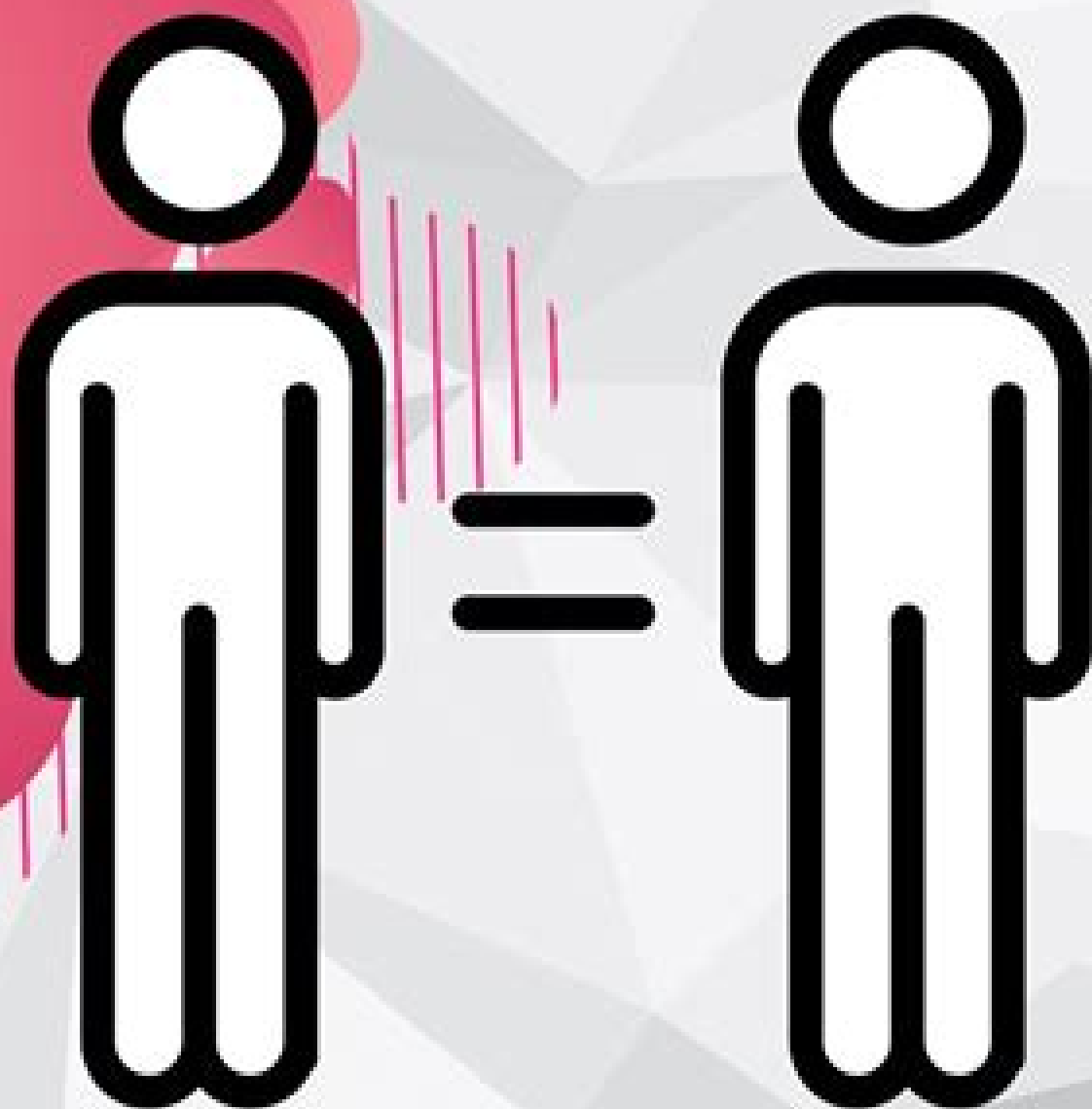


# ARTICLE 7

RIGHT TO EQUALITY  
BEFORE THE LAW



# Equality And The Law

**KJ Lindholm-Leary**



## **Equality And The Law:**

**Disability and Equality Law** Elizabeth F. Emens, 2017-07-05 This interdisciplinary collection of essays addresses the theoretical practical and legal dimensions of equality for persons with disabilities The issues covered include the central problem of defining disability and impairment the dilemma of same versus different treatment the balance between autonomy and external influence and support linkages to other anti discrimination categories such as race and sex the place of disability theory within identity politics and issues of life death and our most intimate relationships The articles reflect a wealth of international viewpoints and interdisciplinary areas which include philosophy economics memoirs cultural studies empirical studies and legal scholarship The selection also includes classic texts which set out foundational ideas such as the social model of disability or the goal of integration alongside essays that critique these conceptual mainstays This volume brings into sharp focus a wide range of contentious and complex issues in the field of disability studies and is of interest to researchers and students from a wide range of fields

**Women, Employment and European Equality Law** Christopher McCrudden, 1987 *The Principle of Equality in EU Law* Lucia Serena Rossi, Federico Casolari, 2017-11-23 This book provides a comprehensive and updated legal analysis of the equality principle in EU law To this end it argues for a broad definition of the principle which includes not only its inter individual dimension but also the equality of the Member States before the EU Treaties The book presents a collection of high quality academic and expert contributions which in light of the most recent developments in implementing the post Lisbon legal framework reflect the current interpretation of the equality principle examining its performance in practice with a view to suggesting possible solutions in order to overcome recurring problems To this end the volume is divided into three Parts the first of which addresses a peculiar aspect of the EU equality that is mostly overlooked in the investigations devoted to this topic namely equality among States Part II shifts to the inter individual dimension of equality and explores some major developments contributing to re shaping the global framework of EU anti discrimination law while Part III undertakes a more practical investigation devoted to the substantive strands of that area of EU law

**Equality in Law: United Kingdom** Christopher McCrudden, 2023-07-10 Equality in law between men and women in the European Community is an integral part of the EC's social policy and crucial to its economic and social cohesion This 15 Volume Encyclopedia analyses the legal framework for equal opportunities which now exists in the Community due to the adoption of EC Directives on equal treatment equal pay and social security and to the work of the European Court of Justice in this area It looks at how the EC Directives have been implemented and interpreted in each Member State and at the other legislative and constitutional provisions affecting the principle of equality All the principal legal provisions are reproduced or translated Extracts from or digests of national case law are also included Each volume is structured so that Member States's provisions on equality can be directly compared The editors of this Encyclopedia are Michel Verwilghen Professeur ordinaire la Facult de Droit Universit catholique de Louvain and Ferdinand von Prondzynski

Professor of Law and Dean of the Law School University of Hull      **EU Equality Law** Elise Muir, 2018-11-08 The European Union is a supranational organisation with a set of circumscribed powers Although these powers do not include an all encompassing fundamental rights mandate today's existential challenges from economic to refugee crisis via concerns for compliance with the rule of law in some of its Member States increase the pressure on the EU to develop tools for protection and promotion of such rights One way of addressing the tension between the lack of a general mandate and vivid calls for protection is for the EU to focus on selected fundamental rights which it has competence to regulate One such example is EU law on the fundamental right to equal treatment that has blossomed since the late 1990s In developing selected fundamental right policies that can be imposed on domestic actors as EU law does supranational intervention needs to be carefully tailored to the plural landscape where they are intended to flourish This monograph calls for a nuanced use of the infrastructure of EU law to convey shared values at domestic level across Europe      *European Union Law* Damian Chalmers, Gareth Davies, Giorgio Monti, 2010-06-24 This eagerly awaited new edition has been significantly revised after extensive user feedback to meet current teaching requirements The first major textbook to be published since the rejuvenation of the Lisbon Treaty it retains the best elements of the first edition the engaging easily understandable writing style extracts from a variety of sources showing the creation interpretation and application of the law and comprehensive coverage In addition it has separate chapters on EU law in national courts governance and external relations reflecting the new directions in which the field is moving The examination of the free movement of goods and competition law has been restructured Chapter introductions clearly set out what will be covered in each section allowing students to approach complex material with confidence and detailed further reading sections encourage further study Put simply it is required reading for all serious students of EU law      **Sexuality and Equality Law** Suzanne B. Goldberg, 2017-07-05 Sexual rules and regulations are among society's oldest yet it is only in recent decades that this once stigmatized field has become the focus of scholarly attention This volume which includes some of the most thought provoking and hard to find essays in the field covers a diverse range of topics from sexual orientation and gender identity to intersexuality and commercial sex and from HIV AIDS and trafficking to polygamy Through historical political and critical theoretical lenses and through a global focus the selections ask how we conceptualize the groups and acts subjected to sexual regulation and how regulations in the field implicate and produce understandings of sexuality and identity By placing this variety of works together *Sexuality and Equality Law* invites fresh insights into commonalities and synergies across regulatory arenas that are often isolated from one another The volume's introduction situates all of these works in the broader field and offers readers an extensive bibliography      **Religion and Equality Law** Nelson Tebbe, 2017-07-05 The essays selected for this volume address topics at the intersection of religion and equality law including discrimination against religion discrimination by religious actors and discrimination in favor of religious groups and traditions The introduction provides a conceptual guide to these types of

inequality which are often misunderstood or conflated and it offers an analysis of different species of discrimination within each broad category Each section of the volume contains both theoretical essays which set out frameworks for thinking about the relevant type of inequality and essays that examine real world disputes For example the articles address the conflicts over headscarf laws in France and Turkey the place of so called traditional religions in Africa the display of Roman Catholic crucifixes in Italian classrooms and the ability of American religious organizations to be free of employment laws in their treatment of clergy This volume brings together classic articles which are otherwise difficult to access enables students to study key articles side by side and provides instructors with a valuable teaching resource

**Reconceptualising European Equality Law** Johanna Croon-Gestefeld, 2017-02-23 This important new book seeks to widen the understanding of the principle of equality within European law Firstly it deconstructs the European Court of Justice's adjudication of cases in the field It then explores how the Member States courts decide on the question of equality This detailed rigorous research allows the author to argue for a reconceptualised equality doctrine Such an adaptation the author argues will provide judges practitioners and academics with the tools to balance institutional considerations against substantive interpretation Theoretically ambitious while grounded in practical application this is a significant restatement of one of the key principles of European law the equality doctrine

Reflexive Governance in EU Equality Law Emma Lantschner, 2021 This title explores the reality of equality and non discrimination within the EU It includes case studies from the two main directives in relation to equality laws and shows how they have been implemented This book also identifies indicators that facilitate compliance monitoring among Member States and candidate countries

Disability and Equality Law in Britain Anna Lawson, 2008-11-10 The concept of reasonable adjustment alternatively known as reasonable accommodation is rapidly gaining significance for countries throughout Europe and beyond Directive 2000/78 required all EU Member States to ensure that by the end of 2006 at the latest reasonable accommodation obligations would operate to protect disabled people from unequal treatment in the context of employment The new United Nations Convention on the Rights of Persons with Disabilities will require ratifying States to impose such obligations in a broad range of situations This book provides a detailed and critical analysis of the current and potential role of reasonable adjustment duties in British law It explores the notion of the anticipatory reasonable adjustment duty a notion which is in many respects distinctively British It probes the relationship between reasonable adjustment and other concepts including indirect discrimination and positive discrimination Drawing particularly on US debates potential sources of resistance to the duties are exposed and an attempt is made to suggest pre-emptive counter strategies Attention is also given to issues of legal reform and rationalisation issues of immense topicality and importance in view of the recent British move towards a single Equality Act In short this book examines the current and potential role of reasonable adjustment duties in Britain It will be of interest to lawyers policy makers and students working in the field of disability rights It will also be of interest to all those concerned with the operation and

development of equality law and policy more generally both in Britain and beyond      Making Comparisons in Equality Law Robin Allen, 2020-10-08 This book seeks to rebalance the relationship between comparison and justification to achieve more effective equality and non discrimination law As one of the most distinguished equality lawyers of his generation having appeared in over 40 cases in the House of Lords and the Supreme Court and many leading cases in the Court of Justice Robin Allen QC is well placed to explore this critical issue He shows how the principle of equality is nothing if not founded on apt comparisons By examining the changing way men and women s work has been compared over the last 100 years he shows the importance of understanding the framework for comparison With these insights he addresses contemporary problems of age discrimination and conflict of equality rights      Elusive Equality Susan Gluck Mezey, 2003 All men may be created equal in the United States but more than 30 years after Congress proposed the Equal Rights Amendment can the same be said for women Elusive Equality offers a clear understanding of how government institutions the executive branch Congress and state legislatures as well as the federal courts affect the legal status of women Surveying the judicial and public policy issues central to the identification and protection of women s rights Susan Mezey traces the developing legal parameters of gender equality From early court rulings that prohibited employment discrimination and sexual harassment through today s decisions on reproductive rights and same sex relationships Mezey analyzes the broader political context within which critical judicial decisions have been made      **Equal in Law, Unequal in Fact** Timo Makkonen, 2012-01-06 An intriguing paradox characterises international and European action against discrimination On the one hand equality and the right to non discrimination are key human rights and protected by an impressive line of legal documents On the other hand empirical studies show that discrimination is still rampant today This book maps the gap between the rights and the reality and examines the causes consequences and extent of discrimination in Europe today as well as the international and European legal response to it On the basis of this analysis the study explains why anti discrimination law fails to deliver and what can be done about it The result is of interest to scholars students civil society politicians and anyone interested in equality and making it a reality      *Equality Law in an Enlarged European Union*, 2007 This comprehensive volume provides a fresh approach to equality and anti discrimination law in the European Union      The Right to Equality in European Human Rights Law Charilaos Nikolaidis, 2014-07-25 A right to equality and non discrimination is widely seen as fundamental in democratic legal systems But failure to identify the human interest that equality aims to uphold reinforces the argument of those who attack it as morally empty or unsubstantiated and weakens its status as a fundamental human right This book argues that an understanding of the human interest which equality aims to uphold is feasible within the jurisprudence of the European Court of Human Rights ECtHR and the European Court of Justice ECJ In comparing the evolution of the prohibition of discrimination in the case law of both Courts Charilaos Nikolaidis demonstrates that conceptual convergence within the European Convention on Human Rights ECHR and the EU on the issue of equality is not as far as it might appear initially

While the two bodies of equality law are extremely divergent as to the requirements they impose their interpretation by the international judiciary might be properly analysed under a common light to emphasise the substantive dimension of equality in European Human Rights law The book will be of great use and interest to scholars and students of human rights discrimination law and European politics      The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends      **Equality and Legitimacy** Wojciech Sadurski, 2008 This text examines the relationship between the idea of legitimacy of law in a democratic system and equality It seeks to demonstrate how a conception of democratic legitimacy is necessary for understanding and reconciling equality and political legitimacy

**Cases and Materials on Employment Law** Richard Painter, Ann Holmes, 2012-07-19 A complete reference resource for students of employment law Well established as the most regularly updated casebook on the market it offers a wide range of case law and statutes along with plenty of non statutory material providing students with a thorough grounding in the subject

**Discrimination Law** Sandra Fredman, 2011-05-26 This text provides an introduction to discrimination law Drawing on a wide variety of philosophical and legal sources the concepts of equality and anti discrimination law are introduced in their social and historical context

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