

EQUINET Legal Seminar
DISCRIMINATION CASES IN FRONT OF THE EUROPEAN COURTS
AND THE ROLE OF NATIONAL EQUALITY BODIES
Wednesday 28 March 2012, Brussels

SPEAKERS' BIOGRAPHIES

Opening Address



Jozef de Witte, chair of the Equinet Executive Board, Director of the Centre for Equal Opportunities and Opposition to Racism – Belgium

In 2004, Jozef De Witte was appointed as Executive Director of the Belgian Centre for equal opportunities and opposition to racism, the Belgian Equality Body and National Human Rights Institution. The legal missions of the Centre are to combat racism and discrimination and to promote equal opportunities on all grounds except gender; to inform the authorities on migration stocks and flows; to guarantee the respect for the fundamental rights of foreigners; and to stimulate the fight against human trafficking. Recently, the Centre was appointed as the independent mechanism to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities.

A member of the EQUINET Executive Board since 2009, he became its Chair in November 2011.

He studied Psychology and Criminology, and has also a Master's degree in Management.

and



Aurel Ciobanu-Dordea, Director for equality, DG Justice of the European Commission

Aurel Ciobanu-Dordea is Director for Equality in the European Commission's Directorate-General Justice since 1 April 2011. Before that, he was the Director for Fundamental rights and Union Citizenship, also in DG Justice.

He is a lawyer by training and holds an LL.M. from the University of Illinois (US) and a Ph.D. from the University of Bucharest (Romania).

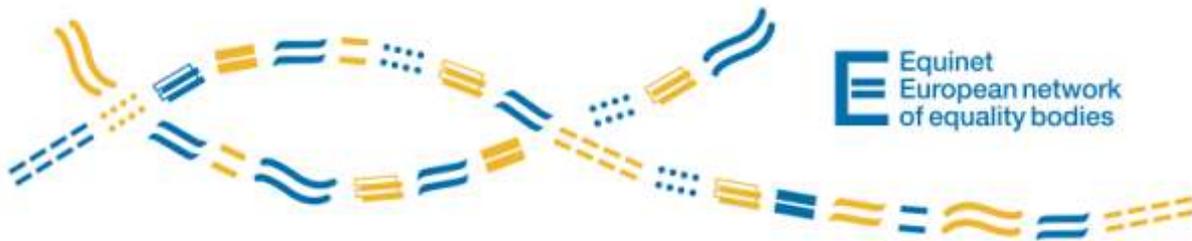
Session 1 – Litigating discrimination cases in front of the CJEU



Chair

Ingrid Aedenboom, Centre for Equal Opportunities and Opposition to Racism – Belgium

Ingrid AEDENBOOM is a lawyer and has been working for the Belgian Centre for Equal Opportunities and Opposition to Racism since 1993. Through her career, she has been active in different fields, including racism, discrimination, the fight against poverty and human trafficking. At present she is a legal adviser for the Management of the Centre, she is responsible for the secretariat of the Executive Board and she also participates in the work of the Advices and Recommendations Unit. She has authored articles focusing on discrimination, poverty and trafficking issues and she contributes to the work of the committees for the drafting of commented laws.



“The jurisprudence of the Court of Justice of the EU in discrimination cases, with a focus on the potential role and added value of national equality bodies in these procedures”

Robin Allen QC, Barrister, Head of Cloisters Chambers – Great Britain

Robin Allen is Queen’s Counsel, Recorder and Head of Cloisters barristers’ chambers. He has campaigned for a single progressive equality Act for the United Kingdom for a decade. He has specialised in employment, discrimination, public and human rights law, since the 1970s working throughout Europe and the U.K. He advised the European Commission over the use of Article 13EC to make the Equality Directives. He is a former special legal adviser to the UK’s Disability Rights Commission and has worked with the Irish Equality Authority, the Equality Commission for Northern Ireland, the UK’s Equality and Human Rights Commission, and the European Commission.

He has appeared in numerous leading domestic and CJEU equality cases in relation to all protected grounds and in all courts here and in Europe. Cases in the Luxembourg Court include C-393/10 *O’Brien v Ministry of Justice*, C-388/07 *Age Concern England*, C-303/06 *Coleman v Attridge*, C-17/05 *Cadman*, C-466/00 *Kaba*, C-356/98 *Kaba*, and C-167/97 *Seymour Smith*.

With Rachel Crasnow, he edited *Family Rights at Work*, Jordans 2012 and is a contributor to the new edition of the OUP Guide to the Equality Act 2010 forthcoming 2012. He wrote *Employment Law and Human Rights* with Rachel Crasnow and Anna Beale, 2nd ed OUP 2007.



“The challenges of convincing national courts to refer a case and certain specific questions to the CJEU – lessons from particular cases”

Clare Collier, Senior Lawyer, Equality and Human Rights Commission – Great Britain

Clare Collier is a solicitor and specialises in public law and human rights cases. Since 2008 she has been Senior Lawyer at the Equality and Human Rights Commission dealing primarily with human rights litigation. This includes many interventions in the higher domestic courts and in Europe (particularly in the ECHR) and judicial review cases, as well as advising generally on human rights law. She has recently had conduct of the Commission’s first case dealing specifically with the EU Charter of Fundamental Rights in the CJEU.

Session 2 – Involvement of national equality bodies in CJEU proceedings



Chair

Domenica Ghidei, Commissioner, Equal Treatment Commission – Netherlands and Equinet Board Member

Since April 2005 Domenica Ghidei has been a Commissioner for the Equal Treatment Commission in the Netherlands (Commissie Gelijke Behandeling, CGB) and a member of the Equinet Executive Board since November 2009.

Between November 1999 and 2001 Ms Ghidei was a Substitute Judge for the section administrative law of the District Court of Amsterdam. Since 2003 she has been a member of The Club of the Hague, an International network of experts and prominent persons on the field of Refugees and Migration Policy. Since 2006 she has been the chairperson of the African Diaspora Policy Centre. Since 1985 she

has setup and is member of a number of (grass root) organisations and networks in the field of (women) refugees and on African Diaspora.

She is author of the book 'Through the Eye of the Needle, a commentary on the practice of the Asylum eligibility processes, Greber publisher, Utrecht 1995. In 1995 she was awarded the Clara Meijer-Wichmann medal, a Human Rights prize awarded by the League of Human Rights.



“The different options for national equality bodies to get involved in CJEU proceedings. The Belov case (C-394/11) and the actions of the equality body”

Nanna Margrethe Krusaa, Danish Institute for Human Rights

Nanna Margrethe Krusaa holds a Master of law from the University of Copenhagen. During her studies she worked at Amnesty International as well as the Documentation and Advisory Centre for Racial Discrimination. She joined the Danish Institute for Human Rights in 2006. Between 2006 and 2008 she worked at the Complaints Committee for Ethnic Equal Treatment, which was established under the Institute.

Today she is a special consultant at the Danish Institute for Human Rights and team leader of the team that gives assistance to victims of discrimination. She is specializing in equal treatment and anti-discrimination, trafficking in human beings and access to rights.

and



Esen Fikri, Commission for Protection against Discrimination – Bulgaria

Esen Fikri is a lawyer working since 2005 as a member of the Bulgarian Commission for Protection against Discrimination, where she works mainly with proceeding and hearing cases of discrimination and actively participates in prevention and monitoring activities. From 2007 to 2008 she was a project officer and lecturer in projects financed by the European Commission's PROGRESS programme. She was also the overall project manager of a Phare programme aimed at improving the service provision in a facility for children with disabilities.

Esen is a former member of the Equinet Executive Board and she is the co-author of several publications presenting the Bulgarian national antidiscrimination legislation. She is a recurrent lecturer at national and international forums and holds several Master's Degrees, including European Union law.



“European Commission reaction to the different options and added value of national equality bodies getting involved in CJEU cases, including the possibility of intervention”

Andreas Stein, Head of Unit, European Commission DG Justice Equal Treatment Legislation D.1

Andreas Stein is Head of Unit responsible for equal treatment legislation at DG Justice. He is a German lawyer and was judge at a labour tribunal until he joined the Commission in 2001. Before taking his current position he worked at several DGs on a range of legal issues including private international law, contract law, competition law and gender equality law.

Session 3 – Key discrimination cases at national and European level



Chair

Tena Šimonović Einwaller, Coordinator for the Area of Non-discrimination, Office of the Ombudsman – Croatia, and Equinet Executive Board member

Tena Šimonović Einwaller graduated Magna Cum Laude at the University of Zagreb Faculty of Law, has been awarded the Diploma of the International Institute for Human Rights in Strasbourg, holds a Master's degree from the University of Oxford Faculty of Law where she specialised in Comparative Human Rights and European Equality Law, and is currently finishing her second Master's (International Relations at the University of Zagreb Faculty of Political Science).

She was one of the drafters of the Croatian Anti-Discrimination Act and has been working in the Office of the Ombudsman since it became the Central Equality Body in Croatia as the Coordinator for the Area of Non-discrimination. Aside from her everyday work, coordinating discrimination complaints handling and promotional activities of the Office, she enjoys lecturing and writing on the topic and has published articles and authored and co-authored five books and publications on Croatian and European Equality Law.



“The limits of freedom of religion and its conflict with the rights of groups identified by sexual orientation – petitions to the European Court of Human Rights”

Peter Reading, Director of Legal Policy, Equality and Human Rights Commission – Great Britain

Peter Reading is the Director of Legal Policy at the Equality and Human Rights Commission where he has led a number of projects including: securing the landmark British Equality Act in 2010, leading the Commission's work on government proposals regarding Bills of Rights; and working on the interventions in the European Court of Human Rights in the cases of Eweida, Chaplin, Ladele and McFarlane which he will be discussing.

Previously he worked as the Head of European and International Legal Policy at the Commission for Racial Equality, and as a Parliamentary Officer at Amnesty International UK.

Peter is also currently an independent consultant to Warwick University on equality and human rights, a human rights lecturer at the European Academy of Law, and is a co-author of the Oxford University Press, Blackstone's Guide to the Equality Act.



“The Galina Meister case (C-415/10) and the rights to information of applicants in a recruitment procedure. Implications for the shift of the burden of proof”

Lilla Farkas, Senior Legal Policy Consultant, Migration Policy Group

In 1995, having graduated from Eötvös Lóránd University Lilla Farkas started working for the Budapest based Legal Defence Bureau for National and Ethnic Minorities. In 1998 she became a member of the Budapest Bar Association and took up the position of staff attorney at the Hungarian Helsinki Committee, focusing on immigrants, detention and victims of police misconduct. In 2002 she earned an LL.M. with merit from King's College, London and in 2006 she went on to work for the Chance for Children Foundation, an NGO specialising in *actio popularis* based strategic litigation combating

the segregation of Roma children in primary schools.

Between 2005 and 2011 she served as president of the Hungarian Equal Treatment Authority's Advisory Board and as race ground coordinator for the European Network of Independent Experts in the Non-discrimination Field. Lilla was senior country expert for the Fundamental Rights Agency and is now senior legal policy analyst for the Migration Policy Group.



“CJEU cases on compulsory retirement age”

Dr. Felipe Temming, LL.M., Universität zu Köln

Felipe Temming graduated at the University of Cologne and did his bar exam in 2004. He holds a Master of laws from the London School of Economics where, among others, he studied international human rights law. He wrote his PhD on Age Discrimination in Employment Life. He joined the Institute for German and European Labour and Social Law at the University of Cologne in 2001 where he is now writing his habilitation treatise. Earlier this year, he was appointed a member of an expert commission which has been set up by the German Federal Anti-Discrimination Agency. In the course of 2012, the year for Active Ageing and Solidarity between Generations, this commission is asked to make proposals to effectively overcome and combat age discrimination in relevant areas of our society.



Closing of the seminar

Anne Gaspard, Executive Director EQUINET Secretariat

Anne Gaspard is the Executive Director of the Secretariat of *EQUINET – European Network of Equality Bodies* since her appointment as part of the establishment of Equinet Secretariat in 2008.

Anne had been active and involved in the field of equality and non-discrimination at a European level in the past decade preceding this appointment ever since her graduation in European studies and political science from University College London and Berlin Humboldt University.

Starting with the campaign of the European Year against Racism in 1997 for the European Parliament and a subsequent stage experience within the European Commission against Racism and Intolerance (ECRI) at the Council of Europe, Anne then joined and managed the UK-based secretariat of the European Monitoring Centre on Racism and Xenophobia (EUMC) to support its Chair from 1998 to 2000. In recent years, Anne has been responsible for the implementation of various European anti-discrimination and equality projects for a European diversity management consultancy leading the European office of Focus Consultancy in Brussels, until taking up the position of executive director of Equinet secretariat in February 2008.

Originally from France, Anne has also lived for many years in the UK, Germany and Belgium, and speaks French, English, German and Dutch.