



Alternative dispute resolution: strategies and dilemmas

Belgian Centre for Equal Opportunities and
Opposition to Racism (CEOOR)

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Legal missions

- CEOOR Establishment Act 15/2/1993 (federal)
 - Promote equal opportunities
 - **Tackle discrimination (18 grounds)**
 - including hate crime and hate speech*
 - Fundamental rights of foreigners / migration
 - Human trafficking / trading
 - UNCRPD independent mechanism (art. 33§2)



Average statistics (2009-2011)

- 3500 contacts/requests – 1400 cases per year

Areas

- 26% employment
- 24% goods & services
- 22% media/internet
- 8% 'society'
- 7% education
- ...

Grounds

- 46% racial grounds
- 18% disability
- 13% religion or belief
- 6% age
- 6% sexual orientation
- ...




Competences and strategies

- CEOOR addresses discrimination complaints by
 - Providing general information
 - Counselling / advising
 - **Alternative dispute resolution (ADR)**
 - Litigation / interventions
 - Cross-cutting strategies
 - Local and regional presence (e.g. Flemish points of contact)
 - Cooperation with other stakeholders (e.g. trade unions)

Cf. Equinet report [*Providing Independent Assistance to Victims of Discrimination*](#) (2011)



Situating ADR (1/3)

- CEOOR favours ADR i.e. **extrajudicial solutions**
 - Advantages – exceptions
 - Strategic Plan 2011-2013: investing in know-how ADR
 - Negotiation/conciliation rather than mediation
 - Actual or perceived impartiality
 - Legal proceedings remain possible
 - Third party mediation?
 - Crucial role of partners and a.o. stakeholders
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Situating ADR (2/3)



3500
contacts/requests

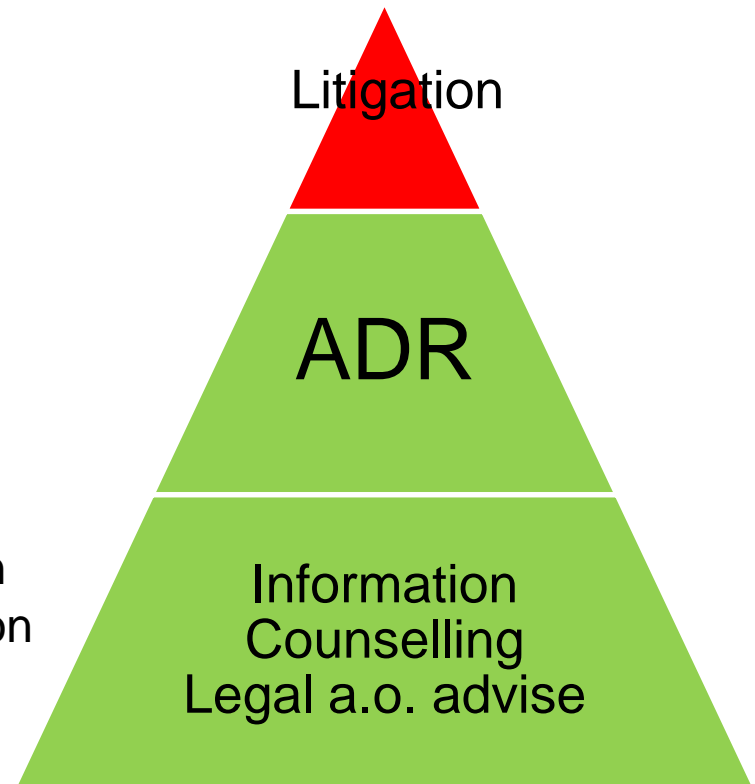


1400
competent cases

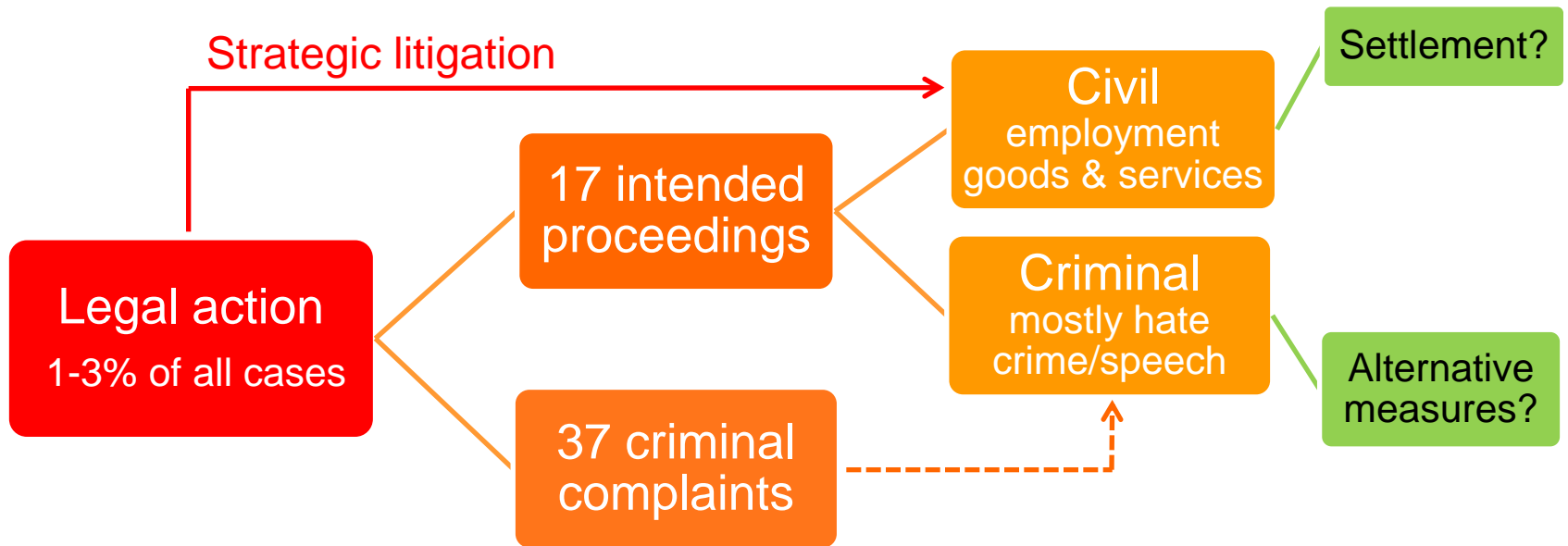


700
employment
goods & services

Approx. 1/3
sufficient proof
or presumption
of discrimination




Situating ADR (3/3)



Average year statistics (2009-2011)




Aspired ADR results

- Acknowledgement of discrimination or error
 - Reparation/compensation for victim(s)
 - Commitment to non-discrimination
 - Structural improvement of diversity policy, training
 - Communication of 'success story'
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Dilemmas in ADR

- Risks
 - Formal or informal approach
 - Procedures and outcomes
 - Consistency or pragmatism
 - Role and involvement of victim(s)
 - Position and attitude of the other party
 - ADR and (strategic) litigation
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Thank you

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