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Rodoljub Etinski, Ivana Krstić, *EU Law on Elimination of Discrimination*,

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The term „discrimination“ is frequently used in everyday language but, unfortunately, rare are those who fully understand its precise meaning. This is not surprising, since discrimination is a very complex phenomenon comprised of historic, sociological, religious, ethical, psychological, political, economic, legal, and many other elements.

Even if limited to only one aspect, namely the legal one, the study of elimination of discrimination still entails serious problems, as this issue is regulated by a maze of international, regional and national sources of law. Professors Rodoljub Etinski from the University of Novi Sad and Ivana Krstić from the University of Belgrade therefore undertook a particularly challenging task when deciding to present EU rules on elimination of discrimination.

Although the book *EU Law on Elimination of Discrimination* is primarily intended to serve as background literature for the course organized within the POGESTEI Tempus Master Program in European Integration at the University of Belgrade Faculty of Law, this volume goes much beyond its initial goal. Firstly, by putting the EU law on elimination of discrimination in the context of general theory of elimination of discrimination and international regulatory framework, this book represents a noteworthy theoretic contribution to the research of interdependence and interaction between various legal mechanisms designed to prevent and eliminate discrimination. Secondly, this book is suitable to be used by practitioners as a guide to correct application of the rules on elimination of discrimination, since it presents and discusses the abundant discrimination-related caseload of the world's leading adjudicatory bodies: Europe-

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an Court of Justice (and the Court of First Instance), European Court of Human Rights, International Court of Justice (and the former Permanent Court of International Justice), Human Rights Committee. Naturally, a special attention is given to the jurisprudence of the European Court of Justice and the European Court of Human Rights, as these two institutions represent the foremost European judicial authorities in the field of protection of human rights. Finally, the case studies of implementation of the EU anti-discriminatory rules into national legal systems are likely to attract a special interest as they may provide very practical and useful guidelines with respect to the way in which harmonization of the Serbian law with the *acquis communautaire* should be performed.

The book is divided into eleven chapters. Chapters I-III contain general considerations on basic principles of elimination of discrimination, organization and hierarchy of legal sources, as well as the explanations of basic terms used in this branch of law. Their purpose is also to set the scene for a more thorough research. In this part of the book the reader is introduced to, among other things, the evolution of the theoretic concept of discrimination, the difference between the rules on non-discrimination and the anti-discrimination law, the relation between equality and non-discrimination. After having acquired the basic knowledge of general theory of law on elimination of discrimination, the reader is not only prepared but also intrigued to move on to following chapters which are dedicated to the specific forms of discrimination. These chapters constitute the central part of the book.

Chapter IV focuses on prohibition of discrimination based on nationality, which was one of the first major achievements of the European integration in fight against discrimination. The prohibition of discrimination based on nationality was contained already in the first version of the Treaty establishing the European Economic Community signed in Rome in 1957. What is more, these provisions became increasingly important within the frame of free movement of workers after the great enlargement of the EU in 2004. This chapter also announces new dimensions that the prohibition of this kind of discrimination will acquire after the entry into force of the Lisbon Treaty.

Chapter V deals with the discrimination based on gender and puts a special emphasis on sociological and economic aspects of this problem: access to employment, rules governing maternity/paternity leave and part-time work, right to equal pay and social action aimed at removing the substantial lack of equality between men and women in modern societies. The authors also give a concise overview of the considerable body of legislation and the soft law measures adopted in this area.

Chapter VI examines a highly sensitive form of discrimination – discrimination based on sexual orientation. With respect to this issue, the

authors present and explain the provisions of EU legislation regarding the prohibition of discrimination based on sexual orientation in areas of employment or occupation, family life, penal procedure, immigration and in other fields. It is important to note that, in spite of the fact that they discuss a highly controversial topic, the authors manage to remain neutral and objective at all times. They only present the content and the meaning of provisions on prohibition of this kind of discrimination, as well as the relevant case-law, and it is entirely up to the reader to form his or her opinion with respect to the desirability and pertinence of these rules.

Chapter VII is dedicated to the discrimination based on racial or ethnic origin, which has become a growing concern of the European Union due to the increased number of racist and ethnic incidents. Even though the discussion about the need for introduction of special rules on elimination of discrimination based on racial or ethnic origin commenced back in 1980, it was not until the entry into force of the Treaty of Amsterdam that the European Union actually acquired the competence to draft and apply legislative measures in this area. Notwithstanding the relatively short history of EU law on elimination of racial or ethnic discrimination, the achievements are noticeable. The authors are especially interested in the effects of the „Race Directive“, the functioning of the EU Agency for Fundamental Rights and the operation of the EU policy framework with respect to the Roma population. Heterogeneous ethnic structure of the EU population entails religious diversity, which can also give rise to discrimination. Therefore, Chapter VIII discusses both explicit and hidden forms of discrimination based on religion or belief. The starting point of this Chapter is the explanation of the relevant provisions of the Framework Directive. A special attention is given to Islamophobia, which is considered as a serious concern in the Community of 27, since Muslims represent the second largest religious group in the EU.

Chapters IX and X are dedicated to the problem of discrimination against groups of population with special needs. Chapter IX focuses on discrimination based on disability. Bearing in mind the sociological origins of this type of discrimination, the authors put forward the thesis that the successful fight against discrimination based on disability does not only require the existence of efficient legal mechanisms but also the social action aimed at elimination of deeply rooted stereotypes according to which people with disabilities are seen as less worthy. Somewhat connected to the discrimination based on disability is the discrimination based on age, covered in Chapter X. Apart from the legal sources containing provisions against this kind of discrimination and the relevant case-law, the authors explain economic, ethical and sociological repercussions of this problem.

Finally, Chapter XI presents the mechanisms of judicial protection against discrimination and shows that right to equality is not just a *nudum*

*ius* but, rather, that there are efficient ways of putting hard-and-fast rules on elimination of discrimination into practice. The authors do not hide that there is still much to be done in the field of elimination of discrimination in the EU and that the situation is far from being perfect. One of the possible solutions would be the accession of the European Communities (or the European Union, after the entry into force of the Lisbon Treaty) to the European Convention for the Protection of Human Rights and Fundamental Freedoms. In any event, a special attention must be given to the harmonization of the national laws of candidate and potential candidate States with the EU law on elimination of discrimination.

*EU Law on Elimination of Discrimination* should not be read only with open eyes but also with open mind. By presenting the complexity of rules on elimination of discrimination and the limits to their efficiency, this book conveys an implicit message that the battle against discrimination does not begin in Brussels, in the buildings of the European Parliament and the European Commission, nor is it fought with regulations, directives or communications. It begins in the minds of each one of us and it depends on the way we act in our respective communities and societies. Therefore, this book does not only seek to enhance theoretical knowledge of law students or to serve as a useful tool for practitioners, but also to awake or reaffirm the social awareness of all its readers. With this in mind, it is to be expected that *EU Law on Elimination of Discrimination* will be welcomed and appreciated by a large audience.