

The Pandemic as a litmus test for EU Anti-Discrimination Law – debating change. 14 March 2024, UCC Cork

Call for papers

It is a truism by now to say that the global pandemic (COVID 19) has deepened gender and racial/ethnic inequalities and entrenched social disadvantage for those considered disabled. The Council of Europe's 2020 analysis of "anti-discrimination, diversity and inclusion dimensions" of COVID 19 as early as November 2020 (Cramer Marsal, et al., 2020), ENAR's [interactive map](#) indicating the specific impact of the pandemic on racialised communities as well as a special section on "[Social Rights and Equality in the light of the recovery from COVID 19 Pandemic](#)" in the EU Fundamental Rights Agency's 2022 annual report reiterate, what academic publications have painstakingly revealed: The policies responding to the pandemic had gendered effects, (Kulic, et al., 2021) and deepened racial inequalities. (Kuzminac & Midžovic, 2023) An authority in EU social law stated, "as is the case in all crises, the pandemic has exacerbated inequalities and shed new light on them". (Laulom, 2023, p. 159) By March 2024, we will have lived through the pandemic's 4th winter flare-up, with resulting further entrenchment of the effects of ableism, racism and sexism. It is time to move beyond general condemnation and ask whether all this vindicates changes to EU anti-discrimination law. Is anti-discrimination law just another element of engendering (socially) inclusive citizenship (Bell, 2002), which may call for expanding its categories to include socio-economic status, health status and also gender identity as separated from gender (Ganty & Sanchez Benito, 2021)? Or is there a case to maintain a specific mission for the field? (Schiek, 2002; 2016)

[Dr Jule Mulder, University of Bristol](#), will lead the initial discussion, while [Professor Mark Bell, Trinity College Dublin](#), will serve as discussant for all papers. We are seeking contributions to the following questions, which move the debate beyond the trodden path:

- Is there scope for theoretical approaches juxtaposing anti-discrimination law and social policy?
- Can anti-discrimination law serve as litmus test for policy reactions to socio-economic challenges?
- Could EU anti-discrimination law have been used for avoiding exclusionary effects of the global health crisis on women or those marginalised by racialisation and ableism?
- What changes can be suggested for EU anti-discrimination law to prevent crisis-measures from increasing social inequalities along cleavages created by ableism, racism and sexism?

Send a 300 word abstract, with 50 words biographical notes to CEI@ucc.ie before 27 February 2024.

References

- Bell, M., 2002. *Anti-Discrimination Law and the European Union*. Oxford: Oxford University Press.
- Cramer Marsal, S., Ahlund, C. & Wilson, R., 2020. *COVID-19: an analysis of the anti-discrimination, diversity and inclusion dimension in the Council of Europe Member States*. Strasbourg: Council of Europe .
- Ganty, S. & Sanchez Benito, J., 2021. *Expanding the List of Protected Grounds with Anti-Discrimination Law in the EU*. Brussels: Equinet Secretariat .
- Kulic, N., Dotti Sani, G. M., Strauss, S. & Bellani, L., 2021. Economic disturbances in the COVID-19 crisis and their gendered impact on unpaid activities in Germany and Italy, *European Societies*, 23:sup1, S400-S416, DOI: 10.1080/14616696.2020.. *European Societies*, 23(sup 1), pp. 400-416.
- Kuzminac, M. & Midžovic, M., 2023. Racial Discrimination and COVID-19 in the European Union. In: O. Gstrein, M. Fröhlich, C. van den Berg & T. Giegerich, eds. *Modernising European legal education – Innovative strategies to address urgent cross-cutting challenges*. Cham: Springer, pp. 225-271.
- Laulom, S., 2023. Social Europe in Times of COVID-19. *International Journal of comparative Labour Law and Industrial Relations*, pp. 159-174.
- Schiek, D., 2002. A New Framework of Equal Treatment of Persons in EC Law? Directives 2000/43/EC, 2000/78/EC and 2002/73/EC in Context. *European Law Journal*, 8(2), pp. 290-314.
- Schiek, D., 2016. Revisiting intersectionality for EU anti-discrimination law in an economic crisis – A critical legal studies perspective. *Sociologia del diritto*, 25(2), pp. 23-44.