mechanisms such as sanctions.

OBJECTIVES

All actors in the enforcement chain of equality and anti-discrimination legislation, especially legal and policymakers, will be better informed about legal redress and sanctions in their area of expertise and have a more comprehensive overview of these concepts in analogous legislation and their interpretation.

PARTICIPANTS

All actors in the enforcement chain of Equality and anti-discrimination legislation, notably, National Equality Bodies’ legal experts, national and European legislators, CSOs.



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09:00 – 09:15

Opening

- Tena Šimonovic Einwalter, Equinet Chair 2017-2023 & Ombudswoman Office of the Ombudswoman, Croatia
- Rocío Ariño Serrano, Equality Advisor in the Permanent Representation of the Kingdom of Spain to the European Union

09:15 – 09:45

Keynote speech

Katrin Wladasch, Head of Programme Lines (In-)Equalities/ Asylum & Migration at the Ludwig Boltzmann Institute of Fundamental and Human Rights; Lecturer at the University of Vienna; Vice chairwoman at Litigation Association of NGOs Against Discrimination

09:45 – 10:30

I Panel discussion: Strong enforcement

Moderated by Jone Elizondo-Urrestarazu, Senior Legal and Policy Officer, Equinet

- Jim Fitzgerald, Director Equal Rights Trust
- Đorđe Jovanović, President of the European Roma Rights Centre (ERRC)
- Neža Kogovšek Šalamon, Judge of the Constitutional Court of Slovenia
- Expert from the Fundamental Rights Agency (speaker TBC)

10:30 – 11:00

Presentation: Report Preventing and Reacting to Discrimination through Sanctions and Remedies

Vincenzo Tudisco, co-author of the [Equinet Report Preventing and Reacting to Discrimination through Sanctions and Remedies](#)

11:00 – 11:30

Coffee break

11:30 – 12:15

II Panel discussion: Learnings and Comparisons with other areas of Law

Moderated by Tamás Kádár, Co-Director - Operations, Policy & Legal, Equinet

- Rainer Hiltunen, Ombudsman for Equality, Finland
- Kate Francis, PhD Candidate at the Maastricht University Faculty of Law and a Privacy and Ethics Researcher, Development & Communications specialist at ICT Legal Consulting
- Bjørn Erik Thon, Ombudsman of Gender Equality and Anti-Discrimination, Norway
- Expert from the European Commission (TBC)

12:15 – 12:30

Closing

Equinet chair 2023-2026

Will summarize the main takeaways from the Conference.

