



## CONSELHO SUPERIOR DA MAGISTRATURA

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Proc. 2022/UF/0001  
ASSUNTO: **Parceria ERA - CEJ: Seminário Applying EU Anti-discrimination Law – seminar for members of the judiciary, Lisboa, 4-5 Abril 2022**

DATA: 03-01-2022

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### DIVULGAÇÃO N.º 2/2022

Exmo(a) Senhor(a) Juiz(a) Conselheiro(a)

Exmo(a) Senhor(a) Juiz(a) Desembargador(a)

Exmo(a) Senhor(a) Juiz(a) de Direito

Divulga-se a V.<sup>a</sup> Ex.<sup>a</sup> que se encontram abertas inscrições para o **Seminário “Applying EU Anti-discrimination Law – seminar for members of the judiciary”** organizado pela ERA, em parceria com o Centro de Estudos Judiciários, no âmbito do programa de financiamento “Rights, Equality and Citizenship”, que irá decorrer na Sede do CEJ, em Lisboa, nos **dias 04 e 05 de abril de 2022**, conforme programa que se anexa.

O seminário, com interpretação simultânea inglês/português, visa proporcionar aos participantes uma visão geral das duas diretivas europeias que proíbem a discriminação com base na raça ou na origem étnica, e igualmente a discriminação no emprego baseada em deficiência, idade, orientação sexual ou religiosa.

A interação entre os participantes será encorajada durante os períodos de discussão e sessões em grupo, requerendo a sua participação ativa.

Nos termos da parceria estabelecida com a ERA, estão disponíveis 20 vagas para magistrados portugueses a distribuir do seguinte modo:

- Magistratura judicial: 8 vagas
- Magistratura do Ministério Público: 8 vagas
- Jurisdição administrativa e fiscal: 4 vagas

As respetivas inscrições deverão ser efetuadas para o email: [csm@csm.org.pt](mailto:csm@csm.org.pt), **até ao dia 27 de janeiro de 2022**.





## CONSELHO SUPERIOR DA MAGISTRATURA

O prazo limite destina-se a assegurar a elaboração das listas graduadas e, posteriormente, o envio destas ao Centro de Estudos Judiciários, para elaboração de uma lista final.

Para efeitos de envio das grelhas graduadas ao Centro de Estudos Judiciários e posterior envio à entidade organizadora, neste caso a ERA, para contacto em caso de admissão por parte das mesmas, serão utilizados os contactos oficiais (nome, categoria, jurisdição onde exercem funções, contacto de email e telefone) disponíveis na área pessoal do Iudex.

A admissão ao seminário é da responsabilidade da entidade organizadora.

Em caso de admissão pela entidade organizadora, deverá ser solicitada a competente dispensa de serviço ao Conselho Superior da Magistratura.

A Juiz Secretária do Conselho Superior da Magistratura,



**Ana Cristina  
Dias Chambel  
Matias**

*Juiz Secretária*

Assinado de forma digital por Ana Cristina  
Dias Chambel Matias  
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Dados: 2022.01.03 17:22:00

[Ana Cristina Dias Chambel Matias]





## APPLYING EU ANTI-DISCRIMINATION LAW

SEMINAR FOR MEMBERS OF THE  
JUDICIARY

Lisbon, 4-5 April 2022

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

**Equality  
Law**



### Speakers

**Sara Benedi Lahuerta**  
Assistant Professor in Law, University College Dublin

**Marjolain van den Brink**  
Lecturer, University of Utrecht

**María do Rosário Palma Ramalho**  
Professor of Law, University of Lisbon

**Isabelle Rorive**  
Professor at the Law Faculty, University of Brussels (ULB)  
(*tbc*)

**Goran Selanec**  
Justice at the Constitutional Court of the Republic of Croatia,  
Zagreb

**Angela Vernia**  
Employment Judge, Bari (*tbc*)

**Katrin Wladasch**  
Anti-Discrimination Expert, Ludwig Boltzmann Institute of  
Human Rights, Vienna

### Key topics

- Key concepts: direct discrimination, indirect discrimination, harassment
- Burden of proof
- The role of the EU Charter of Fundamental Rights
- Remedies and sanctions
- Preliminary ruling procedure
- Disability and reasonable accommodation
- Religious discrimination at the workplace
- Hate speech
- Artificial Intelligence

Languages  
English and Portuguese  
(simultaneous interpretation)

Event number  
122DV74f

Organisers  
ERA on behalf of the European  
Commission (contracting authority)  
and with the support of the  
Portuguese Centro de Estudos  
Judiciários



# Applying EU Anti-Discrimination Law

## Seminar for members of the judiciary

### Monday, 4 April 2022

- 08:45 Registration of participants
- 09:10 **Welcome and introduction**
- 09:20 **The EU legal framework on equality** – with special attention to the EU Charter of Fundamental Rights, its legal value and the issue of horizontal direct effect of Article 21 in the CJEU case law  
*Marjolein van den Brink*
- 10:00 Discussion
- 10:15 **Definition of key concepts**
- Direct discrimination
  - Indirect discrimination
  - Harassment
- 11:00 Discussion
- 11:15 Coffee break
- 11:45 **Proving discrimination:**
- The shift of the burden of proof
  - How to establish a presumption of discrimination, examples and CJEU case law
  - Access to evidence and CJEU case law on disclosure of information  
*Goran Selanec*
- 12:30 Discussion
- 12:45 Lunch
- 14:00 **Seeking effectiveness: remedies and sanctions in discrimination cases**  
*Katrin Wladasch*
- 14:30 Discussion
- 14:45 **Workshop: applying EU anti-discrimination law in a domestic case**  
Discussion of a case study in working groups  
*Sara Benedi Lahuerta*
- 16:00 Coffee break
- 16:30 **Results of the workshop and feedback**
- 17:15 End of the first seminar day
- 19:30 Seminar dinner

### Objective

The seminar will provide participants with an overview of the two European directives prohibiting discrimination on the grounds of race or ethnic origin in a number of areas, as well as on disability, age, sexual orientation or religion/belief in employment and occupation. Furthermore, topical and current issues in this field will be discussed. Interaction among participants will be encouraged through periods of discussion and working groups requiring their active participation.

### Who should attend?

Judges, prosecutors and other members of the judiciary from the EU, Iceland or Liechtenstein.

### You will learn...

- what is the legal value of the EU Charter and how to apply and interpret it at domestic level
- to differentiate the key concepts of direct/indirect discrimination and harassment
- to ensure that the burden of proof is correctly applied in court proceedings involving discrimination claims
- how to impose effective, proportionate and dissuasive sanctions in cases of discrimination
- how to submit a preliminary question to the CJEU
- how the CJEU interpreted the anti-discrimination directives in its recent case law dealing with religious symbols at work
- about the legal status of the UNCRPD and its role as interpretative tool
- how to detect and address discrimination in the context of artificial intelligence
- how the European Union deals with hate speech

### e-Learning

Test your knowledge, brush up on the basics and get a first taste of the course with our preparatory e-learning course:

[www.era-comm.eu/anti-discri/e\\_learning](http://www.era-comm.eu/anti-discri/e_learning)

## Tuesday, 5 April 2022

- 09:15 **The role of the national judge in applying the EU anti-discrimination directives:**
- Applying EU law in domestic proceedings
  - Practical tips for submitting a preliminary ruling procedure  
*Member of the Portuguese judiciary*
- 10:00 Discussion
- 10:15 **Religious discrimination at the workplace and the CJEU case law regarding headscarves**  
*Isabelle Rorive*
- 11:00 Discussion
- 11:15 Coffee break
- 11:45 **Discrimination on the grounds of disability:**
- The relationship between EU law and the UNCRPD
  - The concepts of disability and reasonable accommodation  
*Angela Vernia*
- 12:30 Discussion
- 12:45 Lunch
- 13:45 **Equality, artificial intelligence, algorithms and automated decisions: how to detect and address discrimination in the context of AI?**
- Discrimination risks and main fields
  - Legal resources available  
*Maria do Rosário Palma Ramalho*
- 14:15 Discussion
- 14:30 **Tackling hate speech in EU law:**
- Definition of hate speech
  - Discrimination framework and criminal law framework
  - Online hate speech
  - Freedom of expression v. hate speech  
*Sara Benedi Lahuerta*
- 15:00 Discussion
- 15:15 **Closing remarks**
- 15:30 End of the seminar

### Your contact persons



Daniel Gärtner  
Course Director  
Senior Lawyer  
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Assistant  
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Join our LinkedIn group  
on EU Equality Law

# Application procedure

## APPLYING EU ANTI-DISCRIMINATION LAW

Lisbon, 4-5 April 2022 / Event Number: 122DV74f



### Applications for

**APPLYING EU ANTI-DISCRIMINATION LAW on 4-5 April 2022**  
can be made online until 9 February 2022 on the following website:



[www.era.int/?131180&en](http://www.era.int/?131180&en)



ERA's equality law seminars are organised in the framework of the European Union's 'Rights, Equality and Citizenship Programme 2014-2020' on behalf of the European Commission

#### EU Anti-Discrimination Law

Since 2003 ERA has been organising a series of seminars devoted to the two EU Anti-Discrimination Directives 2000/43 and 2000/78. For more information visit: [www.era.int/anti-discrimination](http://www.era.int/anti-discrimination).

#### EU Gender Equality Law

Since 2009 ERA has been organising a series of seminars devoted to EU law on equal treatment between women and men. For more information visit: [www.era.int/gender](http://www.era.int/gender)

#### Location

Centro de Estudos Judiciários  
Largo do Limoeiro, 1149-048 Lisboa  
Portugal

#### Languages

English / Portuguese  
(simultaneous interpretation)

#### Contact Person

Barbara Hense  
Assistant  
E-Mail: [bhense@era.int](mailto:bhense@era.int)  
+49 (0) 651 93737-120

#### Participation

Participation is only open to judges, prosecutors and other members of the judiciary from the EU, Iceland or Liechtenstein. Participation will be subject to a selection procedure since the number of places is limited. A response will be given to every applicant shortly after the deadline. We strongly advise you not to make any travel or hotel arrangements before receiving our confirmation.

#### Registration fee

There is no registration fee.

#### Travel expenses

Travel costs will be reimbursed to a maximum of €450 upon receipt of all necessary documents.

#### Accommodation

Two nights' accommodation will be covered directly by ERA.