

REMEDIES AND SANCTIONS IN CASES OF DISCRIMINATION

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ANTI-DISCRIMINATION DIRECTIVES

- ▶ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal treatment for men and women in matters of employment and occupation
- ▶ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
- ▶ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

OBJECTIVES OF THE DIRECTIVES

The right to take legal action to enforce the principle of non-discrimination

Right to effective, proportionate and dissuasive redress

Obligation for an appropriate sanction by the Member State

DIRECT EFFECT OF THE ANTI-DISCRIMINATION DIRECTIVES AS A MEANS OF EFFECTIVENESS

- PRIMACY OF EU LAW
- INTERPRETATION OF NATIONAL LAW IN ACCORDANCE WITH EU LAW BY THE NATIONAL JUDGE
- HORIZONTAL EFFECT

THE RIGHT TO TAKE LEGAL ACTION

REGULATION IN DIRECTIVES

- ▶ Article 17 Directive 2006/54
- ▶ Article 7 Directive 2000/43
- ▶ Article 9 Directive 2000/78

DOUBLE ASPECT OF THE LAW

- ▶ Formal right to take legal action
- ▶ Mechanisms for the victim to be compensated

THE RIGHT TO EFFECTIVE, PROPORTIONATE AND DISSUASIVE REDRESS

REGULATION IN DIRECTIVES

- ▶ Articles 18 and 25 Directive 2006/54
- ▶ Article 15 Directive 2000/43
- ▶ Article 17 Directive 2000/78

DOUBLE ASPECT OF THE LAW

- ▶ Effective redress
- ▶ Dissuasive effect

SANCTION VS. REPARATION

- ▶ A SINGLE INSTRUMENT FOR DETERRENCE AND REPARATION?
- ▶ CHOICE BY MEMBER STATES
- ▶ COMMON LAW PUNITIVE DAMAGES
- ▶ SPECIAL REFERENCE TO ART. 25 OF DIRECTIVE 2006/54
- ▶ CJEU JUDGMENT of 17 December 2015 – CASE ARJONA CAMACHO
- ▶ ART. 18 OF DIRECTIVE 2006/54

SOME CJEU JUDGMENTS

- ▶ CJEU Judgment of 10 April 1984 / case Von Colson and Kamann
- ▶ CJEU Judgment of 2 August 1993 / case Marshall
- ▶ CJEU Judgment of 22 April 1997 / case Nils Draehmpaehl
- ▶ CJEU Judgment of 22 November 2012 / case Elbal Moreno
- ▶ CJEU Judgment of 17 March 2016 / case Liffers



THANK YOU FOR YOUR
ATTENTION.

