



Max Planck Institute  
for Social Anthropology



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

### **FINAL AGENDA**

**12-13 November 2018**  
**Hessian Ministry of Justice**  
**Luisenstraße 13, D-65185 Wiesbaden**  
EJTN HUMAN AND FUNDAMENTAL RIGHTS  
PROJECT



With financial support from the Justice  
Programme of the European Union

This two-day 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 (MPI 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** (diversity in the workplace);  
**family law** (application of foreign personal statuses);  
**asylum law** (how to assess risk of persecution); and  
**criminal law** (cultural defense and so-called ‘honour crimes’).

Participants are asked to choose one of the above areas according to their expertise in order to engage with the chosen area of law in smaller working groups, thus maximizing opportunities for active participation.

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 EJTN 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 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.

## PROGRAMME

Monday, 12 November 2018		
08.45-09.00	Arrival and Registration of Participants	
09.00-09.30	<b>Welcome and Introduction</b>	<p><b>Claudia WEISBART</b>, EJTN Sub-working Group HFR Convener, Hessian Ministry of Justice</p> <p><b>Marie-Claire FOBLETS</b>, Director of the Max Planck Institute for Social Anthropology</p> <p><b>Arno VINKOVIC</b>, EJTN Secretariat</p>
09.30-10.30	<p><b>Opening Plenary Session</b></p> <p><b>Bringing Diversity into the Courtroom – anthropological tools and judgecraft:</b></p> <ul style="list-style-type: none"> <li>• <b>The role of anthropology in the study of diversity</b></li> <li>• <b>Reflections on judgecraft and cultural diversity</b></li> </ul>	<p><b>Marie-Claire FOBLETS</b>, Director of the Max Planck Institute for Social Anthropology</p> <p><b>Sir Ernest RYDER</b> Judge of the Court of Appeal, Senior President of Tribunals, England and Wales</p>
10.30-11.00	Coffee-Break	

<b>11.00-13.30</b>	<b>Breakout Sessions:</b> Introducing Case Studies in Asylum, Criminal, Family and Labour Law	<b>WORKING GROUPS</b> <b>ASYLUM LAW:</b> Wolfgang BARTSCH, Friederike STAHLMANN, Larissa VETTERS <b>CRIMINAL LAW:</b> Peter SCHOLZ, Imad ALSOOS, Clara RIGONI <b>FAMILY LAW</b> Sir Ernest RYDER, Vishal VORA, Federica SONA <b>LABOUR LAW</b> Mark Emerton, Adela TALEB, Eugenia RELAÑO PASTOR
<b>13.00-14.30</b>	<i>Lunch</i>	
<b>14.30-16.00</b>	<b>Breakout Sessions:</b> Judgecraft in Action – exploring and comparing legal reasoning for the case studies	<b>WORKING GROUPS</b>
<b>16.00-16.30</b>	<i>Coffee Break</i>	
<b>16.30-18.30</b>	<b>Breakout Sessions:</b>  (continued)	<b>WORKING GROUPS</b>
<b>18.30</b>	<i>End of First day Day</i>	
<b>20.00</b>	<i>Official Seminar Dinner</i> <a href="#">LUMEN RESTAURANT</a> Marktpl., 65183 Wiesbaden	

## Tuesday, 13 November 2018

<b>09.15-09.30</b>	<i>Arrival and Registration of Participants</i>	
<b>09.30-11.00</b>	<b>Concluding Plenary Session</b>  Reports from the working groups Synthesizing remarks “Being better equipped for new challenges?”	chaired by <b>Federica SONA</b> <b>Carlos GOMÉZ MARTINÉZ</b> , Judge of the High Court of Justice Illes Balears
<b>11.00-11.30</b>	<i>Coffee-Break</i>	
<b>11.30-13.00</b>	<b>Roundtable discussion</b>  Concluding words and outlook Evaluation and wrap-up	chaired by <b>Larissa VETTERS</b> <b>Marie-Claire FOBLETS</b> , Director of the Max Planck Institute for Social Anthropology <b>Arno VINKOVIC</b> , EJTN Secretariat
<b>13.00</b>	<i>End of the seminar</i> <i>Departure of Participants</i>	

## SPEAKERS

### **Imad ALSOOS**

Research Fellow at the MPI for Social Anthropology  
Halle, Germany

### **Wolfgang BARTSCH**

President of the Administrative Court of  
Braunschweig, Germany

### **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

### **Carlos GOMÈZ MARTINÉZ**

Judge of the High Court of Justice Illes Balears (Civil  
and Criminal Chamber), Spain

### **Eugenia RELAÑO PASTOR**

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

### **Clara RIGONI**

Research Fellow at the Max Planck Institute for  
Foreign and International Criminal Law Freiburg,  
Germany

### **Sir Ernest RYDER**

Judge of the Court of Appeal, Senior President of  
Tribunals, England and Wales

### **Peter SCHOLZ**

President of the Regional Court of Charlottenburg  
and Honorary Professor at the Law Faculty of Free  
University, Berlin, Germany

### **Federica SONA**

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

### **Friederike STAHLMANN**

Research Associate at the Max Planck  
Institute for Social Anthropology Halle,  
Germany

### **Adela TALEB**

Doctoral Fellow at the Berlin Graduate School  
Muslim Cultures and Societies, Visiting Fellow  
at the MPI for Social Anthropology,  
Department of Law & Anthropology , Halle,  
Germany

### **Larissa VETTERS**

Research Fellow at the MPI for Social Anthro-  
pology, Department of Law & Anthropology ,  
Halle, Germany

### **Arno VINKOVIC**

European Judicial Training Network, Brussels,  
Belgium

### **Vishal VORA**

Research Fellow at the MPI for Social Anthro-  
pology, Department of Law & Anthropology,  
Halle, Germany

### **Claudia WEISBART**

Hessian Ministry of Justice, Germany,  
Convener of the Human Rights and  
Fundamental Freedoms Sub-Working Group  
of the EJTN



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