

# **Global Challenges and New Perspectives on Equality law**

**Third Annual International Conference of the Berkeley Comparative Anti-discrimination Law Study Group in Brussels**

**5-6 May 2014**

**Event co-organised by Professors Emmanuelle Bribosia and Isabelle Rorive, within the IUAP Human Rights Integration project framework**

**Institute for European Studies and Perelman Centre for Legal Philosophy**

***Université libre de Bruxelles (ULB), Belgium***

**Venue: Institute for European Studies – ULB – Spaak Room,**

**39 av. F.D. Roosevelt, 1050 Brussels, Belgium**

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 State Members' 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.

<b>Program</b>
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**Monday, May 5th, 2014**

8:30 Welcome

**9:00-12:00 New Avenues for the Antidiscrimination Law Research Agenda in a Globalized World** (Human Rights Integration Training, PhD Seminar)

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**

- Marion Guerrero, Doctoral Researcher in Law, EUI, *Activating the courtrooms*
- Alice Margaria, PhD Researcher, EUI, *Family-work particularism: comparing the EU law and the ECHR experiences*
- List TBD – (PhD students - call of papers)

12:00–13:15 *Lunch break*

13:15–13:30 Welcome speech, Vice chancellor of the ULB

**13:30-18:00 Global Challenges of Equality Law – A focus on the actors** (in collaboration with the Open Society Institute)

(TBD)

*18:00 Reception*

**Tuesday, May 6th, 2014**

## **Non-discrimination Claims in an Integrated Perspective**

**9:00–9:20 Why an Integrated Approach to Antidiscrimination Law Matters?** Emmanuelle Bribosia & Isabelle Rorive, Professors, Université Libre de Bruxelles

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

**Chair:** David Oppenheimer, Professor, Berkeley Law, University of California

- Marzia Barbera, Professor, University of Brescia & Venera Protopopa, 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 discourses 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, *What the European Court of Human Rights can borrow from American and Canadian equality protection law?*
- Mathias Moschel, Post-Doc Researcher, Université Paris-Ouest Nanterre la Défense, *Racial stereotyping and human rights law*
- Rikki Hotmaat, Professor, University of Leiden, *The construction of disadvantage in anti-discrimination 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 Researcher, Université Libre de Bruxelles

13:00 – 14:00 *Lunch break*

**14:00 – 15:45 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 discrimination in employment. Comparing American and European perspectives*
- Shreya Attrey, DPhil Candidate, Oxford University, *Re-envisioning intersectionality. making grounds - based discrimination law respond to intersectionality*

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

15:45 – 16:15 *Coffee Break*

**16:15–18:00 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 'I-indirect discrimination': Assessing responses to systemic discrimination in the U.S. and the E.U.*
- Dominique Allen, Professor, Deaken University, *Barking or biting? What is the role of the equality opportunity commission in tackling discrimination?*
- Chiara Favilli, Professor, LUMSA University, *Collective redress and antidiscrimination law: Towards an authentic EU horizontal approach*

**Discussant:** Costanza Hernanin, Open Society European Policy Institute

## Organizing Committee

- Emmanuelle Bribosia, professor at the Law Faculty of the *Université libre de Bruxelles* (ULB) and Director of the Legal Department of the Institute for European Studies (ULB)  
[www.iee-ulb.eu/fr/emmanuelle-bribosia](http://www.iee-ulb.eu/fr/emmanuelle-bribosia)
- Isabelle Rorive, professor at the Law Faculty of the *Université libre de Bruxelles* (ULB) and Director of the Centre Perelman for Legal Philosophy (ULB)  
<http://www.philodroit.be>

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Read more about the Berkeley Comparative Anti-discrimination Law Study Group on [www.law.berkeley.edu/bcadl.htm](http://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](http://www.hrintegration.be)