REMEDIES AND SANCTIONS IN CASES OF DISCRIMINATION

BARCELONA - 24TH AND 25TH OCTOBER

Anti-Discrimination Directives


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.