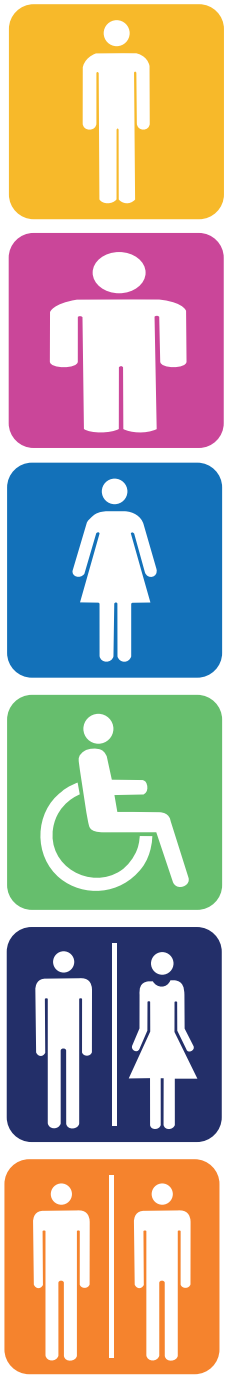
The body of regulations and judicial decisions addressing the right to equality and antidiscrimination rights has expanded remarkably in Europe over the last fifteen years. For once, it is European Union law that has been the driving force behind this evolution: both the normative EU instruments, such as EU directives, and cases handed down by the European Court of Justice have instigated this development. Over the last decade, the European Court of Human Rights has also performed a more systematic control of the non-discrimination principle that is enshrined in the article 14 of the Convention. In doing so, it has often been inspired by the case law of the Court of Justice of the European Union. Influences originate outside Europe as well, and include the relevant UN bodies' decisions, the case law of the Inter American Court of Human Rights and the rulings adopted by both Members States' and third States' domestic jurisdictions such as Canadian, South African and US courts.

The dynamic described above does not only account for the evolutions in the European context. It is also relevant for explaining the developments that are taking place in other legal regimes. Indeed, on the global level, human rights bodies that guarantee the protection of antidiscrimination rights mutually affect each other. These reciprocal influences are the product of several dynamics: third parties' or amicus curiae interventions before the courts, the plaintiffs' strategic behaviours, the dialogue between the judges and the constitution of a global network of experts. These multiple and multilayered interactions and processes produce phenomena of cross-fertilization and migration of concepts from one body to another.

A number of legal actors are involved in the production of antidiscrimination norms: victims of human rights abuses, NGOs, lawyers, judges, scholars and members of organizations that aim at advancing equality. Given this context, the traditional segregated approach, studying different courts and legal orders in isolation from one another, can no longer provide conceptual and normative tools that fully grasp the current evolutions of antidiscrimination law and the challenges it needs to address.



Venue

Institute for European Studies, ULB, Spaak Room
39 av. F.D. Roosevelt
1050 Brussels, Belgium

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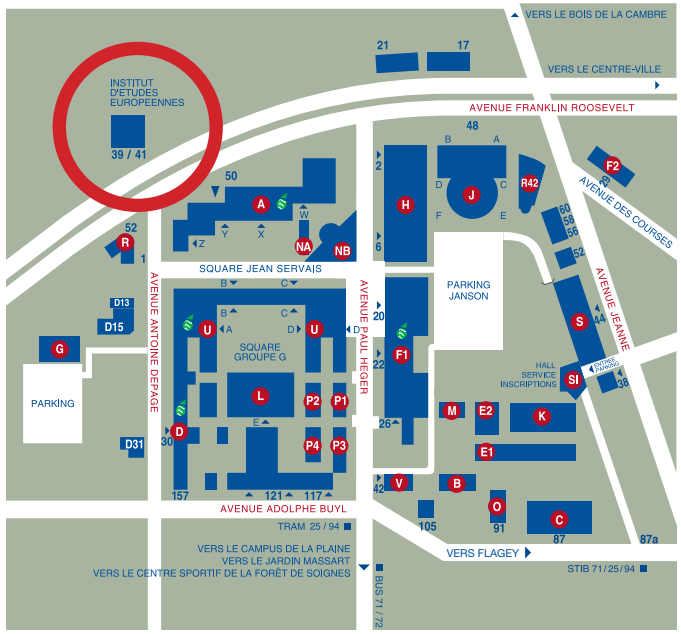
More details about the event available here
www.philodroit.be - www.iee-ulb.eu



Read more about the Berkeley Comparative Antidiscrimination Law Study Group on **www.law.berkeley.edu/bcadl.htm**

Read more about the Human Rights Integration project, an Interuniversity Attraction Pole (IAP) funded by the Belgian Science Policy Office (BELSPO), on **www.hrintegration.be**

Third Annual International Conference of the Berkeley Comparative Antidiscrimination Law Study Group

Global Challenges and New Perspectives on Equality law

IAP Human Rights Integration Project

5-6 May 2014

Event co-organised by
Professors Emmanuelle Bribosia and Isabelle Rorive

Institute for European Studies and
Perelman Center for Legal Philosophy

Université libre de Bruxelles, ULB

Monday, May 5th, 2014

New Avenues for the Antidiscrimination Law Research Agenda in a Globalized World
(Human Rights Integration Training, PhD Seminar)

8:30 Welcome

9:00-9:30 Keynote Address, David Oppenheimer, Clinical Professor of Law and Director of Professional Skills at Berkeley Law

9:30-12:00 Presentations
Gabrielle Caceres (ULB), **Joseph Damamme** (ULB), **Marion Guerrero** (EUI), **Alice Margaria** (EUI)

12:00–13:15 Lunch break

13:15–13:30 Welcome Speeches
Andrée Puttemans, Professor, Dean of the Law Faculty, Université libre de Bruxelles
Rupert Skilbeck, Director of Litigation, Open Society Justice Initiative

Focusing on Actors: The Role(s) of Judges, Lawyers, NGOs, Plaintiffs and Equality Bodies in the European Antidiscrimination Arena
(in collaboration with the Open Society Justice Initiative)

13:30-15:00 Towards an Effective Judicial Protection of Antidiscrimination Norms in Europe - Keynote speakers

Chair: Emmanuelle Bribosia, Professor, Université libre de Bruxelles
Keynotes speakers: Dragoljub Popović (Judge, ECHR), **René Barents** (Judge, Civil Service Tribunal, EU), **Colm O'Cinneide** (Vice-President, European Committee of Social Rights)

15:00 – 15:30 Coffee break

15:30-18:00 Round Table Discussion - Strategic Litigation in Equality Law: What Are the Challenges in Europe?

Chair: Isabelle Rorive, Professor, Université libre de Bruxelles
Panelists: Eva Brems (Prof., Ghent University, Centre for Human Rights), **Patrick Charlier** (Co-director, Interfederal Center for Equal Opportunities, Belgium), **Isabelle Chopin** (Deputy director, Migration Policy Group), **Simon Cox** (Migration Lawyer, Open Society Justice Initiative), **Lilla Farkas** (Senior legal policy analyst, Migration Policy Group and Chance for Children Foundation), **Declan O'Dempsey** (Barrister at Cloisters and Chambers, London), **Evelyne Paradis** (Executive director, ILGA Europe), **Andreas Stein** (Head of unit Equal treatment legislation, DG JUSTICE, European Commission)

18:00 Conclusion: Costanza Hermanin, Open Society Justice Initiative

18:15 Reception

Tuesday, May 6th, 2014

Non-discrimination Claims in an Integrated Perspective

9:00–9:20 Why Does an Integrated Approach to Antidiscrimination Law Matter?
Emmanuelle Bribosia & Isabelle Rorive, Professors, Université libre de Bruxelles

9:20–11:00 First session: Delineating the Boundaries of Antidiscrimination Law

Chair: David Oppenheimer, Professor, Berkeley Law, University of California
• **Marzia Barbera**, Professor, University of Brescia & **Venera Protopapa**, PhD Researcher, University of Milan, The Fiat case: Reframing a trade dispute in the antidiscrimination language
• **Beth Gaze**, Associate Professor, Melbourne Law School, Employment discrimination law: Human rights or labour law?
• **Chloë Delcour**, PhD Researcher, University of Ghent &
Dr. Lesley Hustinx, Professor, University of Ghent, Understanding the limited capacity of the human rights ideal: The role of the non-discrimination focus in human rights discourse on Roma and Gypsy travellers

Discussant: Mark Bell, Professor, University of Leicester

11:00 – 11:20 Coffee break

11:20–13:00 Second session: New Thinking on Stereotypes in Antidiscrimination Law

Chair: Uladzislau Belavusau, Assistant Professor, Vrije Universiteit Amsterdam
• **Alexandra Timmer,** Post-Doc Researcher, University of Utrecht, Judging Stereotypes: What the European Court of Human Rights can borrow from American and Canadian equality protection law
• **Mathias Möschel**, Post-Doc Researcher, Université Paris-Ouest Nanterre la Défense, Racial stereotyping and human rights law
• **Rikki Holtmaat,** Professor, University of Leiden, The construction of disadvantage in antidiscrimination law. The case of the Dutch SGP; or why the fact that women stereotyped as housewives was not deemed to be 'disadvantageous'

Discussant: Ivana Isailović, Post-Doc, Université libre de Bruxelles

13:00 – 14:00 Lunch break

14:00–15:40 Third session: Re-imagining Intersectionality

Chair: Maleiha Malik, Professor, King's College London University
• **Lisa Waddington**, Professor, Maastricht University, "Not disabled enough": How European courts filter non-discrimination claims through a narrow view of disability
• **Marie Mercat-Bruns**, Affiliated Professor, Sciences Po Law School Paris, The challenges of multiple discriminations in employment. Comparing American and European perspectives
• **Shreya Atrey**, DPhil Candidate, Oxford University, Re-envisionning intersectionality: Making grounds - based discrimination law respond to intersectionality

Discussant: Lourdes Peroni, PhD Researcher, Faculty of Law, Ghent University

15:40 – 16:10 Coffee break

16:10–18:00 Fourth session: Implementation and Effectiveness of Antidiscrimination Law

Chair: Julie Ringelheim, Professor, Université Catholique de Louvain
• **Ioanna Tourkochoriti**, Professor, Harvard Law School, 'Disparate impact' and 'Indirect discrimination': Assessing responses to systemic discrimination in the U.S. and the E.U.
• **Dominique Allen**, Senior Lecturer, Deakin University, Barking or biting? What is the role of the equal opportunity commission in tackling discrimination?
• **Chiara Favilli**, Professor, LUMSA University, Collective redress and antidiscrimination law: Towards an authentic EU horizontal approach

Discussant: Costanza Hermanin, Open Society Justice Initiative

Organizing Committee

• **Emmanuelle Bribosia**, Professor at the Law Faculty of the Université libre de Bruxelles and Director of the Legal Department of the Institute for European Studies

• **Isabelle Rorive**, Professor at the Law Faculty of the Université libre de Bruxelles and Director of the Perelman Center for Legal Philosophy

With the support of **Dr. Ivana Isailović** (Post-doc researcher at Perelman Center for Legal Philosophy, affiliated with the Human Rights Integration project).