



Syllabus

International, supranational and comparative aspects of Non-discrimination Law

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This course aims to highlight the importance, applicability and the particularities of the legal comparison in the field of European social law: In order to accomplish this purpose we use as an example the Non-discrimination Law. The subjects concerned are divided into three parties. The first part examines the methodological problems of Comparative Law and Comparative Social Law: (comparability, classifications of legal systems, evaluation and transplantation of foreign legal solutions). The second part includes the international, supra-national and national sources of Non-discrimination Law and applies legal comparison to clarify the basic notions of this course (perceptions of equality, direct and indirect discrimination, moral and sexual harassment, reasonable accommodations, positive measures, etc) The third part examines, in the framework of comparative law, the main grounds of prohibited discrimination (race, ethnic origin, religion, sex, gender and sexual orientation, age and disability) and the way in which they are regulated by various legal systems.

I. Comparative Law and Comparative Social Law

- Purpose-methods and functions of comparative law and comparative social law
- Functional method and method of interpretation in comparative law
- The classifications of national laws in legal families and their utility in the field of comparative social law

II. The notions of equality and non-discrimination

- The notions of equality and discrimination
- The multiple perceptions of equality: formal equality and substantial equality / opportunity equality and equality of treatment / equality as an expression of human dignity
- The impact of the various perceptions of equality on the notions of non-discrimination law: direct discrimination / indirect discrimination / sexual and moral harassment / positive action and positive discrimination / reasonable accommodations

III. National, international and supranational sources of the right to non-discrimination

- Non-discrimination Law in the context of international instruments of the United Nations, the ILO, the Council of Europe and the European Union
- Non-discrimination Law in the countries of the Anglo-American family (United States / Canada / United Kingdom)
- Non-discrimination Law in the countries of the Romano-Germanic family (France, Federal Germany, Greece) and in the Nordic countries
- Non-discrimination Law in mixed legal systems (Netherlands, South Africa)

IV. Grounds and categories of discrimination

- Discriminations based on race and ethnic origin
- Discrimination based on gender and sexual orientation
- Discriminations based on age and disability
- The notion of multiple discriminations