

**Central European University**  
**School of Public Policy**  
*Social Justice and Human Rights specialization*

**Fall 2019/2020**

**Tuesday: 3.30pm-5.10pm**

## **Equality Policy in Comparative Perspective**

*August 1, 2019 draft*

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Credit number: 2  
Office hours: TBA; Nador u.11, room 318, 317  
Course level: M.A.

The main aim of this course is to familiarize students with how the abstract legal principle of and political claims for equality is turned into policy and practice in Europe and beyond. Starting from what equality means as a basic legal principle and right in modern democratic systems, the course will move on to critically analyze the policy visions, policy approaches and policy tools used to put equality into practice. The course will look at equality ideas and interventions through the lens of various grounds of inequality: race and ethnicity, gender, and disability and devote special attention to the intersection between different inequality axes. The focus will be on domestic and international policy practices as those developed in the last decades and will reflect upon recent challenges to equality thinking. Students will be encouraged to bring in the discussion issues and cases from the policy environments with which they are most familiar and look into how equality policy practices can travel across countries and regions.

### **Learning Outcomes:**

The course will sensitize students interested in issues of governance, politics, and public policy to challenges of social diversity, cleavages and distinctions that are pertinent to developed and new democracies and societies in transformations. Due to the nature of the topic, the course will invite students to develop their skills of critical thinking by understanding major political and policy debates that shape considerations on the principles of equality and social justice. The teaching method will ensure that students have to regularly synthesize different pieces of knowledge (discussion of the core readings), to critically evaluate the differences and overlaps of arguments, to translate theoretical notions of equality into policy practice, and to recognize theoretical relevance of policy debates. Students will also learn to work in groups, to do targeted inquiries into relevant policy processes (group work and term paper), and to develop their academic writing skills (written support to the presentation and term paper).

### **Assessment:**

(1) Students are expected to carefully consult the required readings each week prior to the classes, ideally by taking notes. The questions for discussion assigned to the sessions in the syllabus help students to engage with the readings and identify the main conceptual puzzles, arguments, and debates related to the topic of the session. Active participation in the seminar discussions is expected from all students. Sessions 5-12 will involve policy practice related group work within class. Students are expected to be active participants in the group work and take turns in presenting group findings.

*Weight to the grade: 20%*

(2) Students are expected to write four position papers related to readings from sessions 5-12. Position papers should reflect on the main arguments of the weekly mandatory reading possibly bringing in the student's theoretical and empirical background knowledge. Assignments are due at 9 AM of the day of the class for which the assignment is written (i.e. if you are commenting the readings for Class 5, you should submit on the e-learning website by 9 AM of the day when Class 5 takes place).

*Weight to the grade: 30%*

(3) Students will write a term paper of 2,500-3,000 words. The paper will be connected to the broader topic of the course, can be a more theoretical paper, a policy paper or a case study. Papers will have to link to the literature in assigned to the course. Additional references should be used. Students will be required to start developing their ideas from midterm on, when they will have the opportunity to present and discuss with the class their project ideas. Individual consultations will support students to further develop their projects and papers. The deadline for submitting the paper will be announced four weeks before the end of the semester. The deadline will be adjusted to SPP exam schedules.

*Weight to the grade: 50%*

All written assignments will be checked for plagiarism via Turnitin.

### **Prerequisites:**

No special prerequisites

### **Audit Students**

Audit students are expected to do all required readings and to actively participate in the class discussions and group work.

### **RECOMMENDED PREPARATION FOR STUDENTS WITH NO BACKGROUND IN PUBLIC POLICY**

In order to comfortably handle the assigned readings and engage in group work, some preliminary readings are offered to the attention of students concerned.

Instructors recommend that students who are enrolled in programs other than the master programs at SPP consult the first item below prior to immersing themselves into the course readings. This is to get insights in the basics of the policy language, conceptual frames, and styles of reasoning pertinent to policy studies, and within that, a broader equality agenda.

Paul Cairney (2012) *Understanding Public Policy: Theories and Issues*. Palgrave MacMillan. Selection.

## TOPICS AND READINGS

### I. Introduction

Readings and discussions will overview the theoretical foundations of the equality concept and their roots in social, legal, and political theory.

#### 1. First Week: Basic Concepts (Sept 17)

This class will discuss dilemmas around defining categories used in equality policy and will do an overview of main equality concepts, their contradictions and complementarities, to be discussed in more detail in the next sessions.

Questions addressed will include: Should equality policy thinking be informed by individualist or group-based thinking? What are the specific groups whose members should be protected? What criteria define such groups and their members? Can we justify protection for traditional equality grounds such as ethnicity or gender, while neglecting poverty or class?

#### Readings

Sandra Fredman (2002) "Equality: Concepts and Controversies" in *Discrimination Law*. Oxford UP. Pp. 1-26

Sandra Fredman (2002) "The Scope of Discrimination Law: Grounds of Discrimination" in *Discrimination Law*. Oxford UP. Pp. 66-82

#### Recommended

Iris Marion Young (1990) "Five faces of oppression" in *Justice and the Politics of Difference*. Pp. 39-66.

Owen Fiss (1976) "Groups and the Equal Protection Clause", 5 *Philosophy and Public Affairs* 107.

Nancy Fraser (2003) "Rethinking Recognition: overcoming displacement and reification in cultural politics" in *Recognition Struggles and Social Movements: Contested Identities, Agency and Power*, edited by B. Hobson. Cambridge: Cambridge U.P.

### II. Visions of Equality

This section of the class will discuss the three different general approaches to equality and the policy tools related to them. The three approaches are: equal treatment, positive action for disadvantaged groups and, third, transformation through mainstreaming equality.

## 2. Second Week: Equal Treatment – Anti-discrimination (Sept.24)

This week's class will discuss formal, procedural equality, and the principle of non-discrimination. Legal concepts of direct and indirect discrimination will also be introduced. The discussion will be geared towards understanding how formal procedural approaches to inequality prove to be insufficient in addressing the deeply rooted social problem of inequality.

For discussion: Is there a need for an anti-discrimination policy or more substantive interventions should replace it? What are its weaknesses and its advantages?

### Readings

Sandra Ferdman (2013) Anti-discrimination laws and work in the developing world: A thematic overview. BACKGROUND PAPER FOR THE WORLD DEVELOPMENT REPORT 2013. [http://adapt.it/adapt-indice-a-z/wp-content/uploads/2015/01/wdr\\_anti-discrimination\\_laws\\_2013.pdf](http://adapt.it/adapt-indice-a-z/wp-content/uploads/2015/01/wdr_anti-discrimination_laws_2013.pdf)

### Recommended

Sandra Fredman (2002) "Legal concepts: Direct, Indirect Discrimination, and Beyond" in *Discrimination Law*. Oxford UP. Pp. 92-116

EC Race Directive (43/2000/EC)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>

Paul Brest (1976) The Supreme Court 1975 Term. Forward: In Defense of the Antidiscrimination Principle, 90 *Harvard Law Review* 1-55.

Andrew Koppelman (1996) "Process Based Theories" in *Antidiscrimination Law and Social Equality*. Yale University Press New Haven, London. Pp. 13-57

Martin MacEwen, ed. (1997) *Anti-Discrimination Law Enforcement. A Comparative Perspective*. Introductory chapter. Ashgate Aldershot. Pp.1-30.

James Goldston (2006) "Public Interest Litigation in Central and Eastern Europe: Roots, Prospects, and Challenges" *Human Rights Quarterly*. Vol 28, Number 2. pp. 492-527

Rikki Holtmaat (2007) Catalysts for change? Equality Bodies according to Directive 2000/43/EC [http://www.migpolgroup.com/publications\\_detail.php?id=159](http://www.migpolgroup.com/publications_detail.php?id=159)

Aron Buzogany (2012) Swimming Against the Tide: Anti-Discrimination Advocacy in Central and Eastern Europe. In Lombardo and Forest (eds.) *The Europeanization of Gender Equality Policies. A Discursive-Sociological Approach*. Basingstoke: Palgrave MacMillan.

O'Conneide, C. (2013). Completing the picture: The complex relationship between EU anti-discrimination law and 'Social Europe'. In N. Countouris & M. Freedland (Eds.), *Resocialising Europe in a Time of Crisis* (pp. 118-137). Cambridge: Cambridge University Press.

UN and the Rule of Law. Equality and Non-discrimination thematic website resources: <https://www.un.org/ruleoflaw/thematic-areas/human-rights/equality-and-non-discrimination/>

### 3. Third week: Positive Action and Equal Opportunities (Oct.1)

Advanced understandings of discrimination will be introduced such as indirect discrimination and institutional discrimination. The concept of equal opportunities will be discussed along with different forms of positive action and preferential treatment. The class will also discuss affirmative action programs, and debates revolving around them. The distinction between process based and result based approaches will be addressed.

To be discussed: What are the arguments that support introducing quota? What are the main criticisms that can be formulated? Fields to consider: higher education, politics, company boards.

#### Readings

Ronald Dworkin (2005) “Affirmative Action: Does It Work?” and “Affirmative Action: Is It Fair?” in *Sovereign Virtue. The Theory and Practice of Equality*. Harvard UP. Pp.386-427

#### Recommended:

European Commission (2009) International perspectives on positive action measures - A comparative analysis in the European Union, Canada, the United States and South Africa <https://publications.europa.eu/en/publication-detail/-/publication/45515983-3e3e-4a24-bcbc-477f04f0ba04> (selected parts: chapter 2-3-5)

Jo Armstrong, Walby, Sylvia (2012) Gender quotas in management boards. <http://www.europarl.europa.eu/document/activities/cont/201202/20120216ATT38420/20120216ATT38420EN.pdf>

Sandra Fredman (2002) “Beyond Indirect Discrimination” and “Symmetry and Substance: Reverse Discrimination” in *Discrimination Law*. Oxford UP. Pp. 121-160

Christopher McCrudden (1982) “Institutional Discrimination”, *Oxford Journal of Legal Studies*, Vol. 2, No. 3. Pp. 303-367.

Colm O’Cinneide (2006) ‘Positive Action and the Limits of the Law’ in *Maastricht Journal of European and Comparative Law*. Vol. 13/3. Pp. 351-365.

Thomas Nagel (1977) “Introduction” in Cohen, Nagel, Scanlon eds. *Equality and Preferential Treatment*. Princeton UP. Princeton, New Jersey. Pp. VII-XIV.

Jones, Hardy (1977) On the Justifiability of Reverse Discrimination. In Barry Gross ed. *Reverse Discrimination*. Buffalo: Prometheus Books: 349-357.

Thomas Sowell (2004): The Past in the Future. In *Affirmative Action Round the World*. Yale University Press: 166-198.

Peria, Michelle, and Stanley R. Bailey. “Remaking Racial Inclusion: Combining Race and Class in Brazil’s New Affirmative Action.” *Latin American and Caribbean Ethnic Studies* 9, no. 2 (May 4, 2014): 156–76.

### 4. Fourth Week: Mainstreaming equality (Oct.8)

This week the concept of mainstreaming equality will be discussed. Mainstreaming is the most novel approach to equality, which purports to transgress both the logic of the equal

treatment and of the positive action approach, by suggesting a thorough cultural transformation of the society.

Discussion in the class will address dilemmas and tensions rising from putting mainstreaming into practice.

To be discussed: What can be lost and gained by applying the tool of mainstreaming compared to targeted (positive) actions? Can mainstreaming be applied efficiently?

Readings:

Teresa Rees (1998) *Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies*, London: Routledge, Chapter 3 “Conceptualising Equal Opportunities” (p.26-49)

Recommended

Sylvia Walby (2005) “Gender Mainstreaming: Productive Tensions in Theory and Practice” *Social Politics: International Studies in Gender, State and Society*. Volume 12, Number 3, Fall, pp. 321-34

Booth, C. and Bennett, C. (2002). Gender mainstreaming in the European Union: towards a new conception and practice of equal opportunities? *European Journal of Women's Studies*, 9(4), 430-446.

Council of Europe “Gender mainstreaming. Conceptual framework, methodology and presentation of good practices.” Final report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS). Strasbourg, May 1998

EC (2011) Compendium of Practice on Non-Discrimination/Equality Mainstreaming [http://ec.europa.eu/justice/discrimination/files/compendium\\_mainstreaming\\_equality\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/compendium_mainstreaming_equality_en.pdf)

Fiona Beveridge, Sue Nott & Kylie Stephen (2000): Mainstreaming and the engendering of policy-making: a means to an end? *Journal of European Public Policy*, 7:3, 385-405

Mark A. Pollack & Emilie Hafner-Burton (2000): Mainstreaming gender in the European Union, *Journal of European Public Policy*, 7:3, 432-456

Sonia Mazey (2002) Gender Mainstreaming Strategies in the EU: Delivering on an agenda? *Feminist Legal Studies*. 10:227-240

Mieke Verloo (2005). Displacement and Empowerment: Reflections on the Concept and Practice of the Council of Europe Approach to Gender Mainstreaming and Gender Equality. *Social Politics*, 12(3), 344-365.

Laurel Weldon (2002) “Beyond Bodies: Institutional Sources of Representation for Women in Democratic Policy-Making” *The Journal of Politics*. Vol.64, No.4, pp.1153-1174

Alison Woodward (2004) “Building Velvet Triangles: Gender and Informal Governance.” in *Informal Governance and the European Union* edited by Simona Piattoni and Thomas Christiansen, London: Edward Elgar. Pp. 76-93

Jo Shaw (2005) ‘Mainstreaming Equality and Diversity in the European Union’. *Current Legal Problems*. Vol 58: 255-312

Elisabeth Prugl (2011) Diversity Management and Gender Mainstreaming as Technologies of Government. *Politics & Gender*, 7 (2011), 71–89.

Carol Bacchi and Joan Evelin eds. (2010) *Mainstreaming Politics. Gendering Practices and Feminist Theory*. <https://www.adelaide.edu.au/press/titles/mainstreaming>

### III. Specific grounds of equality

Having discussed the more general approaches to equality, the course will turn to examine the specifics of the different grounds of inequality. The main question addressed in this part of the course will be: Can different inequality grounds be handled together theoretically and by policy? Are there any specifics of the different inequality grounds that merit special attention? Should the holders of multiple intersecting inequalities be treated as worth of specific consideration?

#### 5. Week Five: Ethnicity and Race (Oct 15)

Specifics of inequality on grounds of race or ethnicity will be discussed as structural forms of discrimination typical for this ground, such as segregation in different social fields, and minority rights, which constructs the concept of equality along the diversity of ethnic groups. Discussion of the two distinct issues will converge in a debate about the group of Roma; a specific group whose protection points both towards de-segregation policies as well as minority rights policies.

Questions for discussion: What is the better way to protect ethnic groups? Is the right to be different the solution? Is the right to be the same the solution? One group will argue for minority rights the other for sameness rights.

#### Readings

Kristin Henrard (2007) *Equal Rights versus Special Right? Minority Protection and the Prohibition of Discrimination. European Commission. Parts I, II, V.*

#### Recommended

EU Framework for National Roma Integration Strategies up to 2020

[http://ec.europa.eu/justice/policies/discrimination/docs/com\\_2011\\_173\\_en.pdf](http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf)

Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (Hungary)

[http://www.minelres.lv/NationalLegislation/Hungary/Hungary\\_Minorities\\_English.htm](http://www.minelres.lv/NationalLegislation/Hungary/Hungary_Minorities_English.htm)

Charles Taylor (1992) *Multiculturalism and the Politics of Recognition*, Princeton University Press.

Will Kymlicka (1995) "Freedom and Culture" in *Multicultural Citizenship*. Oxford UP: 75-106

Lilla Farkas (2007) *Segregation of Roma Children in Education. Addressing Structural Discrimination through the Race Equality Directive*. European Commission. DG Employment, Social Affairs and Equal Opportunities.

[http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/legnet/seg07\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/seg07_en.pdf)

European Parliament (2011) *Measures to promote the situation of Roma EU citizens in the European Union*. A study. [http://www.euromanet.eu/upload/77/37/EP\\_Roma.pdf](http://www.euromanet.eu/upload/77/37/EP_Roma.pdf)

- European Commission (2010) *Improving the tools for the social inclusion and non-discrimination of Roma in the EU*. Report
- Greenberg, Jack. 2010. "Report on Roma Education Today: From Slavery to Segregation and Beyond." *Columbia Law Review* 110:919-1348.
- Ruud Koopmans (2010): Trade-Offs between Equality and Difference: Immigrant Integration, Multiculturalism and the Welfare State in Cross-National Perspective, *Journal of Ethnic and Migration Studies*, 36:1, 1-26
- Lilla Farkas (2017) *The meaning of racial or ethnic origin in EU law: between stereotypes and identities*. European Commission. Directorate-General for Justice and Consumers. <http://www.equalitylaw.eu/downloads/4030-the-meaning-of-racial-or-ethnic-origin-in-eu-law-between-stereotypes-and-identities>
- Christopher McCrudden (2001) "International and European Norms Regarding National Legal Remedies for Racial Equality" in *Discrimination and Human Rights. The Case of Racism* edited by Sandra Fredman. Oxford UP. Pp.251-307.
- Eva Sobotka (2011) Influence of Civil Society Actors on Formulation of Roma Issues within the EU Framework. *International Journal on Minority and Group Rights* 18 (2011) 235–256

## 6. Week Six: Ethnicity and Race – Policy Practice (October 22)

Council of Europe Framework Convention

Hungarian Minority Protection Law

ICERD shadow reporting mechanism: Submission by the Hungarian Helsinki Committee regarding the 18<sup>th</sup>-25<sup>th</sup> Periodic Reports of Hungary to the UN Committee on Elimination of Racial Discrimination at its 98<sup>th</sup> session <https://www.helsinki.hu/wp-content/uploads/HHC-submission-to-CERD-2019.pdf>

Court cases:

*Plessy v Fergusson*; *Brown v Board of Education*

*ECHR Cz. Roma in special education case or other successful Roma segregation case*

Scholten, P., & Van Breugel, I. (2018). Introduction. In P. Scholten & I. Van Breugel (eds) *Mainstreaming Integration Governance: New Trends in Migrant Integration Policies in Europe* (pp. 3–22). Cham: Palgrave Macmillan.

van Baar, Huub and Peter Vermeersch 2017. The Limits of Operational Representations: Ways of Seeing Roma beyond the Recognition-redistribution Paradigm. *Intersections. EEJSP* 3(4): 120-139.

Yanow, D., Van der Haar, M., & Völke, K. (2016). Troubled taxonomies and the calculating state: 'Everyday' categorizing and race-ethnicity'. The Netherland case. *Journal of Race, Ethnicity, and Politics*, 1(2), 187–226.

## 7. Week Seven: Student project presentations (October 29)

Students should prepare 5-10 minutes presentation about their ideas for a paper project  
Discussion will follow every presentation.



## 8. Week Eight: Gender Equality (November 5)

We will specifically discuss how gender inequality is different from racial inequality and what constitutes its specificity, if anything. The main issues to be discussed will revolve around the concepts of sameness and difference and how these construct the understanding of gender inequality. We will address the problem of inequality in the private – family –sphere and how it impacts on gender inequality and we will discuss the issue of sexual violence as another issue that is particularly relevant if gender inequality and discrimination is to be understood. Discussion should also touch on whether sexual harassment is specific to gender equality or whether harassment cuts across all equality grounds.

### Questions for discussion:

How gender as a policy category differs from race? Think about boundaries between the public and the private (e.g. care, violence, etc.). About operationalizing categories. About modes and fields of intervention.

### Readings

Sandra Fredman and Erika Szyszczak (1992) “The Interaction of Race and Gender” in *Discrimination and the Limits of the Law* edited by Bob Hepple and Erika Szyszczak. Mansell Publishing, London. Pp. 214-227

Mieke Verloo (2006) Multiple Inequalities, Intersectionality and the European Union. *European Journal of Women Studies*. Vol. 13(3):211-228

### Recommended

Catherine MacKinnon “Equality Remade: Violence against Women” in *Are Women Human?* Harvard UP.2006. Pp. 105-111

Nancy Fraser (1994) After the Family Wage. Gender Equity and the Welfare State. *Political Theory*, Vol. 22. No.4: 591-618.

Kimberly Morgan & Kathrin Zippel (2003) “Paid to Care: The Origins and Effects of Care Leave Policies in Western Europe” in *Social Politics* 10/1. Pp. 49-85

Dobash& Dobash (1992) *Women, Violence and Social Change* Chapter 4: The State, Public Policy and Social Change. Routledge. Pp. 99-145

Diane Sainsbury (2009) “Gendering the welfare state” in *Politics, Gender and Concepts* eds. Goertz and Mazur. CUP. Pp. 94-114

Jane Manslow Cohen (1994) “Private Violence and Public Obligation: The Fulcrum of Reason.” In *The Public Nature of Private Violence* eds Finneman & Mykitiuk. Routledge. Pp. 349-383

Stetson DE and Mazur A (1995). *Comparative State Feminism*. Introductory chapter.

Joyce Outshoorn and Johanna Kantola (2007) “Introduction” and “Conclusions” in Outshoorn and Kantola eds. *Changing State Feminism*. Palgrave Macmillan.

Carol Bacchi (2006) “Arguing for and Against Quotas” in *Women, Quotas and Politics* ed. Drude Dahlerup. Routledge.

Susanne Zwingel (2005) From intergovernmental negotiations to (sub)national change. A transnational perspective on the impact of CEDAW. *International Feminist Journal of Politics* 7:3, 400-424.

Charlotte Bretherton (2001) “Gender mainstreaming and EU enlargement: swimming against the tide?” *Journal of European Public Policy* 8:1 February: 60–81

### 9. **Week Nine: Gender Equality - Policy Practice** (November 12)

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and important general recommendations and optional protocol

<http://www.un.org/womenwatch/daw/cedaw/>

Council of Europe Istanbul Convention <https://www.coe.int/en/web/istanbul-convention>

C189 - Domestic Workers Convention, 2011 (No. 189) Convention concerning decent work for domestic workers (Entry into force: 05 Sep 2013)

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C189](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189)

M. Keck and K. Sikkink (1998) “Transnational networks on violence against women.” In *Activists Beyond Borders*. Cornell University Press. Pp.165-199

Krizsan, Andrea, ed. 2015. Mobilizing for Policy Change. Women’s Movements in Central and Eastern European Domestic Violence Policy Struggles. Budapest: CPS Books CEU.

Jacquot, Sophie and Tommaso Vitale 2014. Law as a weapon of the weak? A comparative analysis of legal mobilization by Roma and women’s groups at the European level. *Journal of European Public Policy*, 21:4:587-604.

Juhasz B. and Papp E. (2018) Backlash in Gender Equality and Women’s and Girls’ Rights. European

Parliament. [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604955/IPOL\\_STU\(2018\)604955\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604955/IPOL_STU(2018)604955_EN.pdf)

Jacquot, S. (2017) “A Policy in Crisis. The Dismantling of the EU Gender Equality Policy” in Kantola, J., Lombardo, E. (Eds.) *Gender and the Economic Crisis in Europe. Politics, Institutions and Intersectionality*. Basingstoke: Palgrave Macmillan.

### 10. **Week Ten: Disability** (November 19)

The main question to be answered this week is: how inequality on grounds of disability, a relative newcomers to equality policy, is different from the classical grounds of race and gender? We will look at the process of transforming a mainly medicalized, social welfare grounded approach to disadvantage caused by disability to a human rights approach. Along this wider policy shift, we will also discuss the concept most specific to disability discrimination, namely reasonable accommodation.

#### Questions for discussion:

Are the equality policy puzzles brought up by disability different from those connected to gender inequality? Is the category of disability meaningful as a unitary ground? Is reasonable accommodation connected to the right to be free from discrimination or it can rather be seen as a form of positive action? One group will argue for similarity with gender and ethnicity, the other for difference.

Readings

Sandra Fredman (2005) “Disability Equality: A Challenge to the Existing Anti-Discrimination Paradigm?” in *Disability Rights in Europe: From Theory to Practice* edited by A. Lawson and C. Gooding. Hart Publishing, Oxford. Pp. 199-218

Recommended

Degener T. (2017) A New Human Rights Model of Disability. In: Della Fina V., Cera R., Palmisano G. (eds) *The United Nations Convention on the Rights of Persons with Disabilities*. Springer, Cham

Lisa Waddington (2018) The Influence of the UN Convention on the Rights of Persons with Disabilities on EU Non-Discrimination Law. In Uladzislau Belavusau & Kristin Henrard (eds.), *EU Anti-Discrimination Law Beyond Gender*, Hart, 2018

C O'Conneide (2005) “A New Generation of Equality Legislation? Positive Duties and Disability Rights”. In *Disability Rights in Europe. From Theory to Practice*. Eds. Anna Lawson, Caroline Gooding

Lisa Waddington (2001) “Evolving Disability Policies: From Social-Welfare to Human Rights. An International Trend from a European Perspective”, 19/2 *NQHR*

Lisa Waddington and Aart Hendriks (2002) “The Expanding Concept of Employment Discrimination in Europe: From Direct and Indirect Discrimination to Reasonable Accommodation Discrimination”, 18/3 *IJCLLR*, p. 403

European Commission (2011) Compendium of good practice Supported Employment for people with disabilities in the EU and EFTA-EEA.  
[http://ec.europa.eu/justice/discrimination/files/supported\\_employment\\_study\\_compendium\\_good\\_practice\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/supported_employment_study_compendium_good_practice_en.pdf)

**11. Week Eleven: Disability – policy practice (Nov 26)**

UN Convention on the Rights of Persons with Disabilities.

<http://www.un.org/disabilities/default.asp?navid=13&pid=150>

Wyndham, Caitlin (2019) *Terms of Engagement: How social movements influence government policy in a one-party state*. Doctoral thesis. CEU. Chapter 5: The Movement of the People with Disabilities in Vietnam.

<https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/131/phd-thesis-wyndham-2019.pdf>

EDF European Disability Forum (2014) “Report on the impact of the crisis on the rights of persons with disabilities”, available at: <http://www.edf-feph.org/economic-crisis>

Accessibility and Development. Mainstreaming disability in the post-2015 development agenda. [http://www.un.org/disabilities/documents/accessibility\\_and\\_development.pdf](http://www.un.org/disabilities/documents/accessibility_and_development.pdf)

Strategy for Mainstreaming Disability. Human Development Department. South Asia Region. [www.usicd.org/doc/Regional\\_Disability\\_Strategy.doc](http://www.usicd.org/doc/Regional_Disability_Strategy.doc)

Neil Crowther (2019) *The right to live independently and to be included in the community in European States. ANED synthesis report*. On behalf on the European network of academic experts in the field of disability (ANED) <https://www.disability-europe.net/theme/independent-living>

European Coalition for Community Living (2009) Focus on Article 19 of the UN Convention on the Rights of Persons with Disabilities FOCUS REPORT 2009  
<http://community-living.info/wp-content/uploads/2014/02/ECCL-Focus-Report-2009-final-WEB.pdf>

## 12. Week Twelve: Intersectionality, Competing Inequalities (Dec 3)

Having seen the commonalities of equality policy on different grounds and then the specifics of each ground, this week we will move on to understand what happens if inequality grounds intersect: what are the consequences of intersectionality for categories and for group boundaries and how does the concept impact on policy answers? Both structural and political intersectionality will be discussed.

Questions for discussion: Does talking about disadvantages of intersectional groups limit the efficiency of protection for the main status groups such as Roma, women or LGBT groups? One group will argue that it does, the other will argue in favor of adopting an intersectional approach.

### Readings

Sandra Fredman (2005) 'Double trouble: Multiple discrimination and EU Law', *European Anti-discrimination Law Review* 2: 13-19.  
 Hankivsky, O., & Cormier, R. (2011). Intersectionality and Public Policy: Some Lessons from Existing Models. *Political Research Quarterly*, 64(1), 217-229.

### Recommended

Kimberle Crenshaw (1989) Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics. *The University of Chicago Legal Forum*. 140:139-167  
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