

EQUINET Legal Training

CONFLICTS BETWEEN THE RIGHT TO EQUAL TREATMENT AND OTHER FUNDAMENTAL RIGHTS

TRAINING PROGRAMME

12-13 September 2011, Vienna (Austria)

Target audience

This training event will primarily target legal staff within specialised equality bodies dealing with one of equality bodies' most important function: independent assistance to victims of discrimination.

Objectives

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

- to deepen participants' knowledge necessary to efficiently deal with case law
- to further develop their skills in interpreting anti-discrimination legislation.

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

- identifying conflicts of rights and effectively addressing the issues arising

Rationale

Identifying and effectively addressing conflicts between the right to equal treatment and other human rights (such as for example the freedom of religion and belief, the freedom of assembly or the freedom of expression) is a crucial element in the legal work of every equality body and every lawyer addressing human rights complaints. Those equality bodies that are at the same time national human rights institutions are by law required to take into account the possible human rights elements and claims in each case but other equality bodies will find it equally important and inevitable in many cases to reconcile these conflicting rights.



Finding effective solutions for cases in this sensitive area requires a good knowledge of the underlying legal principles and the case law but foremost sufficient experience in dealing with these types of cases and complaints.

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 as well as providing 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 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 12th September 2011	
09.00 – 09.30	Registration & Welcome coffee/tea
09.30 – 10.00	Opening Address <i>Ingrid Nikolay - Leitner, Equal Treatment Ombud and Equinet Board Member (Austria)</i> <i>Mandana Zarrehtarvar, Danish Institute for Human Rights (Denmark) and Chair of Equinet Board</i>
10.00 – 11.20	Session 1 (Plenary) – Potential conflicts between the right to equality and other fundamental rights, in particular the freedom of religion and belief <i>Chair: Jozef de Witte, Center for Equal Opportunities and Opposition to Racism (Belgium) and Equinet Board Member</i>
10.00 – 10.40	Potential areas of conflicts between the right to equality and other fundamental rights. Conflicts with the freedom of religion and belief Aileen McCOLGAN King's College London
10.40 – 11.00	Questions & Answers – Discussion
11.00 – 11.20	Conflicts between the right to equality and other fundamental rights: the work of the Equinet Working Group Equality Law in Practice on the topic Peter READING Equality and Human Rights Commission (UK)
11.20 – 11.30	Questions & Answers – Discussion
11.30 – 11.45	Coffee break
11.45 – 13.15	Workshop Session I – Working group discussions on cases of conflicts between the right to equality and the freedom of religion and belief (possible approaches, difficulties) <i>Facilitators: Florian Panthene (Equal Treatment Ombud, Austria); Anne McKernan (Equality Commission for Northern Ireland); Sarfraz Khan (Equality and Human Rights Commission, Great Britain)</i>
13.15 – 14.30	Lunch
14.30 – 16.00	Session 2 (Plenary) – Lessons learned and practical experiences <i>Chair: Néphéli Yatropoulos, Defender of Rights (France) and Equinet Board Member</i>

14.30 – 15.15	Sharing the experiences – short case studies on freedom of religion and belief
	<ul style="list-style-type: none"> ➤ Eva Lang (Equal Treatment Ombud, Austria) ➤ Mary Kitson (Equality Commission for Northern Ireland) ➤ Karethe Buchmann / May Schwartz (Equality and Anti-Discrimination Ombud, Norway)
15.15 – 15.30	Presentation of the key discussion points of workshop I
15.30 – 16.00	Questions & Answers – Discussion
16.00 – 16.15	Coffee break
16.15 – 17.30	Workshop Session II – Working group discussions on conflicts between the right to equality and the freedom of expression (possible approaches, difficulties)
	Facilitators: <i>Marije Graven</i> (Equal Treatment Commission, The Netherlands); <i>Nanna Margrethe Krusaa</i> (Danish Institute for Human Rights); <i>Tamás Kádár</i> (Equinet Secretariat)
18.45 – 23.00	Social event – 20th anniversary celebrations of the Austrian Ombud for Equal Treatment

DAY 2 –Tuesday 13th September 2011	
09.15 – 10.55	Session 3 (Plenary) – Conflicts between the right to equality and the freedom of expression
	Chair: Domenica Ghidai , Equal Treatment Commission (The Netherlands) and Equinet Board Member
09.15 – 09.55	International standards of limiting the freedom of expression to combat racism and discrimination, including the case law of the ECtHR
	Anne WEBER Office of the Commissioner for Human Rights, Council of Europe

09.55 – 10.25	Presentation of an equality body's approach to tackle cyber hate	Sofie D'HULSTER Centre for Equal Opportunities and Opposition to Racism (Belgium)
10.25 – 10.55	Questions & Answers – Discussion	
10.55 – 11.15	Coffee Break	
11.15 – 13.00	Session 4 (Plenary) – Lessons learned and practical experiences <i>Chair: Mandana Zarrehparvar, Danish Institute for Human Rights and Chair of Equinet Board</i>	
11.15 – 11.30	Presentation of the results of workshop II	
11.30 – 12.30	Sharing the experiences – short case studies on freedom of expression <ul style="list-style-type: none"> ➤ Istvan Haller (National Council for Combating Discrimination, Romania) ➤ Esen Fikri (Commission for Protection against Discrimination, Bulgaria) ➤ Christoffer Ulrik Badse (Danish Institute for Human Rights) ➤ Ádám Kéri (Equal Treatment Authority, Hungary) 	
12.30 – 13.00	Questions & Answers – Discussion	
13.00 – 13.15	Closing of the training and concluding remarks <i>Ingrid Nikolay - Leitner, Equal Treatment Ombud (Austria) and Equinet Board Member</i> <i>Anne Gaspard, EQUINET Secretariat</i>	
13.15 –	Lunch & Departure of participants	