



Max Planck Institute
for Social Anthropology



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

EJTN HUMAN AND FUNDAMENTAL RIGHTS PROJECT

16 – 17 October 2023

Ministry of Justice

Vienna, Austria

 **Federal Ministry
Republic of Austria**
Justice

[HFR/2023/09]



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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, judges and court staff) throughout Europe today. It follows a survey conducted among judges from 14 European countries by the European Network of Councils of the Judiciary (ENCJ) 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 experts with profound knowledge of diverse sociocultural backgrounds. The training addresses these two dimensions. Guided by a team consisting of experienced legal scholars and academics with relevant sociocultural expertise, participants will discuss and intensively work on four dimensions of cultural diversity as they present themselves in judicial practice:

- Culture as communication – interpretation, (non-)verbal communication in the courtroom
- Culture as context – assessing and interpreting facts against the background of the cultural context at stake
- Culture as a right? – protection of cultural diversity in the domestic legal orders
- Culture as representation and justification – diversity-sensitive formulation of legal arguments in rulings

Training materials will be provided electronically in advance. Each participant will be asked to submit in advance a summary of an exemplary case from his or her jurisdiction based on their own practical experience for group exercises during the training.

The question of recognition and accommodation of religious and cultural diversity is an integral part of the reality of judicial practice in each Member State of the European Union. This training offers a unique opportunity to conduct comparative legal exercises and to engage in discussions among practitioners from different EU countries on delicate questions they increasingly face in their daily practice, in all of the four dimensions elaborated above.

The learning objectives of this training workshop is to create a platform for legal practitioners, legal scholars and academics from the disciplines of sociocultural anthropology, sociolegal studies, and area studies, to address the subject of cultural (including religious) diversity and the challenges related thereto. Participants will develop an increased awareness of and sensitivity to cultural diversity in their individual daily judicial practice and assess how such can be best incorporated into the professional ethics and commitments by courts and public prosecutor's offices in general.

PROGRAMME

Phase I:

11 September – 5 October: Preparatory Phase	
7 September	REGISTRATION DEADLINE (EJTN OSP platform)
11 September - 5 October 2023	<p>Training materials will be made available on the e-learning platform of EJTN</p> <p>https://training.ejtn.eu/</p> <p>Participants familiarize themselves with training materials and prepare a 1-page case summary (a template is provided on the platform) for a case from their jurisdiction in which cultural, religious or social diversity poses a challenge.</p>
5 October 2023	Deadline for case submission by participants.

Phase II:

Monday, 16 October 2023	
08.45 – 09.00	<i>Arrival and Registration of Participants</i>
09.00 – 09.15	<p>Welcome and Introduction</p> <p>Teodora KARABASHEVA Activity Coordinator, judge, and member of the EJTN Sub-Working Group Human and Fundamental Rights representing the Bulgarian National Institute of Justice</p> <p>Borja SÁEZ MARTÍNEZ, Junior Project Manager, EJTN</p>
9.15 – 11.00	<p>Opening Session Getting to know each other and warm-up exercise</p> <p>Collecting Diversity Issues among Participants</p>

	“Law, Anthropology and Diversity”	<p>Larissa VETTERS Department of Law & Anthropology, Max Planck Institute for Social Anthropology, Halle, Germany</p> <p>Marie-Claire FOBLETS, Director of the Department of Law & Anthropology, Max Planck Institute for Social Anthropology, Halle, Germany</p>
11.00 – 11.30	<i>Group Photo and Coffee Break</i>	
11.30 – 13.00	<p>Culture as Communication</p> <p>...with exercises and discussions</p>	<p>Mark EMERTON Employment Judge (England and Wales) and Board Member of the national Judicial College</p>
13.00 – 14.00	<i>Lunch</i>	
14.00 – 16.00	<p>Culture as Context</p> <p>...with exercises in break-out groups</p>	<p>Harika DAUTH Associate researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany</p> <p>Larissa VETTERS Researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany</p>
16.00 – 16.30	<i>Coffee Break</i>	
16.30 – 17.30	Presentations of further resources and techniques	<p>ILLUSTRATIONS:</p> <ul style="list-style-type: none"> • Cultural Tests • The CURED I Project • The EJTN-MPI Casebook • InclusiveCourts
17.30	<i>End of First Day</i>	
19.30	Official Dinner at Fromme Helene	

Tuesday, 17 October 2023

08.45 – 09.00	<i>Arrival and Registration of Participants</i>	
09.00 – 10.30	Culture as Norms/Rights? Break-out groups on legal reasoning	Patrícia JERÓNIMO Associate Professor of Law, University of Minho, Portugal Eugenia RELAÑO PASTOR Senior Lecturer in Law at the University Complutense in Madrid, Spain
10.30 – 11.00	<i>Coffee Break</i>	
11.00– 12.00	Break-out groups on legal reasoning – continued –	
12.00 – 13.00	Culture as Representation/Justification	Alice MARGARIA Assistant Professor URPP H2R, University of Zurich, Switzerland
13.00	<i>Lunch break</i>	
14.00 – 15.00	Plenary session Summary & Lessons Learned: Presentation of one highlight in the plenary by each participant	Marie-Claire FOBLETS & Larissa VETTERS with all trainers
15.00- 15.30	Concluding Words	Marie-Claire FOBLETS Director of the Department of Law & Anthropology, Max Planck Institute for Social Anthropology, Halle, Germany Teodora KARABASHEVA Activity Coordinator, judge, and member of the EJTN Sub-Working Group Human and Fundamental Rights representing the Bulgarian National Institute of Justice Borja SÁEZ MARTÍNEZ Junior Project Manager, EJTN
15.30	<i>End of Second Day –</i>	

SPEAKERS

Mark EMERTON

Employment Judge (England and Wales); Board Member and cross-jurisdictional tutor, national Judicial College; equality, diversity & inclusion adviser. Board member of the CURED I Project.

Harika DAUTH

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

Marie-Claire FOBLETS

Director of the Department of Law & Anthropology at the Max Planck Institute for Social Anthropology, Halle, Germany.

Patrícia JERÓNIMO

Associate Professor of Law, University of Minho, Portugal. Principal investigator of the research project 'InclusiveCourts'.

Teodora KARABASHEVA

Activity Coordinator, judge, and member of the EJTN Sub-Working Group Human and Fundamental Rights representing the Bulgarian National Institute of Justice.

Alice MARGARIA

Assistant Professor URPP H2R, University of Zurich, Switzerland and associate researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany.

Eugenia RELAÑO PASTOR

Senior Lecturer in Law at the University Complutense in Madrid, Spain, and associate researcher at the MPI for Social Anthropology, Department of Law & Anthropology, Halle, Germany. Member of the coordination team of the CURED I Project and of the Management Board of the European Union Agency for Fundamental Rights (FRA).

Borja SAEZ MARTINEZ

Junior Project Manager, European Judicial Training Network.

Larissa VETTERS

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

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