

## Equal Treatment and Prohibition of Discrimination

Lecturer: Valéria Kiss, PhD, assistant professor (Center for Theory of Law and Society)

Date and place of the lessons: Tue 10-12, TBA

### Course Description

This course offers an introduction to the legal framework and jurisprudence of anti-discrimination law in the international and European context, with a special emphasis on the evolution, structure, and procedural aspects of European legal protection. Students will become familiar with the key concepts and principles of non-discrimination law, the relevant case law of the European Court of Justice and the European Court of Human Rights, and the institutional development of the field. The course places particular emphasis on understanding the legal categories of discrimination (such as direct and indirect discrimination, harassment, segregation, and victimisation) and their practical application in legal reasoning and decision-making.

Alongside the legal focus, the course invites students to reflect on the broader social context in which anti-discrimination law operates. Drawing on key findings from social psychology and sociology—on stereotypes, prejudice, and systemic disadvantage—students will engage with cases and examples that reveal how law interacts with social hierarchies and contested identities. While no empirical research is required, students will be encouraged to bring in comparative examples from their own social or legal backgrounds to enrich class discussion and foster a deeper, context-sensitive understanding of legal responses to inequality.

### Learning outcomes

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

1. **Identify and explain** the key legal concepts, principles, and procedural elements of international and European anti-discrimination law, and interpret how these norms are applied in landmark decisions of the ECJ and ECtHR.
2. **Apply anti-discrimination norms** to complex factual scenarios by constructing legally sound, socially informed arguments and recognising relevant legal distinctions (e.g. direct/indirect discrimination, harassment, reasonable accommodation).
3. **Analyse the broader social and institutional context** of inequality related to gender, ethnicity, disability, sexual orientation, and other protected grounds, using core insights from sociology and social psychology.
4. **Critically examine legal and social phenomena** through context-sensitive perspectives (e.g. gender, disability, or ethnicity lens), demonstrating awareness of implicit bias, structural discrimination, and intersecting vulnerabilities.
5. **Develop and present a reflective portfolio** that demonstrates individual learning progress, engagement with course themes, and the ability to synthesise legal, theoretical, and empirical knowledge through various formats (written, visual, narrative, etc.).

6. **Reflect on the ethical and professional responsibility** of legal actors in promoting equality and inclusion, and articulate a personal, critically grounded understanding of anti-discrimination as both a legal and social commitment.

## Requirements

### 1. Attendance Policy

Class attendance is mandatory. Students may miss up to three sessions without justification. If a student misses four or more sessions, they will not be able to complete the course successfully, regardless of their performance in other course components.

### 2. Midterm exam (50 points)

The midterm exam will take place after the autumn break and will cover the first part of the course: key concepts and theories from social psychology and sociology, as well as the basic structure and terminology of European non-discrimination law. The exam will be **closed book** and written **in class**.

It will last **90 minutes** and consists of two parts:

1. **Conceptual section** (30 minutes, 20 points) – multiple-choice and short-answer questions on core definitions, distinctions, and theoretical connections.
2. **Case analysis section** (60 minutes, 30 points) – legal reasoning exercises based on **three short legal cases**, focusing on the application of anti-discrimination law.

The aim is to assess both your conceptual understanding and your ability to apply legal knowledge to concrete problems.

### 3. Homeworks (50 points)

- a. *(Re)watching Through a Gender Lens* – 10 points
- b. *LGBTQ+ Rights at Home: A Country Snapshot* – 10 points
- c. *Telling Minority Stories: A Visual or Written Exploration* – 15 points
- d. *Facing Barriers: Everyday Life with a Disability* – 15 points

### 4. Final Portfolio Assignment (30 points)

See below.

## Grading

The final grade will be based on a total of 130 points. The grading scale is as follows:

Excellent (5): 91–100% → 118–130 points

Good (4): 76–90% → 99–117 points

Satisfactory (3): 61–75% → 80–98 points

Pass (2): 51–60% → 66–79 points

Fail (1): 0–50% → 0–65 points

To pass the course, students must:

- Achieve a minimum of 66 points (51%) overall, and
- Score at least **26 out of 50 points** (51%) on the **midterm exam**.

Failure to meet either requirement will result in a failing grade, regardless of performance in other components.

### Academic Integrity and Use of AI Tools

All submitted work must reflect your own understanding and thinking. **Plagiarism** — including copying from other students or external sources without proper attribution — will result in an **automatic failing grade** for the course, regardless of performance in other areas.

The use of AI-based tools (e.g. ChatGPT) is not prohibited, but it must be transparent and critical. You are expected to:

- review and revise any AI-generated content carefully,
- avoid uncritical copying, and
- ensure that your submission reflects your own voice, judgment, and engagement with the task.

Failure to meet these standards – for example, submitting unedited or undisclosed AI-generated content – will be treated as academic misconduct.

### Final Portfolio Assignment

**Due:** 2025-12-08

**Presentation:** Lesson 11 (2025-12-09) – Portfolio Presentations and Peer Voting

Each student will submit a final portfolio via Moodle. The portfolio should include the following elements:

1. **Introduction** – A brief presentation of yourself and your background.
2. **Collected work** – A curated selection of the assignments you completed during the second half of the course (at least 3), including brief descriptions and explanations of each.
3. **Reflection** – A short reflective text (approx. 300–500 words) discussing what you have learned during the course, how your understanding of discrimination and law has evolved, and which topic(s) impacted you the most.

On Lesson 11, you will give a **short portfolio presentation** (5–7 minutes) to your classmates. This is not a formal academic presentation — it is your chance to share insights, highlights, or surprises from your work in a personal and creative way.

### Peer Voting & Recognition

After all presentations, students will participate in a **secret peer vote** to choose the most engaging and thoughtful portfolio.

A small symbolic recognition will be given for the portfolio that receives the most votes.

## Overview

<b>Lesson 1</b> (2025-09-23)	Social psychology of discrimination
<b>Lesson 2</b> (2025-09-30)	Social theory and sociology of discrimination
<b>Lesson 3</b> (2025-10-07)	European non-discrimination law: Evolution and structure
<b>Lesson 4</b> (2025-10-14)	Direct and indirect discrimination
<b>Lesson 5</b> (2025-10-21)	Harassment, instuction to discriminate, special or specific measures
2025-10-28	Autumn break
<b>Lesson 6</b> (2025-11-04)	<b>Midterm exam</b>
<b>Lesson 7</b> (2025-11-11)	Discrimination based on gender I: Feminist critique
<b>Lesson 8</b> (2025-11-18)	Discrimination based on gender II: SOGI
<b>Lesson 9</b> (2025-11-25)	Discrimination based on ethnicity and nationality
<b>Lesson 10</b> (2025-12-02)	Discrimination based on disability
<b>Lesson 11</b> (2025-12-09)	<b>Portfolio presentations</b>
<b>Lesson 12</b> (2025-12-16)	Second opportunity to take, or retake & improve midterm exams

## Detailed course outline

### Lesson 1 (2025-09-23) Social psychology of discrimination

After presenting and discussing the course outline and requirements, this session introduces the social psychological foundations of discrimination. We will explore key concepts such as categorization, stereotyping, prejudice, and discrimination, and examine major theoretical approaches explaining these phenomena. The session will also reflect on how social perceptions and group dynamics contribute to the formation of biases and the maintenance of social hierarchies. This conceptual groundwork will serve as an essential starting point for understanding both the legal and sociological aspects of anti-discrimination frameworks discussed throughout the course.

#### Readings:

Gordon W. Allport (1954) *The Nature of Prejudice*. Addison-Wesley Publishing Company – excerpts available on Moodle

Bernard E. Whitley, Jr. & Mary E. Kite (2010) *Psychology of Prejudice and Discrimination*. Wadsworth: Cengage Learning – excerpts available on Moodle

Homework: –

**Lesson 2 (2025-09-30)****Social theory and sociology of discrimination**

This session introduces key sociological concepts and theories related to minorities and prejudice, drawing on classic and contemporary authors in the field. It also presents major empirical findings that illustrate the prevalence and patterns of discrimination in contemporary societies. Special attention will be given to European data, including surveys conducted by Eurobarometer and the European Union Agency for Fundamental Rights (FRA), complemented by selected Hungarian studies. The aim is to provide a solid empirical and conceptual foundation for understanding the social dynamics behind legal anti-discrimination frameworks.

Readings:

Nancy Fraser & Axel Honneth (2003) *Redistribution or Recognition?: A Political-Philosophical Exchange*. Verso – excerpts available on Moodle

Homework: –

**Lesson 3 (2025-10-07)****European non-discrimination law: Evolution and structure**

This session provides an overview of the development, structure, and foundational principles of European non-discrimination law. Drawing on the FRA Handbook and additional lecture materials, we will explore the dual legal framework of the European Union and the Council of Europe, highlighting their institutional mechanisms and key legal instruments, including the Charter of Fundamental Rights, EU anti-discrimination directives, the European Convention on Human Rights (ECHR), and Protocol No. 12. The class will trace the historical evolution of legal protection against discrimination, discuss the relationship between the EU and CoE systems, and introduce the protected grounds and forms of discrimination (such as direct, indirect, harassment, and victimisation). This foundational session aims to build a structural understanding of the European anti-discrimination regime that will support subsequent legal analysis.

Readings:

*Handbook on European non-discrimination law* (2018) European Union Agency for Fundamental Rights ([https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-handbook-non-discrimination-law-2018\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-handbook-non-discrimination-law-2018_en.pdf))

Homework: –

**Lesson 4 (2025-10-14)****Direct and indirect discrimination**

This session explores the key legal concepts of direct and indirect discrimination as defined under European non-discrimination law. Building on the EU directives and the FRA

Handbook's explanation of their interpretation, we will examine the legal definitions, underlying principles, and the evidentiary challenges related to direct and indirect discrimination. A significant part of the session will be dedicated to the analysis and discussion of landmark and illustrative case law from the Court of Justice of the European Union and the European Court of Human Rights. Through these cases, students will gain a practical understanding of how the abstract legal categories are applied in real-world disputes, and how courts reason when assessing comparators, disadvantage, and justification.

Readings:

*Handbook on European non-discrimination law* (2018) European Union Agency for Fundamental Rights ([https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-handbook-non-discrimination-law-2018\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-handbook-non-discrimination-law-2018_en.pdf))

Homework: –

<b>Lesson 5 (2025-10-21)</b>	<b>Harassment, instuction to discriminate, special or specific measures</b>
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This session continues to explore the key legal concepts of direct and indirect discrimination as defined under European non-discrimination law. Building on the EU directives and the FRA Handbook's explanation of their interpretation, we will examine the legal definitions, underlying principles, and the evidentiary challenges related to harassment and other specific forms of discrimination. A significant part of the session will be dedicated to the analysis and discussion of landmark and illustrative case law from the Court of Justice of the European Union and the European Court of Human Rights. Through these cases, students will gain a practical understanding of how the abstract legal categories are applied in real-world disputes, and how courts reason when assessing comparators, disadvantage, and justification.

Readings:

*Handbook on European non-discrimination law* (2018) European Union Agency for Fundamental Rights ([https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-handbook-non-discrimination-law-2018\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-handbook-non-discrimination-law-2018_en.pdf))

Homework: –

**Autumn break (2025-10-28)**

**Lesson 6 (2025-11-04)      Midterm exam**

The midterm exam will take place after the autumn break and will cover the first part of the course: key concepts and theories from social psychology and sociology, as well as the basic structure and terminology of European non-discrimination law. The exam will be **closed book** and written **in class**.

It will last **90 minutes** and consists of two parts:

3. **Conceptual section** (30 minutes) – multiple-choice and short-answer questions on core definitions, distinctions, and theoretical connections.
4. **Case analysis section** (60 minutes) – legal reasoning exercises based on **three short legal cases**, focusing on the application of anti-discrimination law.

The aim is to assess both your conceptual understanding and your ability to apply legal knowledge to concrete problems.

### **Lesson 7 (2025-11-11)      Discrimination based on gender I: Feminist critique**

This session introduces key concepts of feminist legal theory and explores how gender structures the law and legal institutions. We begin by discussing students' homework reflections on gender roles and power dynamics in popular culture, encouraging them to apply Nancy Fraser's distinction between cultural and economic injustice as an interpretive lens. This will serve as a gateway to understanding the broader social context of gender-based discrimination. The lecture will provide an overview of the main strands of feminist thought, core critiques of legal neutrality and formal equality, and key legal areas where gender matters — such as the labour market, gender-based violence, pornography, and prostitution. In the final part of the session, we will work through selected legal cases together to examine how feminist insights can inform legal reasoning and interpretation.

Readings: –

Homework: *(Re)watching Through a Gender Lens*

(Re-)watch a film or TV series of your choice and reflect on how gender roles and power relations are portrayed. In your reflection (approx. 300–500 words), consider questions such as: Who holds power in the story? How are women and men represented? What norms or expectations shape their behaviour? You are encouraged to apply Nancy Fraser's framework of cultural and economic injustice to interpret the dynamics you observe.

Submit your reflection on Moodle on Thursday before the class (2025-11-06).

### **Lesson 8 (2025-11-18)      Discrimination based on gender II: SOGI**

This session explores the social and legal dimensions of discrimination faced by LGBTQ+ individuals across Europe and beyond. We begin by discussing students' homework presentations on the situation in their own countries, followed by a collaborative mapping exercise to visualise the diversity of legal and social contexts. The lecture provides a conceptual introduction to queer theory (drawing on Annamarie Jagose), alongside key sociological findings and empirical data, particularly from the European Union Agency for Fundamental Rights (FRA). Special attention will be given to the rapidly changing legal and political landscape in Hungary. In the final part of the session, we will analyse legal cases to understand

how courts have addressed issues of sexual orientation and gender identity, and what challenges remain.

Readings: –

Homework: *LGBTQ+ Rights at Home: A Country Snapshot*

Prepare a short presentation (3–5 minutes) on the legal and social situation of LGBTQ+ individuals in your home country. Focus on aspects such as legal recognition, protection against discrimination, public attitudes, and recent political or legal developments. You may include statistics, legal provisions, or illustrative examples. Be prepared to present your findings in class and contribute to a collaborative map that visualises the diversity of experiences across Europe (and beyond).

You may work individually or in pairs. Submit your assignment on Moodle on Thursday before the class (2025-11-13).

### **Lesson 9 (2025-11-25)      Discrimination based on ethnicity and nationality**

This session focuses on how ethnicity and nationality function as categories of social exclusion and legal inequality. Following student presentations on ethnic and national minorities from their own or other contexts, we will examine theoretical approaches to ethnicity, including Richard Jenkins's work on ethnic boundary-making, as well as other key sociological perspectives. The lecture will also review recent data on ethnic discrimination in Europe, with a particular emphasis on the situation of Roma communities. In the final part of the session, we will analyse selected legal cases involving ethnic or national discrimination, drawing links between empirical realities, legal reasoning, and structural inequality.

Readings: –

Homework: *Telling Minority Stories: A Visual or Written Exploration*

This is a **group assignment**. You will work in randomly assigned groups of 3–4 students, formed at the beginning of the semester. Each group will choose one ethnic or national minority and explore their historical experiences and present-day situation. You are free to choose the format of your submission — for example, a mind map, infographic, short presentation, video, or a written summary (max. 3 pages). Try to include both fictional (e.g. novels, films, folklore) and non-fictional (e.g. reports, news, interviews) sources if possible. Your goal is to capture how identity, discrimination, and belonging shape the lived experiences of this community.

Each group must submit **two documents** on Moodle:

1. The main assignment (creative or written)
2. A short group reflection journal (max. 1 page) describing how the group collaborated, how tasks were divided, and what each member contributed.

Upload your work to Moodle until Thursday (2025-11-13) and be prepared to briefly present or explain it in class.



Submit your assignment on Moodle on Thursday before the class (2025-11-20).

**Lesson 10 (2025-12-02)      Discrimination based on disability**

This session examines how disability is constructed and addressed in legal and social contexts. We begin by discussing students' homework reflections on everyday challenges faced by people with different types of disabilities, with a focus on identifying social and legal barriers. The lecture then introduces key theoretical foundations from disability studies, including the distinction between the medical and social models of disability. We will also review findings from an empirical research project on legal guardianship and persons with disabilities in Hungary, exploring how institutional arrangements affect autonomy and legal capacity. In the final part of the session, we will analyse selected legal cases to understand how disability discrimination is interpreted and addressed in practice.

Readings: –

Homework: *Facing Barriers: Everyday Life with a Disability*

Choose a specific type of disability (physical, sensory, intellectual, or psychosocial) and reflect on what everyday challenges a person with this disability might face in your home country. You can write a narrative, draw a mind map, or create a photo diary (real or imagined). Try to focus on social or legal barriers, not only physical ones.

You may work individually or in pairs. Submit your assignment on Moodle on Thursday before the class (2025-11-27).

**Lesson 11 (2025-12-09)      Portfolio presentations**

See above.

**Lesson 12 (2025-12-16)      Second opportunity to take or retake and improve final exams**