

Wednesday, 14th July 2021 (South Africa Standard Time)
Systemic Inequality & Covid-19: Health Regulations & Policy Responses

12h00 Welcome & Opening Keynote

Conference opening remarks: David Oppenheimer, University of California, Berkeley Law, Debbie Collier, University of Cape Town

Welcome address:
Danwood Chirwa, University of Cape Town

Keynote:
Roojin Habibi, Osgoode Hall Law School, York University

International Health Regulations & 'permissible measures' in response to a public health risk: 'How not to violate the International Health Regulations during the Covid-19 Outbreak'

13h00 Plenary (1) (lunchtime plenary) – Covid Unleashed: A roundtable discussion on the impunities taking place under the guise of Coronavirus

Plenary chair: Karen O'Connell
Puja Kapai-Paryani, University of Hong Kong
Laura Carlson, Stockholm University
Naina Kapur, Advocate, Preventative Law & Equality Compliance, India
Denise Abade, Mackenzie University

14h15 Workshop 1 (a) Policy responses to Covid 19: the good, the bad & the ugly

Workshop moderator: Karen O'Connell

1. Nomfundo Ramalekana, University of Cape Town '*The constitutional duty to take positive redistributive measures to redress the disproportionate impact of COVID-19 on historically disadvantaged groups*'
2. Puja Kapai, University of Hong Kong, Charleen Lui Cheuk Ling, University of Hong Kong, Kristina Marter, University of California, Berkeley, Katherina Miller, President of the European Women's Association, Joseph Sotile, Columbia Law & Emma Tavangari, University of California, Berkeley, '*Calling the shots: An equality-based analysis of the Covid-19 vaccine rollout policies and their implications*'
3. Barbara Bello, University of Milano '*An intersectional and intergenerational look at the impact of the covid-19 pandemic on young and elderly people in Italy*'
4. Susanne Burri, European network of legal experts in gender equality and non-discrimination '*Gender Equality and Flexible Work Arrangements: Two uneasy bedfellows or promising approaches? Lessons learned in times of Covid-19 in the Netherlands*'

Workshop 1 (b) Equality law in the context of structural inequality and systemic racism: Reflections from Australia and South Africa

Workshop moderator: Kristen Barnes

1. Fiona Allison, University of Technology, Sydney '*First Nations Access to Justice and Race Discrimination: Problems and suggested solutions*'
2. Tim Farhall & Emrys Nekvapil, Victorian Bar, '*Litigating against structural racism in Australia – establishing causation by inference*'
3. Beth Goldblatt, University of Technology, Sydney '*Equality and Climate Justice: The case of swimming pool access in Australia*'
4. Cathi Albertyn, University of the Witwatersrand, '*Can section 9 deliver socio-economic rights? An exploration of the role of equality law in expanding access to social goods and services in South Africa*'

Workshop 1 (c) Gender and economic inequality: making the connection

Workshop moderator: Karen Vandekerckhove

1. Meghan Campbell, University of Birmingham, '*The Austerity of Lone Motherhood: Discrimination Law and Benefit Reform*'
2. Dieudonné Soweng, Professor of Law, University of Dschang, '*Discriminatory protection of women against poverty by Cameroonian social security law*'
3. Peter Mburu, Registrar of Titles; Ministry of Lands Nairobi Kenya & Adjunct Lecturer; University of Nairobi - School of Law, '*Women land rights in Kenya: Is there discrimination in law & practice?*'

15h30 Plenary (2) (teatime plenary) Persons with disabilities: promoting disability-inclusive response to COVID-19

A BCCE facilitated discussion:

Guest speaker:

Charlotte McClain-Nhlapo, Global Disability Advisor of the World Bank Group

16h45 Workshop 2(a) Religion as an attribute of intersectional discrimination

Workshop moderator: Aisha Adam

1. Bougma Timothé, Lecturer University of Ouagadougou, '*La religion comme instrument de discrimination dans la reconnaissance des droits des femmes au Burkina Faso*' (Religion as an instrument of discrimination in the recognition of women's rights in Burkina Faso')
2. Marie Mercat-Bruns & Pierre Lenel, Conservatoire National des Arts et Métiers (CNAM) '*Headscarves and Intersectionality in France: the voice of the plaintiffs at work*'
3. Joelle Nwabueze, Associate Dean, Faculty of Law, Enugu State University, '*Failure to prosecute and religious discrimination: the Nigerian Imbroglio*'
4. Kristin Henrard, Vrije Universiteit Brussel, '*Majoritarian reasoning at the ECtHR: a flawed response to rising Islamophobia and Intolerance against Muslims*'

Workshop 2(b) Persons with disabilities: confronting the barriers to inclusion

Workshop moderator: Priyam Lizmary Cherian

1. Yvette Basson, University of Western Cape, '*Marginalising the marginalised – obstacles faced by women with disabilities in the workplace in the African context*'
2. Laverne Jacobs, University of Windsor, '*Intersectionality, Medical Assistance in Dying and Disabled Lived Experience in Canada*'
3. Chipo Nkhata, '*Stakeholder perspectives on failure of Zambian mental health laws to recognise and protect legal capacity of persons with mental disabilities: views of women, men and institutions in Zambia*'

Workshop 2(c) Pay equity: global perspectives on trends and transparency

Workshop moderator: Stephanie Bornstein

1. Sara Benedi Lahuerta, Peter Rejchrt & Alex Patrick, University College Dublin & University of Southampton, '*The UK Pay Transparency Regulations: Are they fit for purpose?*'
2. Laura Carlson, Stockholm University, '*Rethinking Equal Pay in Light of Transparency*'
3. Virginia Marturet, Universidad de Buenos Aires, '*Pay Equity in Argentina*'
4. Chris Ambrosi, University of Frankfurt, '*Obstacles to Proving Pay Discrimination – a German case study*'

Workshop 2(d) Book panel: *Intersectionality and Human Rights Law (2020)* Hart Publishing

Shreya Atreya and Peter Dunne (eds) Colm O'Cinneide (author)

18:00 BCCE wrap-up; & (virtual) evening at the Museum of Contemporary Art Africa in Cape Town

Thursday, 15th July 2021 (South Africa Standard Time)
Barriers to equality and the enduring problem of economic exclusion

12:00 Introductory remarks and keynote chair: Debbie Collier, University of Cape Town

Keynote speaker:

Pamhidzai Bamu, Africa Coordinator, Law Programme, Women in Informal Employment, Globalizing and Organising (WIEGO)

A 51-country study of Covid-19 laws and implications for informal workers

13:00 **Plenary (3) (lunchtime plenary) Ten Truths about Tax Havens: Inclusion and the ‘Liberia’ Problem**

Plenary facilitator: Dennis Davis, Chair, Davis Tax Committee (South Africa)

Steven A Dean, Brooklyn Law School and Attiya Waris, University of Nairobi

14:15 **Workshop 3(a) Covid 19, vulnerable groups, youth & the elderly: a disproportionate impact?**

Workshop moderator: Sophie Robin-Olivier

1. Gozde Kaya, Dokuz Eylül University, ‘*Covid-19 Pandemic and Old-Age Discrimination: Equity in the Allocation of Scarce Health Resources under EU Law*’
2. Josefina Benzaquen, Ezequiel Curcio, Julieta Levin, Luciana L. Terrizzi, Natalia Danae Zorzin, Virginia Marturet, Universidad de Buenos Aires, Faculty of Law *Inequality, the Other Virus. An analysis of Argentina’s Situation*’

Workshop 3(b) The past, present & future of equality law: the importance of context

Workshop moderator: Simon Rice

1. Marzia Barbera & Alvaro Oliveira, University of Brescia & University Institute of Lisbon, ‘Notes for a map of the future - *Race discrimination law in Europe*’
2. Paul Lappalainen, Stockholm University, *Civil society advocacy and anti-discrimination law - the EU Race Directive*’
3. Richard Obeng Mensah, Law Lecturer, Faculty of Law, Kwame Nkrumah University of Science and Technology, ‘*Ghana’s Constitutional evolution since 1960: Comparative analysis of the country’s equality and anti-discrimination law provisions*’
4. Julie Ringelheim, Louvain University, ‘*Equality Law in an Age of Rising Inequalities: Potential and Limits of Antidiscrimination Law to address Economic Inequalities*’

Workshop 3(c) Gender & sexual identity: pathways to equality

Workshop moderator: Debbie Collier

1. Marianne Hrdlicka, Vienna University, ‘*Discrimination on the basis of sexual orientation: legislation needed or does case law suffice?*’
2. Nausica Palazzo, Hebrew University of Jerusalem, ‘*Marriage Apostates: Heterosexuals’ Quest for (Same-Sex) Registered Partnerships*’
3. Beth Gaze, University of Melbourne, ‘*Examining employers’ liability for sexual harassment in their workforce – assessing the reasonable steps defence*’

15:30 Plenary (4) (lunchtime plenary) Affirmative action: A transatlantic crossing

Plenary chair: Dennis Davis, University of Cape Town and former Judge of the High Court

Speaker: David Oppenheimer, University of California, Berkeley Law

How the anti-apartheid struggle at the University of Cape Town influenced the US diversity justification for affirmative action

Discussants:

Albie Sachs, former Justice of the Constitutional Court, South Africa

Howard Phillips, University of Cape Town

Marlene Silbert, South African Holocaust Foundation

16:45 Workshop 4(a) Disability rights in action: obstacles, progress and lessons learnt

Workshop moderator: David Gutierrez Colominas

1. Marie Spinoy & Kurt Willems, Leuven Centre for Public Law, *'Inclusive Education at the European Court of Human Rights and the European Committee on Social Rights: Who is the Better Student?'*
2. Leoni van der Merwe, University of Johannesburg, *'Of grey areas and blurred lines: towards the consistent application of the principle of reasonable accommodation of persons with disabilities'*

Workshop 4(b) Responding to the political dimensions of discrimination

Workshop moderator: Charlotte Proudman

1. Cristiano D'orsi, University of Johannesburg, *'Has solidarity in protecting refugees, at least partially, been regained? Observations from Africa'*
2. Biljana Kotevska, European Policy Institute, *'It is our turn now: Political Discrimination in the post- Yugoslav space- the case of North Macedonia'*
3. Djimadoum Koumtog, Law Attorney, General Secretary, Chadian Bar Association, Ndjamena, *'La discrimination constitutionnelle des jeunes: aux fonctions de President de la Republique du Tchad'* (Constitutional discrimination of young people: the duties of the president of the Republic of Chad)
4. Denise Abade, Universidade Presbiteriana Mackenzie, *'Gender, Corruption and Inequality'*

Workshop 4(c) Developments in equality law and non-discrimination principles in the world of work

Workshop moderator: Debbie Collier

1. Emma Fergus, University of Cape Town, *'Reimagining the Labour Relations Act: A Substantive Equality Approach'*
2. Panos Kapotas, University of Portsmouth, *'Equality rights in the European workplace: the "neutral" employer and the return to formalism'*
3. Colleen Sheppard, McGill University, *'Gendered Inequalities at Work: Discrimination Framings and Contexts'*

18:00 Introduction to the LGBTIQ Network

With Peter Dunn, Ajita Banerjee, Liam Elphick and Masuma Shahid (joint coordinators of the Network) and an invitation for expression of interest in participating in the activities of the Network

Friday, 16th July 2021 (South Africa Standard Time)
Equality in the Digital Age: The Platform Economy & Digital Discrimination

12:00 Introductory remarks and keynote chair: Laura Carlson, Stockholm University

Keynote speaker: Sandy Fredman, Oxford University

Covid-19 and the Platform Economy: The struggle for fair work

13:00 **Plenary 5 (teatime plenary) Digital Discrimination: Same Problem; New Platform***

Plenary chair: Dominique Allen

- Tetyana Krupiy, Tiburg University, *'Digital discrimination is here: does international human rights law capture the harm?'*
- Kyriaki Topidi, European Centre for Minority Issues (Germany), *'Minority Identity in Digital Governance: Re-configuring the Challenges of Online Speech in Europe'*
- Cecilia Danesi, University of Buenos Aires *'Algorithmic bias or human bias? The injection of biases in artificial intelligence: The P.D.L. formula'*

14:15 **Workshop 5(a) Covid-19 in the workplace: implications for gender (in)equality**

Workshop moderator: Isabel Cristina Jaramillo Sierra

1. Luciana Guaglianone & Maria Laura Parisi, Università di Brescia, *'Smartworking? A theory of double workload'*
2. Tutti Copping, Paul Hong, Puja Kapai, Emma Lapinsky, Katharina Miller & Charlie Tsunoda, Berkeley Centre on Comparative Equality & Anti-discrimination Law, *'Unmasking Global Patterns of Domination, Exploitation and Systemic Oppression: What the Plight of Domestic Workers during COVID-19 Makes Abundantly Clear'*

Workshop 5(b) 'Well behaved women rarely defeat empires'

Workshop moderator: Colm O'Conneide

1. Yofi Tirosh, Tel Aviv University, *'Discrimination and Segregation: Between Race and Sex, between U.S and Israel'*
2. Costanza Hermanin, College of Europe Bruges, *'Well behaved women don't defeat empires'? The politics of representation in Italy'*
3. Faudhia A. Yassin, Legal Practitioner, Golden Triangle Associates, *'Rule of Law and Women's Right to Equality and Non-discrimination in Africa: Women and Customary Law in Tanzania'*

Workshop 5(c) 'Promoting the rights of persons with disabilities: reflections on the law and practice'

Workshop moderator: Lisa Waddington

1. Lilit Grigoryan & Michael Richter, University of Cologne & lawyer of the "Rights of Disabled Persons", GMBH, *'Strategic litigation through disability organizations; legal instruments and their practical use in Germany and Austria'*
2. Kelley Loper & Carole Petersen, University of Hong Kong & University of Hawaii, *'Legal Capacity and the Convention on the Rights of Persons with Disabilities: An Alternative Framework to Promote Law Reform in Hong Kong and Beyond'*
3. Felix Welti, Universität Kassel, *'The Right to Health for Persons with Disabilities – Accessibility and Reasonable Accommodation'*
4. Jane Richards, University of Hong Kong, *'The Convention on the Rights of Persons with Disabilities and Criminal Responsibility: An irreconcilable tension?'*

15:30 Plenary 6 (teatime plenary) Anti-discrimination law and Best practice*

A roundtable discussion facilitated by David Oppenheimer

- [participant (tbc), UCLA, PACER
- Jon Hiatt (tbc), The Solidarity Centre, Washington DC
- [participant (tbc), The Equal Rights Trust, London
- Gladys Mbuya, Cameroon, Africa End Sexual Harassment Initiative, Southern & Eastern African Regional Centre for Women's Law

16:45 Workshop 6(a): Anti-discrimination law: Proof, justification & dispute resolution

Workshop moderator: Amy Oppenheimer

1. Hillel Bavli, Harvard Institute for Quantitative Social Science, '*Causation in Civil Rights Legislation*'
2. Rosaan Kruger, Rhodes University, '*The possibilities and limits of alternative dispute resolution in discrimination complaints: rights versus relationships*'

Workshop 6(b): Toward transformative equality: a work in progress

Workshop moderator: Nomfundo Ramalekana

1. Rosemary Salomone, St John's University School of Law, '*In search of transformative justice: The South African Constitutional Court and the Right to Education in the Language of One's Choice*'
2. Anton Kok, Pretoria University, '*The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000: Proposals for legislative reform to promote equality through schools and the education system to change South Africans' "hearts and minds"*'
3. Kristin Henrard, Vrije Universiteit Brussel, '*An effective protection against discrimination in interpersonal relationships and state duties to change the hearts and minds*'

Workshop 6(c): The scope and limits of anti-discrimination law

Workshop moderator: Denise Abade

1. Lorena Sosa & Alexandra Timmer, Utrecht University, '*The Glass Ceiling of Anti-Stereotyping: A Critical View Based on Case Law of the European Court of Human Rights*'
2. Robin Banks, University of Tasmania, '*Psychology of prejudice and stigma guiding discrimination law reform*'
3. Meghan Finn, University of Johannesburg, '*Private Persons and the anti-discrimination duty in South Africa*'

18:00 Closing remarks from the BCCE