

Towards Effective Test Case Strategies

GENERAL COURSE

Maastricht University

Faculty of Law

13th of June – 22nd of June 2005

INTENSIVE ADVANCED SEMINAR

EIPA, Maastricht

23rd of June – 24th of June 2005

General course

Maastricht University, Faculty of Law

Maastricht, 13 - 22 June,
2005

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Advanced course

European Institute of Public Administration (EIPA)

Maastricht, 23 - 24 June,
2005

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Introduction

The principles of equal treatment and non-discrimination are at the heart of the European Social model. European legislation has significantly raised the level of protection against discrimination across the EU. However, further efforts will be needed to ensure that the principle of non-discrimination is implemented effectively across all Member States. New challenges have emerged since the adoption of the current instruments for combating discrimination at the European level. These challenges include enlargement of the EU, and particularly the need to address the situation of Roma and other ethnic minorities, but also the need to combat all other forms of racism and xenophobia, including recent manifestations of anti-Semitism and Islamophobia. Awareness, skills and knowledge have to be raised in this area of law in order to contribute to the development of appropriate test case strategies.

This Summer School is organised by the Faculty of Law at Maastricht University in co-operation with the European Institute of Public Administration (EIPA), Maastricht and the Centre for European Policy Studies (CEPS) in Brussels. One of the main aims of this programme is to provide the participants to this Summer School with a profound knowledge of the concepts and the working of the Race Directive and the Framework Employment Directive regarding grounds of discrimination related to race, ethnic origin, religion and belief. Possible case strategies before national courts in the different Member States and at the European level will be discussed intensively. Comparisons with other international instruments regarding race discrimination will be drawn.

The goal for this Summer School is mainly to stimulate the development of public interest litigation strategies in the area of race and ethnic origin discrimination and discrimination on grounds of religion and belief. The adoption of the Race Directive and the Framework Employment Directive, and the consequent changes to the national legal orders in terms of prohibiting discrimination, mean that it is now possible to offer Summer Schools in order to make practicing lawyers, legal advisors to NGOs, law students (future lawyers) more aware of the practical potential for litigations in the field of Race Discrimination and Discrimination on grounds of Religion and Belief.

The Summer School is divided in two parts:

The first part (13th June – 22nd June) of this Summer Course takes place at the Maastricht Faculty of Law. This Faculty is known worldwide for the emphasis it puts on European and International aspects of the law, both in education and in research.

- A) The first part of this Summer School is intended to give a general audience of lawyers, legal advisors to NGOs, and law students an introduction to the framework and concepts of both Directives and to discuss national implementations, practical legal problems and litigation strategies.

In the first week (13th June – 17 June) of the Summer School an introduction to the content and the main concepts of the Race Directive, including discussions of legal scenarios which are likely to arise (case studies) will occur, while in the second week (20th June - 22nd June) special topics like discrimination against Roma minorities and the Framework Employment Directive related to the grounds on discrimination based on religion and belief will be discussed.

- B) The second part of this Summer School, in form of an intensive advanced seminar (23rd June and 24th June) takes place at the European Institute of Public Administration in Maastricht. Its purpose is to offer lawyers, legal advisors to NGOs, and judges, who are already familiar with the content and concepts of the Race Directive and the Framework Employment Directive, direct insights into possible litigation strategies, especially in Belgium, the Netherlands, Ireland and the UK. The most recent developments regarding the German implementation will also be addressed. Participants have the opportunity to hand in actual cases they are confronted with. Possible litigation strategies concerning these cases will be discussed during the Friday afternoon session.

Maastricht itself is the oldest city in the Netherlands, providing an unique atmosphere for any visitor.

SUMMER SCHOOL ON RACE, ETHNIC ORIGIN, RELIGION AND BELIEF
NON-DISCRIMINATION LAW

GENERAL COURSE

Week one

Monday 13th of June

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| 09.30 | Opening of the Programme |
| 10.00 – 11.00 | Fiona Kinsman, European Commission
DG Employment, Social Affairs and Equal
Opportunities Unit D/3 Anti-discrimination &
Relations with Civil Society |
| 11.00 – 12.30 | Prof. Christopher McCrudden, Oxford University
The Concept of Race and Religious Discrimination in
Europe |
| 12.30 – 14.30 | Lunch |
| 14.30 – 15.30 | Discussion with Prof. Christopher McCrudden,
Oxford University
The Concept of Race and Religious Discrimination in
Europe |
| 15:30 – 16:00 | Coffee/Tea |
| 16.00 – 17:00 | Prof. Theo van Boven, Maastricht University
Race and Religious Discrimination in International
Law |

Tuesday 14th of June

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| 09.00 – 10.45 | Prof. Hildegard Schneider
Introduction to the Race and the Framework
Employment Directives - A Critical Comment |
| 11.15 – 12.00 | The implementation of the Directives in the Member
States: A general overview |
| 12.00 – 12.30 | Question and Discussion |

12.30 – 14.00	Lunch
14.00 – 15.15	Andras Kadar, Hungarian Helsinki Committee The implementation of the Directives in Hungary
15.15 – 15.45	Coffee/Tea
15.45 – 17.00	Barbara Cohen, Commission for Racial Equality The implementation of the Directives in the UK and Introduction to Direct/Indirect Discrimination

Wednesday 15th of June

09.00 – 12.30	Barbara Cohen, Commission for Racial Equality Direct/Indirect Discrimination, Harassment (including case studies)
12.30 – 14.00	Lunch
14.00 – 14.45	Prof. Olivier de Schutter, Université catholique de Louvain, Positive Action: Legal Possibilities and Test Case Strategy
14.45 – 15.15	Coffee/Tea
15.15 – 16.00	Prof. Olivier de Schutter: as above

Thursday 16th of June

09.00 – 12.30	Prof. Olivier de Schutter Case studies; Positive Action
12.30 – 14.00	Lunch
14.00 – 14.45	Robin Allen, QC, joint head of Cloisters Remedies, Burden of Proof and Enforcement
14.45 – 15.15	Coffee/Tea
15.15 – 16.00	Robin Allen QC: as above
16.15 - 17.00	Victoria Chege, Hanse Law School The implementation of the Directives in Germany: current developments

Friday 17th of June

09.00 – 12.30	Robin Allen QC Case studies; Remedies, Burden of Proof and Enforcement
12.30 – 14.00	Lunch
14.00 – 14.45	Prof. Eva Brems, University of Ghent, The Council of Europe Anti-Discrimination Standards
14.45 – 15.00	Coffee/Tea
15.00 – 15.45	Prof. Eva Brems, University of Ghent, Case-law of the European Court of Human Rights
15.45 - 16.00	Question and Discussion

Week two.

Monday 20th of June

09.00 – 12.30	Ms Dimitrina Petrova, European Roma Rights Centre: The Relevance of the Directives in Central Europe, with a focus on Roma Discrimination
12.30 – 14.00	Lunch
14.00 – 14.45	Case strategies in Roma Rights Cases
14.45 – 15.15	Coffee/Tea
15.15 - 16.00	Case strategies in Roma Rights Cases

Tuesday 21st of June

- 09.00 – 12.30 Tufyal Choudhury, University of Durham, UK and Open Society Institute,
Discrimination on the grounds of Religion or Belief:
An overview of the current debate
- 12.30 – 14.00 Lunch
- 14.00 – 14.45 Tufyal Choudhury, University of Durham, UK and Open Society Institute,
The Framework Employment Directive and
Discrimination on Grounds of Religion or Belief
- 14.45 – 15.15 Coffee/Tea
- 15.15 - 16.00 Tufyal Choudhury, University of Durham, UK and Open Society Institute,
The Framework Employment Directive and
Discrimination on Grounds of Religion or Belief

Wednesday 22nd of June

- 09.00 – 12.30 Tufyal Choudhury, University of Durham, UK and Open Society Institute
Case studies: Discrimination on Grounds of Religion or Belief
- 12.30 – 14.00 Lunch
- 14.00 – 15.15 Bashy Quraishy President – ENAR
(European Network Against Racism),
" Anti-rascism in Europe - the NGO perspective".
- 15.15 – 16.00 Closing discussion and evaluation
- 16.00 Reception

INTENSIVE ADVANCED SEMINAR

Thursday 23rd of June

- 09.00 – 9.45 Prof. Hildegard Schneider, Maastricht University
Introduction to the Race and the Framework
Employment Directives
- 09.45 – 10.30 Bashy Quraishy President – ENAR
(European Network Against Racism),
" Anti-rascism in Europe - the NGO perspective".
- 10.30 – 11.00 Questions and Discussion
- 11.15 -12.00 Prof. Barry Fitzpatrick, Northern Ireland Equality
Authority

Introduction to Case strategies in the area of various
forms of discrimination with a focus on British and
European Law
- 12.00 – 12.30 Questions and Discussion
- 12.30 - 14.00 Lunch
- 14.00 – 14.45 Fiona Kinsman, European Commission DG
Employment, Social Affairs and Equal Opportunities
Unit D/3 Anti-discrimination & Relations with Civil
Society
- 14.45 – 15.15 Coffee/Tea
- 15.15 – 16.45 Prof. Barry Fitzpatrick, Northern Ireland Equality
Authority, The implementation of both Directives in
the United Kingdom and Ireland (case strategies)

Friday 24th of June

09.00 – 10.45	Dr. Janneke Gerards, University of Leiden, , The Council of Europe Anti-Discrimination Standards and the Implementation of the Directives in the Netherlands (case strategies)
11.00 - 11.45	Prof. Marie-Claire Foblets, University of Leuven, The implementation of the Directives in Belgium (case strategies)
11.45 – 12.30	Prof. Hildegard Schneider, Maastricht University The implementation of the Directives in Germany (case strategies)
12.30 – 14.00	Lunch
14.00 – 14.45	Case strategies from a comparative perspective (continuation of morning session)
14.45 – 15.15	Coffee/Tea
15.15 – 16.00	Morag Goodwin, Maastricht University, The special position of Roma and the Claim to Recognition
16.00 -16.30	Closing discussion
16.30 – 17.00	Evaluation