

COMPARATIVE EQUALITY LAW

Multi-University Course
Academic Year 2026-2027

Universal syllabus

(common to all participating institutions for Thursday classes)

Note time changes due to daylight savings time!

Comparative Equality Law meets on **Thursdays in a University of California Berkeley Zoom room at 15:00 UTC** (Coordinated Universal Time) (formerly known as Greenwich Mean Time – GMT) for **120 minutes**. Because the course includes students and faculty from at least eight time zones in North America, South America, Europe, Africa and Asia it is essential to set the course meeting time in Universal time. Local time may change in different time zones on different dates depending on daylight savings, so **the class meeting time in local time will not be uniform throughout the semester**. (Note for Berkeley students: for most of the semester the Thursday class will start at 8:00 am in Berkeley, but when we move from “daylight savings time” (PDT) to “standard time” (PST) on Sunday, November 1, 15:00 UTC becomes 7:00 am in Berkeley.)

With students and faculty from across the globe and at many different stages of their careers, the course provides many opportunities to form new friendships and professional relationships. Several cross-border scholarly collaborations have been born in our Zoom room, and a number of students have found internships/stages at Berkeley and elsewhere as a result of the course. We hope that all participants will be open to learning from each other in the course and afterward.

The course is taught in English, and requires students to participate in discussions in English. We all need to be accommodating of each other, as for many English can be their second (or third or fourth) language.

Thursday class Zoom link:

Join Zoom Meeting

<https://berkeley.zoom.us/j/97502762983?pwd=o0UtDHbw6NpNLOJNQduqJnTrpsaUnl.1>

Meeting ID: 975 0276 2983

Passcode: 121823

Course Description

Comparative Equality Law uses a comparative law approach to examine how equality interacts with society, how equality law provides protections for equality rights in different jurisdictions, as well as how to address inequality. The course will comparatively examine US, European, and other national, regional, and international legal systems (including those of India, Brazil, Colombia, Canada, and South Africa) and provide a global overview of legal protection from and legal responses to inequalities.

The course will be structured around six clusters on core themes in Equality Law:

Cluster 1: Introduction

Cluster 2: From formal to substantive equality

Cluster 3: Equality, (under)representation, and "merit"

Cluster 4: Stereotypes and stigma

Cluster 5: Equality, dignity and voice

Cluster 6: Equality law and global challenges

Cluster 7: TBC

Each cluster will comprise 2-3 classes covering different topics within an overarching theme, with the aim of addressing key legal questions arising within the theme from different perspectives. Throughout the course, therefore, we will be looking at equality in theory (theories, concepts, ideas), equality in law (rules, legal systems, case law), and equality in society (law in practice, social movements, activism).

Teachers and Students

The course is organized and led by Joy Milligan (UC-Berkeley), Panos Kapotas (University of Portsmouth, UK) and Laura Carlson (Stockholm University), and includes students from approximately 12 universities, as well as approximately 10 additional faculty lecturers from around the world. The course is supported by several staff members and volunteers at Berkeley Law. For logistical, bCourses, or other questions, please email Sally Sheehan, Director of Administration at the Berkeley Center on Comparative Equality & Anti-Discrimination Law (BCCE), sallysheehan@berkeley.edu.

Our faculty speakers come from diverse geographic and jurisdictional backgrounds, including Australia, Belgium, Brazil, France, Greece, India, Ireland, Italy, Peru, Poland, Portugal, South Africa, Sweden, Tanzania, the United Kingdom, and the United States.

Course Format

The standard format for the Thursday class meetings will be as follows:

- A five-minute introduction.
- The first fifteen-minute lecture or Faculty discussion.

- A fifteen-minute discussion in break-out rooms, with camera and sound on for all participants.
- A twenty-minute plenary discussion taking up the break-out room discussions.
- A five-minute break.
- The second fifteen-minute lecture.
- A fifteen-minute discussion in break-out rooms, camera and sound on for all participants.
- A twenty-minute plenary discussion taking up the break-out room discussions.
- A ten-minute wrap-up and look-ahead lecture.

Faculty discussions between two or more faculty members will aim to highlight different (but not necessarily opposing) aspects of a key legal question in equality law theory or practice.

The breakout room discussions will focus on a discussion problem related to the day's reading and the lectures. (When possible, lecture slides will be distributed in advance.)

The format of the Thursday classes may vary from time to time, in order to accommodate the discussion of state of the art legal responses to equality matters.

Please note that each university will determine for its own students the assessment requirements and award of credits in light of that university's academic rules.

Course reading assignments

The reading is divided into essential and supplementary materials. Essential reading for each class is aligned with the lectures and breakout discussion questions and is selected by the faculty lecturers. Essential reading is posted to the course website (UC Berkeley "bCourses" site).

Please note that your individual institution will decide on the essential readings and supplementary materials for their own seminars (i.e., outside the joint Thursday classes).

Optional:

Two textbooks can be useful as background course materials:

- Oppenheimer, Foster, Han & Ford, ***Comparative Equality and Anti-Discrimination Law*** (3d ed. 2020)("Casebook"). Copies can be [purchased from the publisher](#) (Edward Elgar, in the UK

<https://www.e-elgar.com/shop/gbp/comparative-equality-and-anti-discrimination-law-third-edition-9781788979207.html>) for a discounted price of \$80 ([or at full price \(\\$101\) from Amazon](#)). Used copies may be available on Amazon. Students should take care

to use the **third** edition. Unless the book is required in your university's parallel seminar you are encouraged, but not required, to purchase it.

- Noel and Oppenheimer (eds.), *The Global #MeToo Movement* (2020). Copies can be purchased from Amazon for \$16, or [downloaded for free](#).

Helpful glossaries:

EU Law: <https://eur-lex.europa.eu/summary/glossary.html>

Equality Law Glossary of Terms:

<https://www.equalityhumanrights.com/en/secondary-education-resources/useful-information/glossary-terms>

European Institute for Gender Equality Glossary: <https://eige.europa.eu/thesaurus>

Learning Objectives

By the end of the course, students will be able to:

1. Compare how different legal systems (national, regional and international) address problems of inequality and discrimination.
2. Comparatively analyze discrimination law statutes and judicial decisions from different legal systems and connect them to the theories of equality underlying these texts.
3. Explore academic scholarship about equality law and inequalities, and be able to discuss the issues raised in light of the underlying theories of equality, using examples from several legal systems.
4. Connect with students from around the globe as friends/colleagues to discuss ongoing issues of inequality in light of the material they studied together.
5. Reflect on teaching and learning methods used by students and faculty from several different legal systems and countries.
6. Better understand their own connections to a global community of research and learning.

UC Berkeley students

Law 264.54 sec. 1, Comparative Equality (Distance Learning Seminar)

- Knowledge and understanding of substantive and/or procedural law
- Legal analysis and reasoning
- Problem solving
- Oral communication in the legal context
- Using the law to solve real-world problems and to create a more just society
- Ability to critically assess laws and legal institutions, including the ways in which they shape and are shaped by racism and other forms of systemic inequality

Comparative Equality Law 2026-2027
Universal Syllabus (last updated: 11/8/2026)

Course Overview

**Reading assignments and discussion questions can be
found beginning on page 9**

Course Week	Date	Topic	Lectures
1	20 Aug	CLUSTER 1: Introduction Introduction to Comparative Equality Law	1: Introducing the course (course structure, class format, expectations) (Panos Kapotas) 2: Faculty discussion: Equality and Democracy: What is the relationship? (Joy Milligan, Panos Kapotas, Laura Carlson)
2	27 Aug	CLUSTER 1: Introduction Equality theory and anti-discrimination law	1. Faculty Discussion: Hate Speech and Substantive Equality Chris Chambers Goodman (Pepperdine University, USA) Ming Chen (University of San Francisco, USA) 2: Equality theory and key concepts in equality and anti-discrimination law Panos Kapotas (University of Portsmouth, UK)
3	3 Sept	CLUSTER 2: From formal to substantive equality Substantive equality in the context of disability	1: Substantive equality, reasonable accommodations and persons with disabilities Mark Bell (Trinity College Dublin, Ireland) 2: Deprivation of liberty and persons with disabilities Renato Constantino Caycho (Pontificia Universidad Católica del Perú - PUCP, Peru)

4	10 Sept	CLUSTER 2: From formal to substantive equality Substantive equality in the context of gender	1: Faculty Discussion: Equal Pay as formal or substantive equality: Defrenne -Laura Carlson (Stockholm University, Sweden) -Eliana Zatschler (European Women Lawyers Association) Moderator: Panos Kapotas (University of Portsmouth, UK) 2: Work-life balance, a step towards substantive gender equality? Sophie Robin-Olivier (Université Paris 1 - Panthéon Sorbonne, France)
5	17 Sept	CLUSTER 3: Equality, (under)representation, and "merit" (Under)representation in law-making	1: Equality in constitutional drafting, ratification, and revision Joy Milligan (UC Berkeley) 2: Quotas in elected public office Costanza Hermanin (EUI, Italy)
6	24 Sept	CLUSTER 3: Equality, (under)representation, and "merit" (Under)representation in employment and higher education	1: Quotas in higher education: Diversity and the SCOTUS u-turn Christine Chambers Goodman (Pepperdine University, USA) 2: Affirmative action in employment in South Africa Debbie Collier (University of Western Cape, South Africa)
7	1 Oct	CLUSTER 4: Stereotypes and stigma Stereotypes, stigma and sexual identity / orientation	1: Same-sex marriage Nausica Palazzo (NOVA, Portugal) 2. Advocating change - same-sex marriage Matthew Coles (UC Law San Francisco, USA)
8	8 Oct	CLUSTER 4: Stereotypes and stigma Intersectional discrimination and stereotypes	1: Judicial Re-Victimization in Cases of Sexual Harassment and Rape: Blaming the Victim Lucia Parlato (University of Palermo, Italy) 2. Guzmán Albarracín v. Ecuador and intersectionality

			Denise Abade (Brazilian Institute of Education, Development, and Research)
9	15 Oct	CLUSTER 5: Equality, dignity, and voice Age and childhood	1: Age as a Protected Classification in Equality Law Margareth Etienne (University of Illinois, USA) 2: Age of Criminal Liability Margareth Etienne (University of Illinois, USA)
10	22 Oct	CLUSTER 5: Equality, dignity and voice Citizenship and poverty	1: Immigrants' rights to citizenship Ming Chen (UC Law San Francisco, USA) 2: Migrants and equality rights Tawhida Ahmed (City St George's University of London, UK)
11	29 Oct	CLUSTER 5: Equality, dignity and voice Inclusion and exclusion	1. Faculty Discussion: Religious dress Anna Śledzińska-Simon (University of Wrocław, Poland) Panos Kapotas (University of Portsmouth, UK) 2. Poverty and voice Tainá Garcia Maia (Friedrich-Alexander-Universität Erlangen-Nürnberg, Germany)
12	5 Nov	CLUSTER 6: Equality Law and global challenges	1. The Diversity principle David Oppenheimer (UC-Berkeley, USA) 2. Faculty discussion: The Diversity principle and the attack on Equality, Diversity, and Inclusion (EDI) David Oppenheimer (UC-Berkeley, USA) Wycliffe Nyachoti Otiso (Chuka University, Kenya) Denise Abade (Brazilian Institute of Education, Development, and Research)

13	12 Nov	CLUSTER 6: Equality law and global challenges	1. TBC Anna Bruce (Raoul Wallenberg Institute, Sweden) 2. TBC Ria Tabacco Mar (American Civil Liberties Union)
14	19 Nov	CLUSTER 7: TBC	1. Artificial intelligence (AI) and algorithmic discrimination <i>Barbara Bello (University of Tuscia, Italy)</i> 2. TBC
15	26 Nov	CLUSTER 7: TBC	1: TBC 2: TBC
16	3 Dec	Conclusions: Looking ahead	Laura Carlson (Stockholm University, Sweden) Panos Kapotas (University of Portsmouth, UK) Joy Milligan (UC-Berkeley, USA)

COMPARATIVE EQUALITY LAW 2026-27

UNIVERSAL SYLLABUS

Week 1 (Aug 20)

CLUSTER 1: Introduction	Class: Introduction to Comparative Equality Law
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Lectures

1 – Introducing the course (course structure, class format, expectations)

Panos Kapotas (University of Portsmouth, UK)

2 – Faculty discussion: Equality and Democracy: What is the relationship?

Joy Milligan (UC Berkeley, USA)

Panos Kapotas (University of Portsmouth, UK)

Moderator: Laura Carlson (Stockholm University, Sweden)

Breakout question 1: Please introduce yourself to your group. Why do you take this course? What do you hope to get out of these classes? What do you think is the biggest challenge for equality law today?

Breakout question 2: Is there a floor of equality rights (from international law or moral justice) that should override democratic majorities? Where do we find answers when we have conflicts between democracy/majority rule and equality rights?

Essential reading:

- D. Oppenheimer et al. (2020), *Comparative Equality and Anti-Discrimination Law Casebook*, (Edward Elgar, 3rd ed.) pp. 2-11 (available on bCourses).

Further reading (optional):

- R. Post, Democracy and Equality, *The Annals of the American Academy of Political and Social Science*, Vol. 603, Law, Society, and Democracy: Comparative Perspectives (Jan., 2006), pp. 24-36 (available at: <https://openyls.law.yale.edu/server/api/core/bitstreams/ecbc654f-2225-4a57-bda4-812331e296cb/content>)

Week 2 (Aug 27)

CLUSTER 1: Introduction	Class: Equality theory and anti-discrimination law
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Introduction – Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – Faculty Discussion: Hate Speech and Substantive Equality

Chris Chambers Goodman (Pepperdine University, USA)

Ming Chen (University of San Francisco, USA)

Moderator: Laura Carlson (Stockholm University, Sweden)

2 – Equality theory and key concepts in equality and anti-discrimination law

Panos Kapotas (University of Portsmouth, UK)

Breakout question 1: What aspects of campus protests can be free speech protected under law? (Would campus speech protests be treated differently in your country than in the US?) How do you strike the balance between liberty and equality when it comes to hate speech?

Breakout question 2:

Breakout question 2: With reference to the Ban the Box campaign (<https://unlock.org.uk/project/ban-the-box/>), is asking a prospective employee about past criminal convictions:

- a) a form of direct discrimination?
 - b) a form of indirect discrimination, given the disproportionate numbers of persons of colour with criminal convictions in many jurisdictions?
 - c) a form of indirect discrimination that can be objectively justified by an employer?
- Does the nature of the offence for which a person was convicted make a difference to your answers?

Essential reading:

- D. Oppenheimer et al. (2020), *Comparative Equality and Anti-Discrimination Law Casebook*, (Edward Elgar, 3rd ed.), pp. 439-443 & 461-462:
 - US Const., 1st Amendment
 - Brandenburg v. Ohio
 - EUHCR 10
 - UN 19 & 20
- [“FIRE Campus Bans Rarely Violate First Amendment”](#)
- “IHRA_AJC Working Definition of Antisemitism”
- S. Fredman, ‘Substantive Equality Revisited’ (2016) 14 *International Journal of Constitutional Law* 3, 712–738.

- Please visit <https://unlock.org.uk/project/ban-the-box/> to find out more about the campaign.

Further reading (optional):

- **Watch** Sandra Fredman's recorded lecture on substantive equality (available on bCourses)
- D. Oppenheimer et al. (2020), *Comparative Equality and Anti-Discrimination Law Casebook*, (Edward Elgar, 3rd ed.) Chapter 13
- [Antisemitism & Zionism](#), Free Speech Center
- P. Kapotas, Introduction to EU Gender Equality Law, ERA e-learning course, available at: <https://era-comm.eu/moodle/course/view.php?id=808>

(for a brief overview of the key concepts in EU gender equality law see module 2)

- European Union Agency for Fundamental Rights (FRA), Handbook on European non-discrimination law (2018), available at <https://fra.europa.eu/en/publication/2018/handbook-european-non-discrimination-law-2018-edition>
 - (pp. 43-58 for definitions of direct discrimination, indirect discrimination and related concepts under European equality law)

Week 3 (Sep 3)

CLUSTER 2: From formal to substantive equality	Class: Substantive equality in the context of disability
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Introduction – Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – Substantive equality, reasonable accommodations and persons with disabilities

Mark Bell (Trinity College Dublin, Ireland)

2 – Deprivation of liberty and persons with disabilities

Renato Constantino Caycho (Pontificia Universidad Católica del Perú - PUCP, Peru)

Breakout question 1: What are the parameters of the employer's duty to provide a reasonable accommodation? Consider both the law and practical obstacles to enforcing the law from both an employer and an employee perspective. Can this still be seen as substantive equality?

Breakout question 2: Is disability-related detention or compulsory treatment ever compatible with substantive equality? Why / why not? Does the CRPD strike the right balance between prevention of harm and protection of the autonomy of persons with disabilities?

Essential reading:

- UN Committee on the Rights of Persons with Disabilities: General Comment No 6 on Equality and Non-Discrimination, paragraphs 17 to 27: General comment No.6 on equality and non-discrimination | OHCHR
- UN Committee on the Rights of Persons with Disabilities: General Comment No 8 on the right of persons with disabilities to work and employment, paragraphs 16 to 23: CRPD/C/GC/8: General comment No. 8 (2022) on the right of persons with disabilities to work and employment | OHCHR
- Martin, W., & Gurbai, S. (2019). Surveying the Geneva impasse: Coercive care and human rights. *International Journal of Law and Psychiatry*, 64, 117-128. <https://doi.org/10.1016/j.ijlp.2019.03.001>

Further reading (optional):

- Convention on the Rights of Persons with Disabilities (CRPD) available at <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

Week 4 (Sep 10)

CLUSTER 2: From formal to substantive equality	Class: Substantive equality in the context of gender
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Introduction – Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – Faculty Discussion: Equal Pay as formal or substantive equality: Defrenne

Laura Carlson (Stockholm University, Sweden)

Eliana Zatschler (European Women Lawyers Association)

Moderator: Panos Kapotas (University of Portsmouth, UK)

2 – Work-life balance, a step towards substantive gender equality?

Sophie Robin-Olivier (Université Paris 1 - Panthéon Sorbonne, France)

Breakout question 1: In light of the finding of direct pay discrimination, how can substantive equality be reached:

- redressing the disadvantage of decades of lower pay;
- addressing the stereotyping and prejudice with respect to women's work;
- enhancing voice and participation by women at work; and
- accommodating difference and achieving structural change with respect to both the pay and pension gender gap.

Breakout question 2: If women are expected to do more housework and caregiving at home, does that affect equality at work? Does the regulation of equality rights in the workplace reach into the home? Is the EU Directive on work-life balance a step toward substantive equality?

Essential reading:

- Defrenne (No.2) ruling: 8 April 1976, Case 43/75, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A61975CJ0043> paras. 1-25, 65-75
- EU Directive on work-life balance, available at: https://employment-social-affairs.ec.europa.eu/policies-and-activities/rights-work/labour-law/working-conditions/work-life-balance_en
- Press release containing summary of judgment in French case C-463/19 Syndicat CFTC v. CPAM in the CJEU available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-11/cp200139en.pdf>

Further reading (optional):

- EU Transposition of the Work-Life Balance Directive in EU member states (2024)

<https://op.europa.eu/en/publication-detail/-/publication/4d16eea2-e75c-11ee-9ea8-01aa75ed71a1/language-en>

- Éliane Gubin, *Éliane Vogel-Polsky - A Woman of Conviction* (2008)
https://igvm-iefh.belgium.be/sites/default/files/media/documents/13%20-%20Vogel-Polsky_EN.pdf

Week 5 (Sep 17)

CLUSTER 3: Equality, (under)representation, and "merit"	Class: (Under)representation in law-making
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Introduction – Joy Milligan (UC Berkeley, USA)

Lectures:

1 – Equality in constitutional drafting, ratification, and revision

Joy Milligan (UC Berkeley, USA)

2 – Quotas in elected public office

Costanza Hermanin (European University Institute, Italy)

Breakout question 1: Does it matter if a cross-section of all groups participate in constitutional drafting, amendment, and approval? Why does it matter for a constitution in particular, if it does?

Breakout question 2: Are quotas necessary but not sufficient to achieve gender equality in politics, or not necessary at all?

Essential reading:

- Ruth Rubio-Marín, Women and Participatory Constitutionalism, 18 Int'l J. Const. L. 233 (2020), <https://doi.org/10.1093/icon/moaa005>.
- D. Oppenheimer et al. (2020), "Parity Democracy: Affirmative Action in the Regulation of Decision-Making," *Comparative Equality and Anti-Discrimination Law Casebook*, (Edward Elgar, 3rd ed.) pp. 348-361 (available on bCourses).

Further reading (optional):

- Familiarise yourself with the Gender Quota Database of the International Institute for Democracy and Electoral Assistance (International IDEA), run in collaboration with the International Parliamentary Union (IPU) and Stockholm University:
<https://www.idea.int/data-tools/data/gender-quotas-database>
- In particular, make sure you know the difference among the various types of quotas as outlined here:
<https://www.idea.int/data-tools/data/gender-quotas-database/quotas>. You can also browse the Gender Legislative Index to get a grasp of what difference women decision-makers make in legislation:
<https://www.genderlawindex.org/leaders>

Week 6 (Sep 24)

CLUSTER 3: Equality, (under)representation, and "merit"	Class: (Under)representation in employment and higher education
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Introduction: Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – Quotas in higher education: Diversity and the SCOTUS u-turn

Christine Chambers Goodman (Pepperdine University, USA)

2 – Affirmative action in employment in South Africa

Debbie Collier (University of Western Cape, South Africa)

Breakout question 1: What value judgments are implicit in the concept of merit? Whose values should determine what is meritorious in university admissions? Does a more expansive/inclusive definition undermine or enhance merit?

Breakout question 2: Should the law expressly determine the content of quotas (e.g. determining the precise composition of the labour force)? What are the potential benefits, pitfalls, and limitations of permitting the appointment of “suitably qualified” persons who were not the most suitable candidate for the position? How could the definition of “suitably qualified” be improved?

Essential reading:

- Students for Fair Admissions, Inc. v. President and Fellows of Harvard College, 600 U.S. 181 (2023), excerpt (Chris Goodman), available on bCourses.
- Employment Equity Act, as amended - Chapter III (Affirmative Action) and specifically sections 12 to 20; and section 42, available on bCourses.
- 26th CEE Annual Report 2025/26 - pages 3-6 (discussion of cases challenging the imposition of 'quotas'); pp. 21-22 and definition of 'designated groups' in the Glossary, available on bCourses.

Further reading (optional):

- Sectorial Numerical Targets, South Africa, 2025, available on bCourses.

Week 7 (Oct 1)

CLUSTER 4: Stereotypes and stigma	Class: Stereotypes, stigma and sexual identity / orientation
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Introduction – Joy Milligan (UC Berkeley, USA) / Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – Same-sex marriage

Nausica Palazzo (NOVA University Lisbon, Portugal)

2. Advocating change - same-sex marriage

Matthew Coles (UC Law San Francisco, USA)

Breakout question 1: In its *Fedotova and others v. Russia* judgment the Grand Chamber of the European Court of Human Rights recognized the right to legalized same-sex unions under the European Convention on Human Rights. How does this decision impact on LGBTQ rights in Europe, especially in states reluctant to recognise LGBTQ families? Do you think the decision will have a global impact, and if so, in what direction?

Breakout question 2: Same-sex marriage came to the U.S., Canada, South Africa, Brazil, and Mexico via supreme court decisions, but came to most of Europe by legislative action. Does the difference in approach tell us anything about these legal or political systems?

Essential reading:

- ECtHR [Grand Chamber], decision of 17 January 2023, *Fedotova and Others v Russia*, App. Nos. 40792/10, 30538/14, and 43439/10, pages 6-15, 30-33 (third-party interv. excluded), and 37-57.
- N. Palazzo, *Fedotova and Others v. Russia: Dawn of a new era for European LGBTQ families?*, *Maastricht Journal of European and Comparative Law* 2023, Vol. 30(2) pp. 216–228.
- "Winning Marriage" (2005) (strategic plan)
- Matt Coles, *The Plan to Win Marriage* (book chapter)

Week 8 (Oct 8)

CLUSTER 4: Stereotypes and stigma	Class: Intersectional discrimination and stereotypes
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Introduction – Joy Milligan (UC Berkeley, USA) / Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – Judicial Re-Victimization in Cases of Sexual Harassment and Rape: Blaming the Victim

Lucia Parlato (University of Palermo, Italy)

2 – Guzmán Albarracín v. Ecuador and intersectionality

Denise Abade (Brazilian Institute of Education, Development, and Research, Brazil)

Breakout question 1: TBC

Breakout question 2: What does the Guzmán Albarracín v. Ecuador case teach us about the role of the State in ensuring access to justice for victims of gender-based violence? What kinds of legal or institutional reforms do you think are needed when governments fail to act?

Essential Reading:

- Sexual violence against girls in schools as a public health issue: a commentary on the case Paola Guzmán Albarracín v. Ecuador (available on B Course page)

Further reading (optional):

- Inter-American Court of Human Rights, GUZMÁN ALBARRACÍN Y OTRAS VS. ECUADOR, June 24, 2020, [CORTE INTERAMERICANA DE DERECHOS HUMANOS CASO GUZMÁN ALBARRACÍN Y OTRAS VS. ECUADOR SENTENCIA DE 24 DE JUNIO DE 2020](#)

Week 9 (Oct 15)

CLUSTER 5: Equality, dignity, and voice	Class: Age and childhood
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Introduction – Joy Milligan (UC Berkeley, USA) / Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – Age as a Protected Classification in Equality Law

Margareth Etienne (University of Illinois, USA)

2 – Age of Criminal Liability

Margareth Etienne (University of Illinois, USA)

Breakout question 1: Should childhood be viewed as a protected classification? If so, why? How do we determine discrimination in the context of children?

Breakout Question 2: Using sentencing law as an example, how can judicial discretion be used to take into account the values of equality, dignity and voice in sentencing individuals of vulnerable ages? Consider this hypothetical example: A 16-year old and a 76-year old are each defendants in armed robbery cases with similar facts. The prosecutor has proposed a 10-year sentence for each offender but as the judge you have the discretion to raise or lower the sentence. Would you impose the same sentence for the 16 year old as the 76 year old? What justification would you use in deciding your sentence and would it be consistent with equality principles?

Essential Reading:

- Article 40 of The U.N. Convention on the Rights of the Child (ratified Nov. 20, 1989), [file \(unicef.org\)](http://www.unicef.org).
- *Roper v. Simmons*, 543 U.S. 551 (2005), (Read only case syllabus), [index.pdf \(justia.com\)](http://www.justia.com)
- *Miller v. Alabama*, 567 U.S. 460 (2012). Read only syllabus- pp 1-4, [10-9646 Miller v. Alabama \(06/25/2012\) \(justia.com\)](http://www.justia.com).
- Essential Reading: Building the Case for a Convention on the Rights of Older Persons, [vol46issue3.pdf](http://www.vol46issue3.pdf).

Further reading (optional):

- John Eligon & Benjamin Weiser, *Weighing Prison When the Convict is Over 80*, N.Y. Times (Oct. 9, 2009), [Age Is a Factor in Sentencing, but the Degree Varies Widely - The New York Times \(nytimes.com\)](http://www.nytimes.com)
- *Miller v. Alabama*, 567 U.S. 460 (2012). Read full opinion, pp 1-27, [10-9646 Miller v. Alabama \(06/25/2012\) \(justia.com\)](http://www.justia.com), pages 1-27.

- [Jones v. Mississippi - Harvard Law Review](#)
- Article 40 of The U.N. Convention on the Rights of the Child, [The Convention on the Rights of the Child: The children's version | UNICEF](#)

Week 10 (Oct 22)

CLUSTER 5: Equality, dignity, and voice	Class: Citizenship and poverty
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Introduction – Joy Milligan (UC Berkeley, USA) / Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – Immigrants' rights to citizenship

Ming Chen (UC Law San Francisco, USA)

2 – Migrants and equality rights

Tawhida Ahmed (City St George's University of London, UK)

Breakout question 1: Recognizing that citizenship is fundamental to legal protections of equality, should children automatically acquire the citizenship of the country where they are born (*jus soli*), or should the citizenship status of their parents - eg lawful presence, permanent residence, naturalized or birthright citizenship - determine children's citizenship (*jus sanguinis*)? Regardless of how they acquire citizenship, should immigrants' rights and the rights of their children extend to public education, anti-discrimination laws, and/or political participation?

Breakout question 2: Is it important to include minorities into all aspects of social and community life, including in decision-making processes? Do you think measures of political participation for minority groups in your country (or any other country) have been effective in ensuring equality amongst groups in states? Why or why not?

Essential Reading:

- Excerpt of Wong Kim Ark and *jus solis* citizenship (Aleinikoff, 9th ed 405-420) (available on bCourses)
- Trump v. Barbara (Syllabus 6-30-2026) (available on bCourses)
- Nackenoff, Carol. Battle Over Citizenship (bCourses)
- Recommendations made by the Forum on Minority Issues at its sixteenth session, on the theme "Minorities and cohesive societies: equality, social inclusion and socioeconomic participation", Human Rights Council Fifty-fifth session 26 February–5 April 2024, A/HRC/55/70
- Minorities and Cohesive Societies: Equality, Social Inclusion, and Socio-economic Participation | OHCHR

Further reading (optional):

- Trump Executive Order 14160 Protecting the Meaning and Value of American Citizenship (2025) (available on bCourses)

- Trump Executive Order 14416 Ending Birthright Tourism (2026) (available on bCourses)
- Fraser, Nancy. 1997. "Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation." *The Tanner Lectures on Human Values* 19, p. 1-23.
- Inter-American Court of Human Rights, Non-Official Brief of the Case of Ramírez Escobar and others v. Guatemala, 9 March 2018.
- SCOTUS blog summary of legal challenge to Trump EO 14416 birth tourism (2026)

Week 11 (Oct 29)

CLUSTER 5: Equality, dignity, and voice	Class: Inclusion and exclusion
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Introduction – Joy Milligan (UC Berkeley, USA) / Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – Faculty Discussion: Religious dress

Anna Śledzińska-Simon (University of Wrocław, Poland)

Panos Kapotas (University of Portsmouth, UK)

2 – Poverty and voice

Tainá Garcia Maia (Friedrich-Alexander-Universität Erlangen-Nürnberg, Germany)

Breakout question 1: TBC

Breakout question 2: Does poverty undermine equality of participation? If so, what obligations could the right to equality impose on states to secure the equal participation of people living in poverty in social and political life?

Essential Reading:

- Erica Howard, Religious discrimination at the CJEU and the social inclusion approach, *European Labor Law Journal*, Vol. 15, Issue 4 (2024)
- <https://journals.sagepub.com/doi/full/10.1177/20319525241261030>
- S.A.S. v France (2014) Application no 43835/11 European Court of Human Rights, official summary available at [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22002-9952%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22002-9952%22]})
- S. Ouald Chaib and L. Peroni, “SAS v France: Missed opportunity to do full justice to women wearing a face veil”, *Strasbourg Observers*, 3 July 2014, available at: <https://strasbourgobservers.com/2014/07/03/s-a-s-v-france-missed-opportunity-to-do-full-justice-to-women-wearing-a-face-veil/>
- De Schutter, ‘[Film on discrimination: "Don't say where you are from"](#), 2021, 0:00-5:18.
- Alston, Philip (2015) ‘The Human Rights Implications of Extreme Inequality’, Report of the Special Rapporteur on extreme poverty and human rights, United Nations, General Assembly, A/HRC/29/31, 27 May 2015, paras. 1-32 and 54-55.

Further reading (optional):

- TBC

Week 12 (Nov 5)

CLUSTER 6: Equality law and global challenges	Class: The Diversity Principle and the attack on Equality, Diversity and Inclusion (EDI)
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Introduction – Joy Milligan (UC Berkeley, USA) / Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – The Diversity Principle

David Oppenheimer (UC-Berkeley, USA)

2 – Faculty Discussion: The Diversity principle and the attack on Equality, Diversity, and Inclusion (EDI)

David Oppenheimer (UC-Berkeley, USA)

Wycliffe Nyachoti Otiso (Chuka University, Kenya)

Denise Abade (Brazilian Institute of Education, Development, and Research, Brazil)

Breakout question 1: TBC

Breakout question 2: TBC

Essential Reading:

TBA

Further reading (optional):

TBA

Week 13 (Nov 12)

CLUSTER 6: Equality law and global challenges	Class: TBC
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Introduction – Joy Milligan (UC Berkeley, USA) / Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – TBC

Anna Bruce (Raoul Wallenberg Institute, Sweden)

2 – TBC

Ria Tabacco Mar (American Civil Liberties Union)

Breakout question 1: Will the expansion of the concept of equality in the CRPD to cover reasonable accommodation help change societal norms and address structural inequalities? What will this depend on?

Breakout question 2: TBC

Essential Reading:

- Anna Bruce, The Unfolding of Equality in International Human Rights Conventions, pp. 39-52 [available in bCourses]

Further reading (optional):

- Convention on the Rights of Persons with Disabilities (CRPD) available at <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

Week 14 (Nov 19)

CLUSTER 7: TBC	Class: TBC
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Introduction – Joy Milligan (UC Berkeley, USA) / Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – Artificial intelligence (AI) and algorithmic discrimination

Barbara Bello (University of Tuscia, Italy)

2 – TBC

Breakout question 1: TBC

Breakout question 2: TBC

Essential Reading:

TBA

Further reading (optional):

TBA

Week 15 (Nov 26)

CLUSTER 7: TBC	Class: TBC
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Introduction – Joy Milligan (UC Berkeley, USA) / Panos Kapotas (University of Portsmouth, UK)

Lectures:

1 – TBC

2 – TBC

Breakout question 1: TBC

Breakout question 2: TBC

Essential Reading:

TBA

Further reading (optional):

TBA

Week 16 (Dec 3)

Conclusions: Looking ahead

Lectures:

Breakout Question 1: TBC

Breakout Question 2: TBC

Essential Reading:

No essential reading for this class.

Further reading (optional):

No further reading for this class.