

# Discrimination Trends in Europe

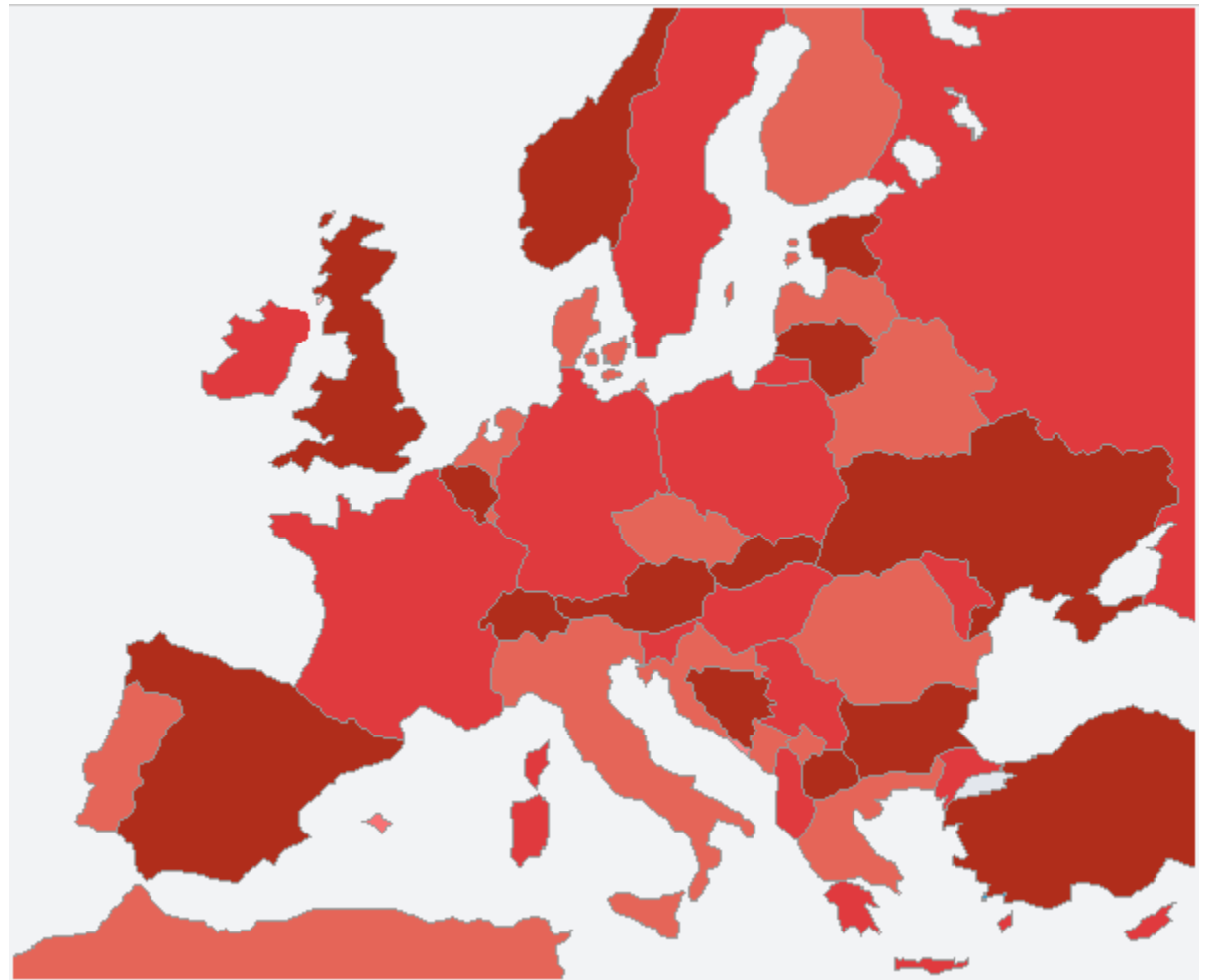
**Belgrade, 15 May 2015**

# Objectives

- Inform you about discrimination trends throughout Europe.
- Review some trends at European level in anti-discrimination law and litigation.
- Discuss the potential for using litigation to combat discrimination in Serbia and around Europe.

# Anti-Gypsyism in Europe

- France
- Italy
- Sweden
- Hungary
- Czech Republic
- Slovakia
- Macedonia
- Turkey
- Ukraine

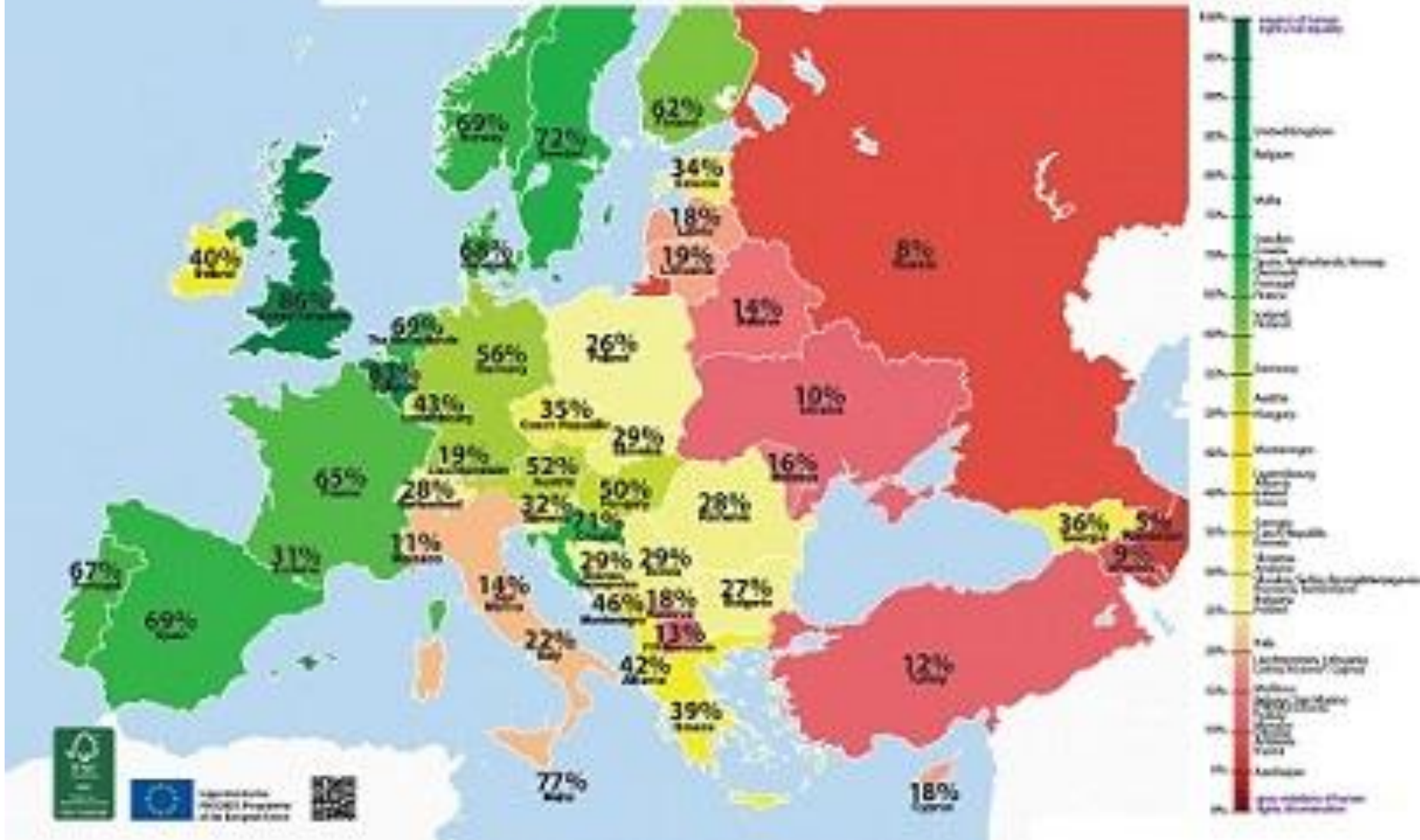


# Trends on the Ground: Other Forms of Discrimination

- Council of Europe – violence against women (2014)
- Discussion of the situation of intersex people at European level (Council of Europe Commissioner for Human Rights)
- EU ratification of the UN Convention on the Rights of People with Disabilities

# ILGA-Europe Rainbow Map May 2015

reflecting the national legal and policy human rights situation of lesbian, gay, bisexual, trans and intersex (LGBTI) people in Europe  
 How did we calculate these scores? Please look at [www.rainbow-europe.org](http://www.rainbow-europe.org)



# Legal Trends:

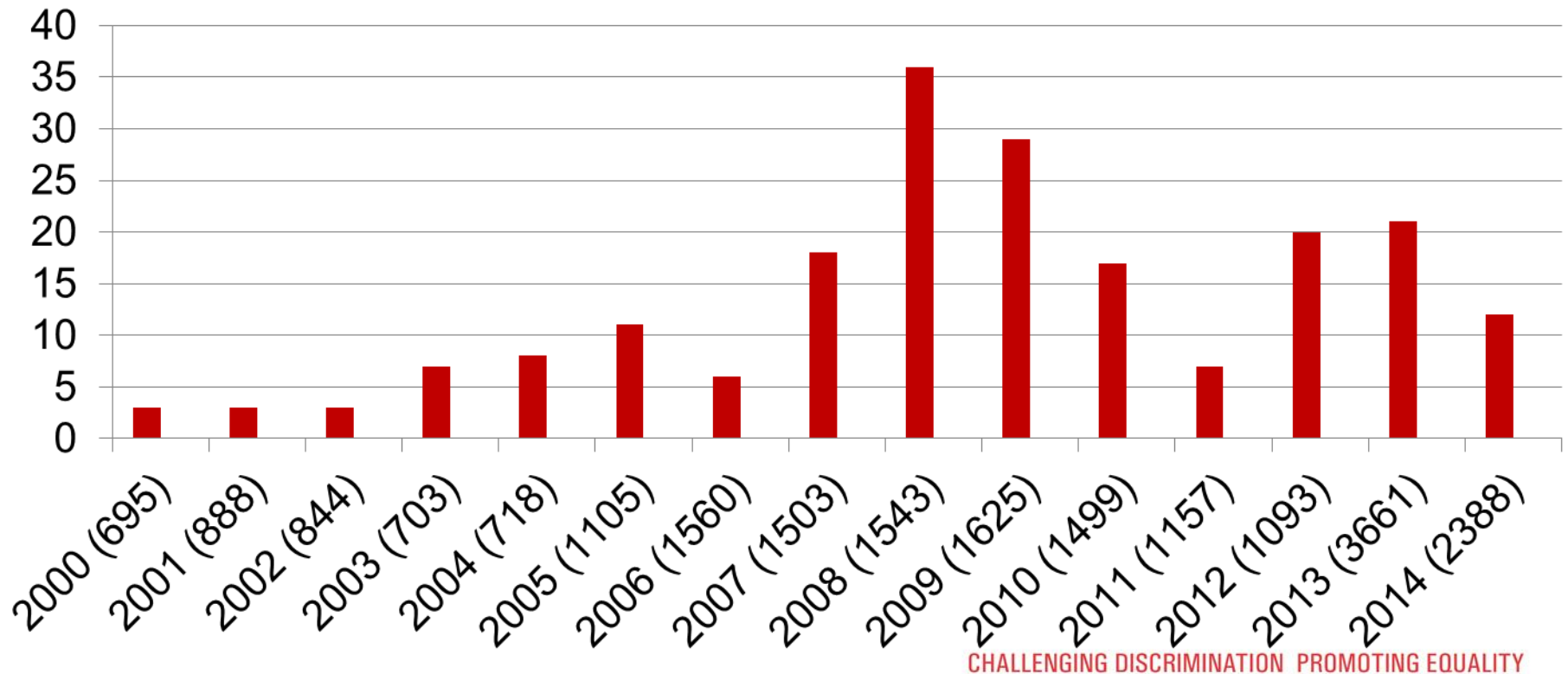
## European Legal Instruments

- **European Convention on Human Rights**
  - Article 14
  - Protocol 12 (17 ratifications, last in)
- **EU Directives**
  - 2000/43 (race/ethnicity in a wide range of areas)
  - 2000/74 (other grounds, only employment) – proposal to extend pending for seven years!



# European Convention on Human Rights

- 1 finding of a violation of Protocol 12  
(*Zornić v Bosnia and Herzegovina* (2014))

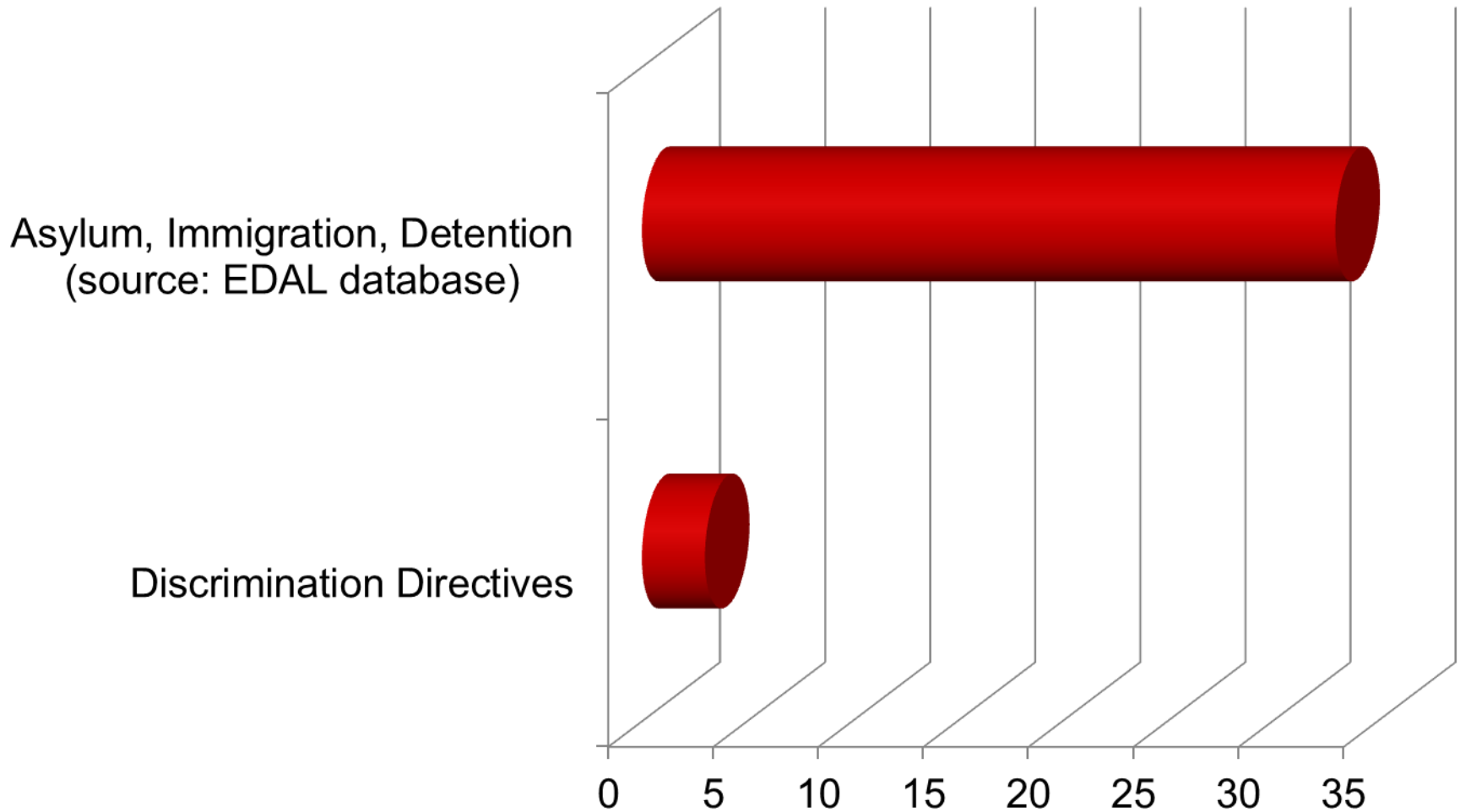


# No Violation of Article 14 Found

- *V.C. v Slovakia* (2011) – forced sterilisation of a Romani woman – not necessary to consider Article 14
- *Yordanova and others v Bulgaria* (2012) – eviction of Roma – no separate issue arises under Article 14



# References to the Court of Justice of the EU



# Infringement Proceedings Under the EU Directives

- 2014: Announcement of infringement proceedings against the Czech Republic for school segregation of Roma.
- 2015: Announcement of infringement proceedings against Slovakia for school segregation of Roma.

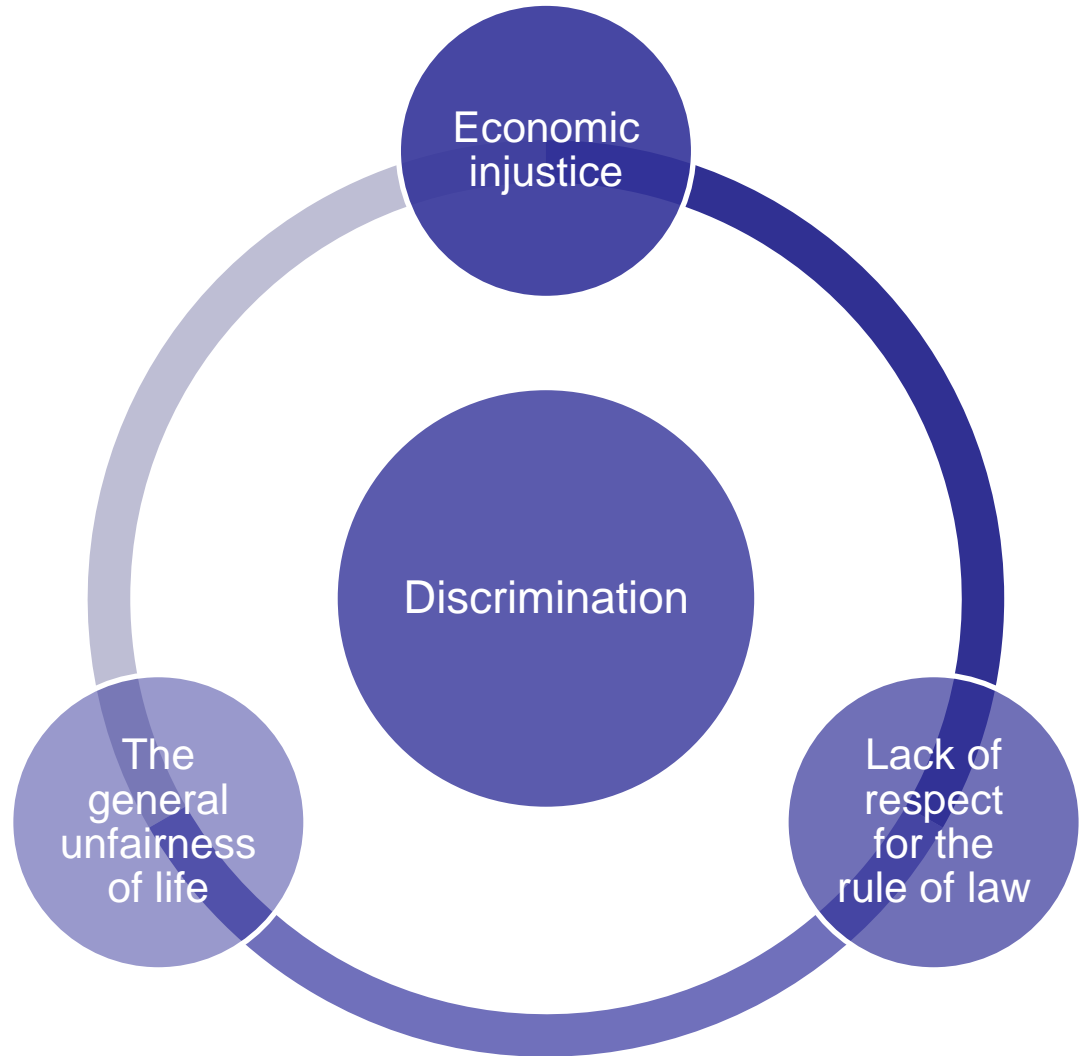


# What's the Problem?

Are we litigating enough?

Do we believe in litigation's power as a tool for emancipation?

Are we really focused on discrimination?



# Do we have the right mix of cases?

Free legal services.

Victim of a rights violation who is out of the situation and wants justice for herself and others.

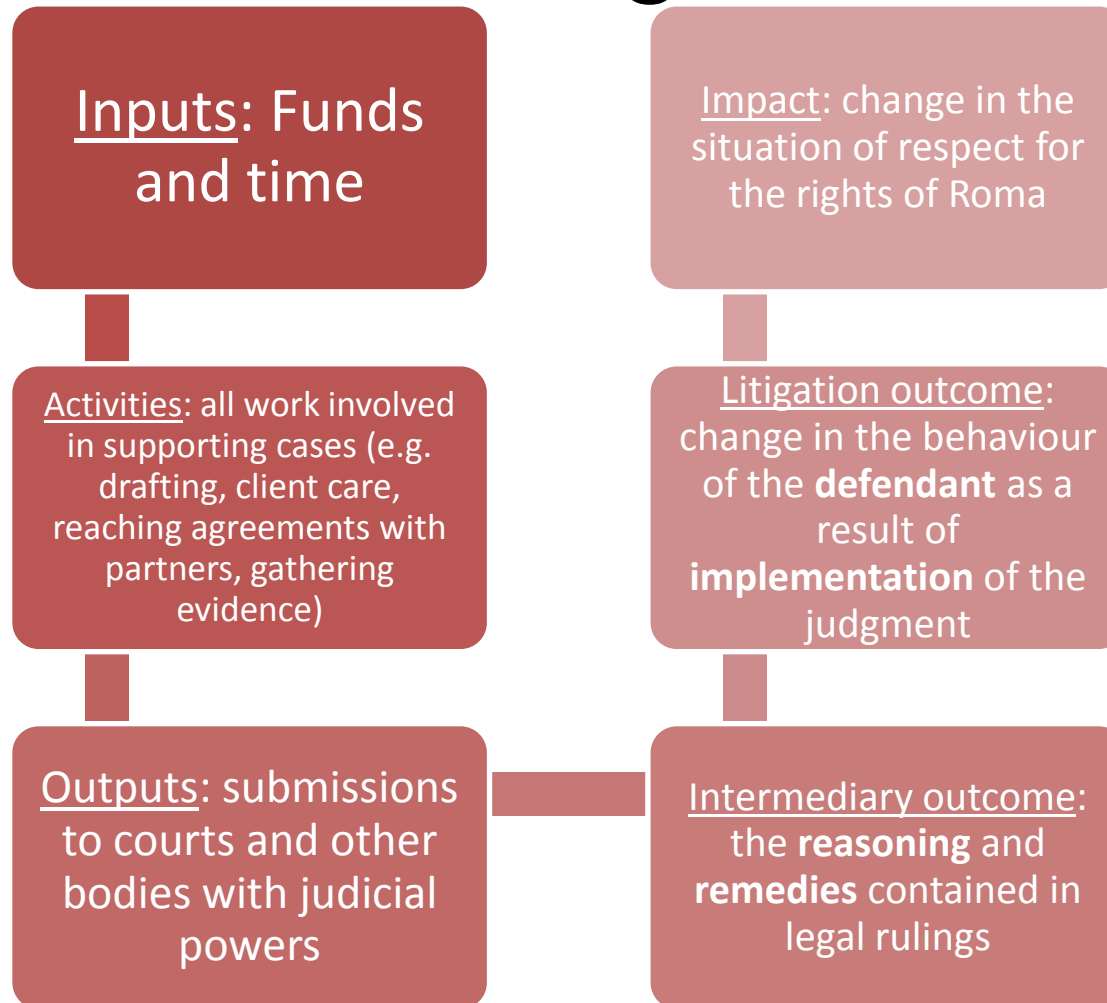
*Actio popularis* or situation testing cases.



Claimants are involved in order to improve their personal situation by securing a remedy for a rights violation.

Claimants are involved solely in order to allow the case to be litigated as designed.

# Do we have a theory of change?



# Bigger Impact

- More cases
- Targeting discriminatory structures
- Using anti-discrimination provisions
- With varied kinds of litigants

# Contact

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