



ACADEMY OF GLOBAL GOVERNANCE

EXECUTIVE TRAINING SEMINAR SERIES

GLOBAL GOVERNANCE PROGRAMME

PRINCIPLES OF EQUALITY AND CHALLENGES OF DISCRIMINATION. PROBLEMS AND EFFECTIVE REMEDIES

Scientific Coordinators: **Anna Triandafyllidou** and **Iryna Ulasiuk** | European University Institute

Venue: Villa La Fonte
Via delle Fontanelle, 10
I-50014 San Domenico di Fiesole

2-4 APRIL 2014

■ **WHAT IS THE ACADEMY OF GLOBAL GOVERNANCE?**

The Academy of Global Governance (AGG) is a unique executive training programme, where theory and “real world” experience meet. Trainers at the AGG are leading academics, former ministers, heads of international organizations and top executives. AGG trainees – young executives, policy makers, diplomats, international organisations and public sector officials, private sector professionals, and junior academics - have diverse backgrounds, operate in a wide range of contexts, and come from the different corners of the world, to share views and debate in the vibrant academic environment of the European University Institute. The AGG’s trainees benefit from a network of academics and international top-level officials, and from an extremely stimulating discussion on topical issues relating to governance.

■ **INTRODUCTION**

The principles of equality and non-discrimination are central to any system of human rights protection. Although international human rights instruments have core equality provisions in common, the interpretation of these equality provisions, the nature of the cases of discrimination and, consequently, the level of development and expertise in each facet of anti-discrimination and equality policy vary considerably. Such variations reflect the politics and imperatives underlying the social systems of different states. The Executive Training *Principles of Equality and Challenges of Discrimination. Problems and Effective Remedies* provides for the conceptual and normative basis of the struggle for equality and against discrimination through looking at concrete cases. It illustrates steps taken to combat ethnic, national, racial, religious and multiple forms of discrimination, at international, regional and national levels. It assesses the effective access to such remedies and their efficiency. It overall assesses the progress made so far and present



examples of good practice from different countries, discussing how there can be policy transfer and learning among different countries within and beyond Europe.

This Executive Training Seminar is addressed to officers of European and international organisations, officers of public administrations, NGO officers, trade union officers. It can also be useful to lawyers, researchers, human resource managers, educators, and any person working in the wider field of migration, minorities, discrimination, affirmative action.

■ PROGRAMME

2 April

Kristin Henrard | Erasmus University Rotterdam

Equality and Non-Discrimination in the Legal Context: Basic Principles of International Discrimination Law

The first session introduces the key concepts underlying the idea of equality. It deals with the questions of formal versus substantive equality and the paradox of the equality principle; concepts of direct/indirect discrimination, duties of differential treatment, duties of reasonable accommodation, non-discrimination *v* positive action. The session also focuses on the importance of questions of proof for the effective enjoyment of rights (particularly the prohibition of discrimination) and the special allocation of the burden of proof that has been devised for complaints on discrimination. The session further provides an overview of the chief universal and regional international human rights instruments and discusses their equality and non-discrimination provisions.

Kristin Henrard | Erasmus University Rotterdam

The Right to Equal Treatment and Minorities: Conceptual Frame and a Range of Equality Dilemmas

This session deals in more detail with the concept of equality and examines the relevance of the right to equal treatment to minorities and migrants. It examines the issues of effective protection against invidious discrimination and the right to be treated differently (entitlements to special measures). It introduces the key concepts underlying the idea of equality. The session will include concrete examples of dilemmas of equality of special relevance to both traditional and/or new minorities and how they have been solved.

3 April

John Wrench | Norwegian University of Science and Technology

Ethnic Discrimination in the Area of Employment in Europe. The Role of Research and the Law in Raising Awareness in EU Member States.

This session examines discrimination in the area of employment. It looks at how the original 'no problem' here stance regarding racial/ethnic discrimination, common in

Europe twenty years ago, has been challenged by the evidence of statistics, research, and court cases. It also addresses what EU comparative research has shown about how different migrant and minority groups report and respond to experiences of discrimination

John Wrench | Norwegian University of Science and Technology

*EU Law and Anti-Discrimination Policies:
Positive Developments and the Challenges Ahead*

This session addresses two areas of anti-discrimination activity: (1) EU anti-discrimination law, and (2) policies of anti-discrimination by employers and public sector organisations. It considers recent evidence on the impact of the EU legislation, highlighting the various responses of employers and others to the legislation in different EU member states. It also suggests a classification of forms of ethnic discrimination in the labour market – for example, types of interpersonal discrimination contrasted with types of institutional discrimination – showing how these manifest themselves in the employment sector, and how they can have direct implications for an appropriate strategy of anti-discrimination.

Lilla Farkas | Migration Policy Group

Effective Remedies and Compensation for Discrimination

The session examines the possible remedies available to discrimination claimants (criminal sanctions, financial compensation, court ordered performance (for example, through individual reinstatement or reengagement, or in the form of instructions to undertake broader structural measure or granting preferential treatment to previously disadvantaged groups), the role of the civil society actors, NGOs etc, legal aid and litigation support groups in the effective enforcement of equality provisions.

4 April

Anthony Heath | University of Oxford

Assessing Affirmative Action: Lessons from the Field

This session focuses on the types of affirmative measures in various fields (actions, including education, training and support; policy impact assessment; mainstreaming; setting of targets; targeted recruitment; preferential treatment; quotas; positive action programmes; reserved quotas in political representative bodies; reserved quotas in management bodies in firms and industries, “Gender Audit”), the current programmes and their rationales, how affirmative measures worked and what deficiencies they had.

■ Speakers

Lilla Farkas started working for the Budapest based Legal Defence Bureau for National and Ethnic Minorities in 1995. 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 received an LLM with merit from King's College, London and in 2006 went on to work for the Chance for Children Foundation, an NGO specialising in actio popularis based strategic litigation combatting 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. She was senior country expert for the Fundamental Rights Agency and is now senior legal policy analyst for the Migration Policy Group. She is the race (Roma) ground coordinator of the European Network of Independent Experts in the Non-discrimination Field and member of the European Roma Rights Centre's Board.

Anthony Heath has directed numerous funded research projects, usually based on the collection and analysis of survey data. His past projects include the 1983, 1987, 1992 and 1997 British Election Surveys, on the decline of traditional identities, on the comparative study of national identity, on devolution and constitutional change, and on the affirmative action programme in Northern Ireland. He has also completed or assisted with a number of government reports, including a report (with James Laurence) for DCLG on social cohesion, a report on national identity (with Jane Roberts) for Lord Goldsmith's review of citizenship identity, a report (with Sin Yi Cheung) on employers and discrimination for the DWP, for the EC/OECD on the labour market integration of the children of immigrants, and most recently for UNDP on social capital in Bosnia and Herzegovina. He is a member of the DWP's Ethnic Minority Advisory Group and recently helped with a report on the use of procurement to reduce ethnic minority inequalities in the labour market. At present, Professor Heath works on ethnic inequalities in education and the labour market, and on the wider implications of ethnic diversity. He is also the principal investigator of a study of ethnic minority political attitudes and behaviour. Together with Miles Hewstone he is also starting work on the Children of Immigrants Longitudinal Study, which is part of a four-nation study of young people in schools comparing their transitions and experiences in Britain, Germany, Netherlands and Sweden.

Kristin Henrard is professor of fundamental rights and minorities at the Erasmus University of Rotterdam as well as associate professor Constitutional Law. She teaches courses on human rights, and on minorities and fundamental rights; she also coordinates and teaches in the Minor Fundamental Rights in Pluriform Societies. Furthermore, she co-teaches a course in the Honours program of the Erasmus University of Rotterdam on Minorities, Law and Society. From February 2005 to May 2010 she worked on her VIDI-project which was granted by the Dutch Council for Scientific Research regarding the implications for minority protection of the Race Directive. Between March 2005 and March 2010 she was member of The Young Academy of the Dutch Academy of Science. She is editor of the Netherlands International Law Review, of the Global Review of Ethnopolitics, of the International Journal on Group and Minority Rights and of European Autonomy and Diversity Papers (EDAP). She is the co-editor of the Brill Series on Group and Minority Rights.

John Wrench is Visiting Professor at the Centre for Diversity and Inclusion at the Norwegian University of Science and Technology, Trondheim, and Assigned Professor at Aalborg University, Denmark. Until 2010 he was senior researcher at the EU Agency for Fundamental Rights in Vienna responsible for European comparative research projects and the Annual Reports of the Agency. He has researched and published in the area of ethnic discrimination and inclusion in the labour market at a European comparative level, first at the Centre for Research in Ethnic Relations, University of Warwick, and later at the Danish Centre for Migration and Ethnic Studies, University of Southern Denmark. His publications include *Equal Opportunities and Ethnic Inequality in European Labour Markets: Discrimination, gender and policies of diversity* University of Amsterdam Press, Amsterdam (with Karen Kraal and Judith Roosblad, 2009) and *Diversity Management and Discrimination: Immigrants and Ethnic Minorities in the EU* Ashgate, Aldershot (2007).

■ Scientific Coordinators

Anna Triandafyllidou is Professor at the Global Governance Programme (GGP) of the Robert Schuman Centre for Advanced Studies (RSCAS), European University Institute. Within the GGP she coordinates the Research Area on Cultural Pluralism. Before joining the Programme, she was part time professor at the RSCAS (2010-2012). As Senior Fellow at the Hellenic Foundation for European and Foreign Policy (ELIAMEP) in Athens (2004 to 2012), she headed a successful migration research team. She has been Visiting Professor at the College of Europe in Bruges since 2002, and is a member of the Spinelli Group. She is the Editor-in-Chief of the *Journal of Immigrant and Refugee Studies*. Professor Triandafyllidou received her PhD from the European University Institute in 1995 and held teaching and research positions at the University of Surrey (1994-95), the London School of Economics (1995-97), the CNR in Rome (1997-99), the EUI (1999-2004) and the Democritus University of Thrace (2007-2010, now on long term unpaid leave). She was a Fulbright Scholar-in-Residence at New York University in 2001, and a Colston Fellow at the University of Bristol (2001-2002). She serves as national expert in the OECD Network of International Migration Experts (formerly SOPEMI) and acts as an evaluator of research projects for the European Research Council (Advanced and Consolidating Investigator Grants), the Research Framework Programmes of the European Commission (FP5, FP6, and FP7), the European Science Foundation, the Norface ERA-NET network, and several national research agencies (of Austria, Belgium, Cyprus, Greece, Italy, the Netherlands, Switzerland). Her main areas of research and teaching are the governance of cultural diversity, migration, and nationalism from a European and international perspective. Over the past 10 years, she received funding and co-ordinated 15 international research projects in these research areas. Her publications include more than 100 articles in refereed journals and chapters in collective volumes, five authored books and 17 edited and co-edited volumes. For a full list see www.annatriandafyllidou.com.

Iryna Ulasiuk is the Research Assistant responsible for coordination issues in the Cultural Pluralism GGP Research Strand. She holds a doctorate in law from the European University Institute (Italy), a Master degree in European law from the University of Stockholm (Sweden), a Master of Research in Law from the European University Institute

(Italy), a Bachelor degree in Russian and Belarusian law from the International Institute of Economics and Law (Russia) and a Bachelor degree in linguistics from Minsk State Linguistic University (Belarus). Over the past ten years Dr Ulasiuk has been conducting research on European, international and comparative legal regulation of culture, media, education and languages and the protection of minorities and migrants. Her doctoral thesis 'Europeanisation of Language Rights in Russia and Ukraine' was focused on the European standards and domestic practices with regard to linguistic and ethnic diversity in various fields of life, including education, media and public sphere. Dr Ulasiuk's expertise in the field is attested by numerous publications, including the recent book *Language Rights Revisited – the Challenge of Global Migration and Communication* (2012). After the completion of the doctoral studies in 2010, Dr. Ulasiuk joined the Robert Schuman Center for Advanced Studies (RSCAS) as Research Assistant, engaged in various research projects. She assisted in coordinating the project 'Before and After the Economic Crisis: What Implications for the 'European Social Model'?', dealing with the possible legal responses to the rising social inequalities in the times of economic crisis. In her capacity of country expert for Belarus, she worked for the RSCAS EUDO, in particular for the ACIT project. As a research assistant to the MEDIVA project, Dr Ulasiuk carried out/coordinated research on media and migration in Italy and in other EU countries and is a co-author of the MEDIVA Diversity Indicators, a useful set of indicators to assess media capacity to reflect diversity and promote migrant integration. In the Cultural Pluralism GGP Research Strand Dr Ulasiuk is working on the codification of the existing language regimes in Europe. From a comparative perspective, she is examining different ways of accommodating linguistic diversity, which are followed in different European countries (in relation to a re-structuring of nation states in Europe and a re-evaluation of differences in the European integration process). She is also analysing the resulting different regimes of legal recognition of linguistic diversity. The analysis is carried out following the recent standardization of minority protection at the European level, with a new emphasis on the values of linguistic diversity, non-discrimination and tolerance.

Register on the Academy webpage: <http://globalgovernanceprogramme.eui.eu/academy/>

The required non-refundable fee for the three-day GGP Executive Training is 500 euros. This fee contributes to the costs of tuition, course materials, lunches and a welcome dinner. No payment is necessary until you have been accepted into the GGP Executive Seminar. The payment is required prior to the programme start date.

Accommodation and travel costs, to and from Florence (Italy), are at the expense of the participant or his/her institution. The welcome dinner and lunches included in the programme of the Executive Training Seminar will be organized by the GGP.

The Global Governance Programme offers the opportunity to individuals to apply for a limited number of merit-based scholarships. Applicants can either apply for a partial scholarship (waving of the participation fee) or a full scholarship (waving of the participation fee and a contribution to the travel and accommodation costs of the applicant). Only applicants from developing countries are eligible for the full scholarship. The scholarship is paid out after the Executive Training Seminar. Those who apply for a scholarship need to provide a motivation letter to support their request (see registration form).

The Global Governance Programme receives financial support from the European Commission through the European Union budget.

For more information:

Tommaso Rooms

Academy of Global Governance Coordinator

European University Institute

Villa La Fonte

Tel.: +390554685960

Email: tommaso.rooms@eui.eu