



Max Planck Institute
for Social Anthropology



CULTURAL DIVERSITY IN THE COURTROOM - JUDGES IN EUROPE FACING NEW CHALLENGES

AGENDA

19 November 2020
Webinar (based on preparatory online study)

EJTN HUMAN AND FUNDAMENTAL RIGHTS
PROJECT



With financial support from the Justice
Programme of the European Union

DESCRIPTION

This training workshop aims to create a platform to address cultural (including religious) diversity and the challenges it poses to judicial institutions (prosecutors as well as judges) throughout Europe today. It follows a survey conducted among judges from 14 European countries by the (ENCJ) European Network of Councils of the Judiciary in cooperation with the Law & Anthropology Department of the Max Planck Institute for Social Anthropology (Halle, Germany). The survey revealed a clear demand for appropriate training as well as a need for cooperation with non-legal experts with knowledge of diverse sociocultural backgrounds. The training addresses these two dimensions. Guided by a team consisting of an experienced judge and an academic with the relevant sociocultural expertise, participants will discuss and intensively work on selected cases in four subject areas:

labour law (accommodation of religion at the workplace)

family law (polygamous marriages)

criminal law (cultural defense)

asylum law (traditional belief systems in asylum claims)

The question of accommodation of religious and cultural diversity is an integral part of the new reality of judicial practice in each Member State of the European Union, and the EJTJN is the only network that undertakes organizing training to judges across Europe. Therefore, this training offers a unique opportunity to conduct comparative legal exercises and to engage in discussions among judges from different EU countries on delicate questions they increasingly face in their daily practice.

The learning objectives of this workshop are an increased awareness of and sensitivity to cultural diversity, and a comparative exploration of how this can be incorporated into judgments, leading to better legal outcomes. Participants will learn how to access relevant sources of information/expertise on issues of cultural diversity and gain familiarity with a range of techniques that facilitate reflection on cultural diversity and how it can be incorporated into individual decision-making processes. The training complements existing trainings on 'law in context' on a national level by providing practical exercises on how to grasp diverse lived realities and normative worldviews in increasingly plural societies. In addition, participants have the unique opportunity to directly engage with academics and to learn about the current state of social scientific research about law and diversity.

Note:

Due to the COVID-pandemic, the format of the training has been adapted: Training cases and additional training materials for each of the four fields of law will be provided electronically in advance. Each participant will be asked to submit a summary of an exemplary case from his or her jurisdiction to one of the four fields of law based on their own practical experience.

In four final webinar sessions the original training case as well as cases submitted by participants will be discussed with the expert trainers' team.

While in previous trainings participants had to choose one field of law, the new format with a preparatory phase and four shorter webinar sessions now allows participants not only to actively contribute their experience to one field of law (by submitting a case for discussion), but to also follow the online discussion in the three other fields of law.

PROGRAMME

Phase I:

20 October – 13 November: Preparatory Self-Study (online)

20 October 2020	Training cases and materials are available on the e-learning platform of the EJTN
20 October – 1 November	Participants familiarize themselves with training cases and materials in those fields of law they are interested in and prepare a 1-page case summary (template is provided on the platform) for one field of law of their choice.
1 November 2020	Deadline for case submission by participants.
1 -13 November	Participants have an opportunity to familiarize themselves with the submitted cases in their chosen field of law and to submit questions for discussion in the webinars.
13 November	Deadline for submitting questions for discussion to the trainers

Phase II:

Thursday, 19 November 2020: Webinars

* all time indications refer to Central European Time (UCT+1)

08.45-09.00	<i>Log in of Participants to the online platform</i>	
09.00-09.20	Welcome and Introduction	Katharina STEININGER , Activity coordinator and member of the sub-working group Human and Fundamental Rights, EJTN Arno VINKOVIC , Project manager EJTN Marie-Claire FOBLETS , Director of the Max Planck Institute for Social Anthropology
9.20-10.00	Opening Session “Diversity and Judgecraft”	Sir Ernest RYDER (tbc)

	“Law, Anthropology and Diversity”	Pembroke College Oxford University Marie-Claire FOBLETS (and Larissa Vettors) Department of ‘Law & Anthropology’, Max Planck Institute for Social Anthropology
10.00 - 11.00	Webinar Criminal Law	tbc Mariuca CONSTANTIN National School of Political Administration (SNSPA), Bucharest Moderator: Frederike NUN Max Planck Institute for Social Anthropology
11.00-11.15	Break	
11.15-12.15	Webinar Asylum Law	Katia BIANCHINI Max Planck Institute for Social Anthropology Sophie ANDREETTA Max Planck Institute for Social Anthropology Moderator: Sophie NAKUEIRA Max Planck Institute for Social Anthropology
12.15-13.30	Lunch	
13.30-14.30	Webinar Labour Law	Mark EMERTON Judge of the Employment Tribunals, England and Wales Markus Klank Max Planck Institute for Social Anthropology Moderator: Eugenia Relaño-Pastor Max Planck Institute for Social Anthropology
14.30-14.45	Break	
14.45-15.45	Webinar Family Law	tbc Federica SONA

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Moderator:

tbc

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Concluding Plenary Discussion

15.45-16.45

Moderator:

Katharina STEININGER, Activity coordinator and member of the sub-working group Human and Fundamental Rights, EJTN

SPEAKERS

Sophie ANDRETTA

Researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany

Katia BIANCHINI

Researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany

Mariuca CONSTANTIN

Researcher and Lecturer at the National School of Political Administration (SNSPA), Bucharest, Romania

Mark EMERTON

Judge of the Employment Tribunals, England and Wales

Marie-Claire FOBLETS

Director of the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany

Markus KLANK

Associate researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany

Sophie NAKUEIRA

Researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany

Eugenia RELAÑO PASTOR

Researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany

Sir Ernest RYDER (tbc)

Pembroke College, Oxford University, Senior President of Tribunals, England and Wales (until 2019)

Federica SONA

Researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany

Katharina STEININGER

Family Law Judge at a District Court in Vienna, Austria; Austrian representative in the EJTN Sub Working Group Human and Fundamental Rights

Larissa VETTERS

Researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany

Arno VINKOVIC

European Judicial Training Network, Brussels, Belgium

Vishal VORA

Researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany

Draft

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