

panel invites to study the links between criteria. The concept of intersectionality appeared in the United States and particularly has arisen from work of the lawyer Kimberlé Crenshaw. This concept plays a full part in the social sciences analysis. But, the concept struggles will receiving concrete legal translations, except if we perform significant transformations for instance, emergence of the notion of "special vulnerability" that appears in certain litigations. For all these reasons, it seems to invite to continue the discussions on the relationship between legal and sociological approaches of discrimination and their underlying issues.

SPEAKERS

Gwénaële CALVES

Professor of Law, Université de Cergy-Pontoise - "Proliferation of discrimination criteria: what effects on their prioritisation and combination?"

Marie MERCAT-BRUNS

Maitresse de conférences in Law, Sciences Po Paris - "Confluence of discrimination criteria in Europe: indicative of systemic discriminations?"

* A break of 15 minutes is scheduled during this panel.

Iyiola SOLANKE

Professor of Law, University of Leeds - "The anti-stigma principle - centralising intersectionality in the theory of anti-discrimination law"

Marc LOISELLE

Adviser, Rights protection - Public affairs, Defender of Rights - "Coordination of discrimination criteria : what are the challenges in the processing of Defender of rights individual cases?"

Moderator: Éric FASSIN

Professor of Sociology, Université Paris 8 Vincennes-Saint-Denis

12:15-12:45

CLOSING REMARKS

Françoise TULKENS

Former Judge and Vice-President of the European Court of Human Rights

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The Defender of Rights and the Research Mission Law and Justice

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D



MISSION DE RECHERCHE
Droit & Justice

discrimination

discrimination related to origin

discrimination related to disability

discrimination related to place of residence

discrimination related to sex

discrimination related to physical appearance

discrimination related to loss of autonomy

discrimination related to sexual orientation

discrimination related to pregnancy

DEFENDER OF RIGHTS / PARIS 7

SYMPOSIUM

18&19 JANUARY 2018

MULTIPLICATION OF DISCRIMINATION CRITERIA

CHALLENGES, EFFECTS AND PROSPECTS

Face au droit, nous sommes tous égaux

THURSDAY 18 JANUARY 2018

08:30-09:00

WELCOME

09:00-09:30

OPENING SESSION

Jacques TOUBON

Defender of rights

Nicole BELLOUBET

Minister of Justice (To be confirmed)

09:30-10:15

INTRODUCTORY STATEMENT

Isabelle RORIVE

Professor of Law, Université Libre de Bruxelles, Institut d'Études Européennes et Faculté de Droit - "European non-discrimination law set to the tempo of singular criteria"

Robin STRYKER

Professor of Sociology, Research Director of the National Institute for Civil Discourse, University of Arizona - "Proliferating 'protected classes': the view from the United States"

10:15-10:30

BREAK

10:30-13:00 / PANEL 1

ORIGIN AND EXPANSION OF THE LIST OF PROHIBITED DISCRIMINATION CRITERIA

The non-discrimination law has gradually emerged in the French legal system, and its articulation with the law of equality is marked by a certain complexity.

The non-discrimination law and the principle of equality involve a common goal to fight against illegitimate distinctions. However, they operate under separate arrangements: while the equality law is based on a number of principles (of equality, of equal treatment, of "equal work, equal pay", etc.), non-discrimination rules rely primarily on lists of prohibited criteria, which are not combined in a general principle. This panel will put into perspective the history and the dynamics that influence the logic of "lists" defined by the legislator, particularly in France: in which order did these criteria appeared, and in which legal instruments (criminal law, labour law, etc.)? Why are the lists of prohibited discrimination criteria closed here, and open there? Is it an element to link with the different forms of

legal orders (common law, civil law)? How can this form of writing the law of non-discrimination extend: under the influence of political, social and economic fields? If so, what are the emerging criteria? What does the variability of these lists suggest? Indeed, in an emblematic way, while secondary EU law includes seven criteria covered by the directives on combating discrimination, French domestic law, which covers the same fields, includes now more than twenty. Can we define a hierarchy between criteria or what other distinctions can we make? Through these main problematics, we will question the current legal definition of discrimination and the evolution of the protection of the intrinsic characteristics of each individual to which it refers.

Morgan SWEENEY

Maître de conférences in Law Université Paris-Dauphine - "Jurisprudential definition of prohibited grounds of discrimination: French and European approaches"

Daniel GOLDBERG

Socialist Group Member of Seine-Saint-Denis (2007-2017) - "Equal rights and right to equality, a political pathway"

Moderator: Daniel SABBAGH

Research Director in Political Science, Sciences Po Paris

SPEAKERS

Julie SUK

Professor of Law, Benjamin N. Cardozo School of Law, Yeshiva University - "Substantive equality and the expansion of discrimination criteria"

Robin MEDARD-INGHILTERRA

PHD Candidate in Law, Université Paris Ouest-Nanterre-La Défense - "The unequal proliferation of discrimination criteria: consequences and terms of a possible harmonization"

13:00-14:30

LUNCH BREAK

14:30-17:15 / PANEL 2

SOCIAL AND LEGAL DISCRIMINATION CRITERIA *

The list of prohibited discrimination criteria can be very long, especially in the French law.

However, these criteria are variously known and more or less mobilized: they can be simply mentioned (in social life or public debate) or used for litigation purposes. In addition, in litigation itself, certain criteria seem to be more welcome than others. In return, it influences, in proportions that must be determined, the strategies that are implemented, including by lawyers or other intermediaries of the law such as trade unionists or members

of associations. The second session of the Symposium will focus on: the criteria circulation in the social space, their use in a legal perspective, and how they have thrived (or not) before the courts, in decisions, even in the comments produced by jurists as well as, how their mobilization or legal non mobilisation informs, in return, new interventions of the legislator.

* A break of 15 minutes is scheduled during this panel.

18:00

COCKTAIL

FRIDAY 19 JANUARY 2018

09:30-12:15 / PANEL 3

THE LIST OF PROHIBITED CRITERIA, BETWEEN MULTIPLE AND INTERSECTIONAL DISCRIMINATIONS*

The law, especially in France, must expand the inventory of discrimination criteria to take into account the fight against discriminations. We will focus on the link between the multiplication of legal criteria of discrimination and the multiplicity of processes of domination which is, in social sciences, a main question.

Indeed, the social sciences not only reduce the "social" to the socio-economic categories, class relations, but they seek to take into account a plurality of these social relationships (gender, race, age, etc.) that we could say "naturalized" because they are enrolled in the body. In this sense, discrimination is also

strictly a sociological concept. We can see the proliferation of legal criteria as a reflection of the multiplicity of discriminatory practice. However, the concept of intersectionality invites us to think, not so much separate realities, as the "consubstantiality" of various logics: more than the establishment of a list, this

SPEAKERS

Cyril WOLMARK

Professor of Law and Director of the Institut d'Études Judiciaires, Université Paris Ouest Nanterre-La Défense - "The use of criteria related ton origin in judicial litigation of discrimination"

Vincent-Arnaud CHAPPE

Chargé de recherche CNRS in Sociology, Mines ParisTech - "Trade union discrimination: judicial qualification course within the PSA firm"

Philippe ICARD

Maître de conférences in Law, Université de Bourgogne - "Peregrinations of discrimination grounds in the courtroom"

Emmanuelle BOUSSARD-VERRECHIA

Lawyer at the Paris Bar, Labour Law and Law of non-discrimination - "Multiplication of discrimination criteria: from listening the person to the qualification of facts and the judicial strategy"

Moderator: Liora ISRAËL

Maîtresse de conférences in Sociology, École des Hautes Études en Sciences Sociales