



10 years of anti-discrimination law - Milestones and further challenges

Anti-Discrimination Act 2009 – 2019 | Ten-year journey to fairness
International conference, Prague, 3 October 2019



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Legislative framework

Grounds

Forms

Sanctions

Equality bodies



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EU legal framework for equal treatment

2009

| Fields/Grounds | Race | Gender | Sex. orientation | Age | Disability | Religion |
|---------------------------------|------|--------|------------------|-----|------------|----------|
| Employment | YES | YES | YES | YES | YES | YES |
| Education | YES | NO | NO | NO | NO | NO |
| G & S, housing | YES | YES | NO | NO | NO | NO |
| Soc. Protection (Healthcare) | YES | YES | NO | NO | NO | NO |
| Soc. advantages | YES | NO | NO | NO | NO | NO |



EU legal framework for equal treatment

2019

| Fields/Grounds | Race | Gender | Sex. orientation | Age | Disability | Religion |
|---------------------------------|------|--------|------------------|-----|------------|----------|
| Employment | YES | YES | YES | YES | YES | YES |
| Education | YES | NO | NO | NO | NO | NO |
| G & S, housing | YES | YES | NO | NO | NO | NO |
| Soc. Protection (Healthcare) | YES | YES | NO | NO | NO | NO |
| Soc. advantages | YES | NO | NO | NO | NO | NO |



Equality and non-discrimination

- ❖ Equality and non-discrimination are fundamental values of the EU and in the constitutional traditions of all MS
- ❖ International obligations (ECHR, CRPD, SDGs, etc.)



- ❖ Equality bodies in 26 EU Member States already cover some or all areas not covered by EU law



Grounds of discrimination

Religion of belief

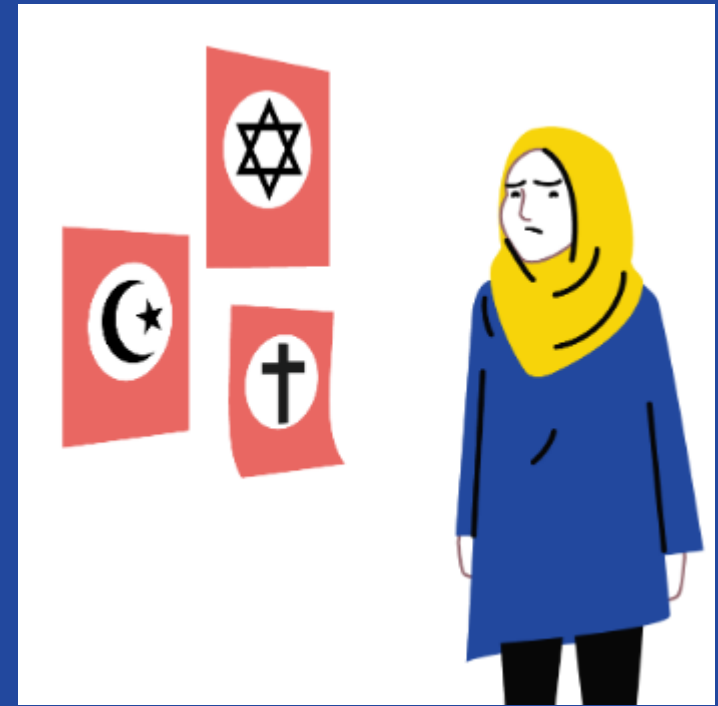
After 14 years...

Achbita (C-157/15)

Bougnaoui (C-188/15)

Contrast with...

Eweida and Others v UK



Grounds of discrimination

Other grounds

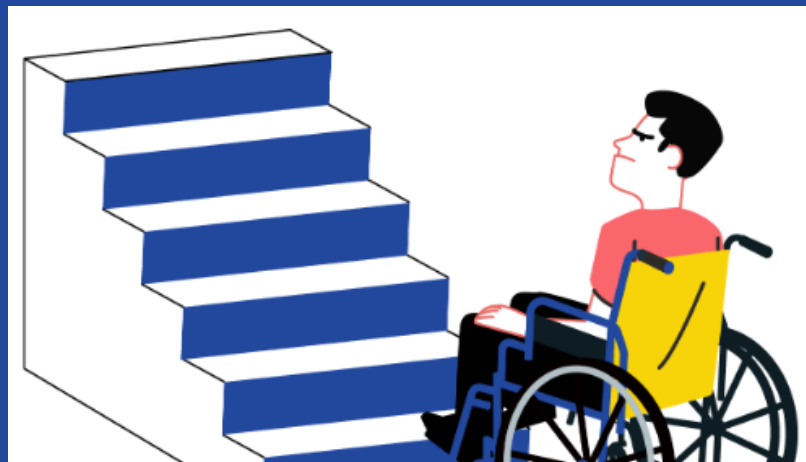
*HIV positive status, use of the UN
CRPD:*

Kiyutin v Russia

Disability, use of the UN CRPD:

*HK Danmark (C-335/11 and C-
337/11)*

Guberina v Croatia



Forms of discrimination

Victimisation

Definition of victimisation

*Jamina Hakelbracht and Others v
WTG Retail BVBA (C-404/18)*



Forms of discrimination

Segregation

D.H. and Others v Czech Republic

No general policy, but lack of proficiency in the national language:

Oršuš and Others v. Croatia

Limitation on personal development and integration into majority society:

Horváth and Kiss v. Hungary

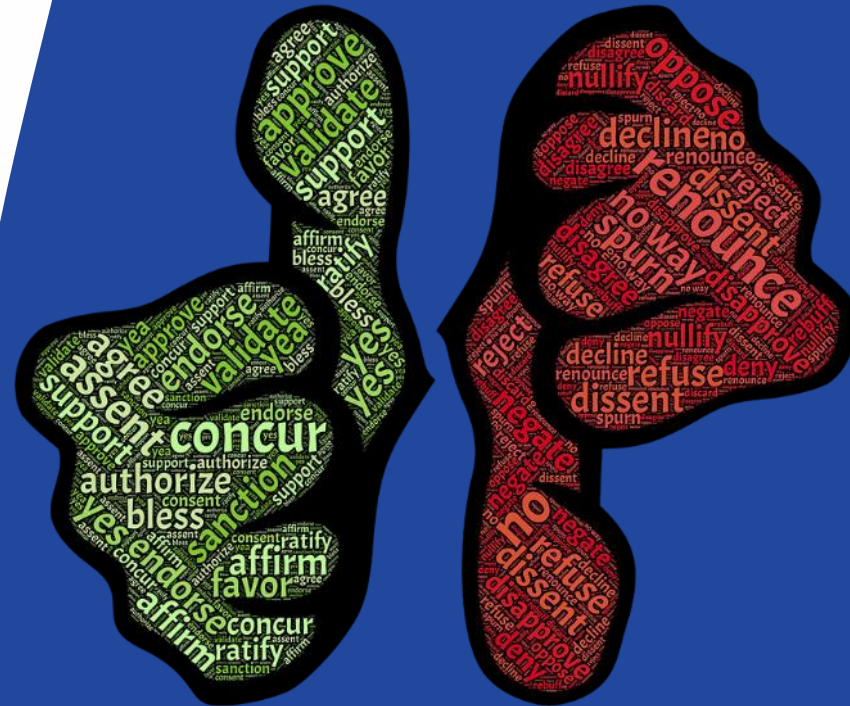


Sanctions

What is effective, proportionate and dissuasive?

Asociația Accept (C-81/12)

*Equality Ombudsman v Braathens
Regional Aviation (C-30/19)*



Equality bodies – potential



- ❖ Social – organisational – individual change
- ❖ Effective monitoring and enforcement of equality law and duties
- ❖ Prevention of discrimination
- ❖ Developing national and European jurisprudence
- ❖ Promotion of good equality practices
- ❖ Awareness-raising
- ❖ Research and knowledge creation
- ❖ Policy advice



Equality bodies – status as court of tribunal?

CHEZ Razpredelenie Bulgaria AD v Komisia za zashtita ot diskriminatsia (Commission for Protection against Discrimination) (C-83/14)

Valeri Hariev Belov v CHEZ Elektro Bulgaria AD and Others (C-394/11)



Thank you for your attention!

Tamás Kádár

Deputy Director, Equinet Secretariat

Tamas.Kadar@equineteurope.org



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