

# Innovating at the Intersections

## An Equinet Perspective (2016) - Summary

**EQUINET**, the European Network of Equality Bodies, brings together **46 equality bodies from 34 European countries**. Equality bodies are public institutions set up across Europe to promote equality and tackle discrimination on grounds of gender, race, age, sexual orientation, religion and belief, disability or other grounds. They play a fundamental role in the non-discrimination architecture of the EU. As a first point of contact for victims of discrimination, equality bodies have an extensive understanding of how discrimination affects people in Europe.

This Equinet Perspective is based on the contribution of 23 equality bodies from 21 European countries, as well as a roundtable discussion of the Equinet's Working Group on Policy Formation and the input of Equinet's Working Group on Gender Equality (see list of contributors at the end).

### Why a Perspective on Intersectionality?

The different grounds covered by equal treatment legislation intersect. People hold more than one of the personal characteristics that are used in defining each of the different grounds of **gender, age, sexual orientation, racial or ethnic origin, religion or belief or disability**. The issue of intersecting grounds is a recent focus for anti-discrimination and equality work. It is **underdeveloped** in theory, policy and practice, despite being a key challenge to the future of equality and non-discrimination.

**Equality bodies** are valuable actors in developing work on intersectionality. Their role in supporting casework on multiple discrimination or in hearing and deciding on cases of multiple discrimination were extensively explored in various researches and reports. This Perspective aims to set out the contribution of equality bodies to intersectionality issues, as well as suggesting ways forward for further developing this work in the future.

### Equality bodies & Intersectionality

**6**

6 equality bodies in 6 countries reported provisions on multiple discrimination in their legislation

**18**

18 equality bodies in 17 countries work or have worked on intersectionality issues

**6**

6 equality bodies did enforcement work even if their national legislation does not make reference to multiple discrimination

#### Being Strategic

Equality bodies reported a number of strategic approaches to bringing intersectionality onto their own and other agenda, **from informing policy makers, research and pursuing legislative change**.

#### Making it visible

**Research dominates in the work of equality bodies on intersectionality**. This is building a knowledge base about intersectionality and bringing this into public and political debate in a manner that contributes to an informed awareness of the concept and the issues.

#### Enforcing or promoting

Equality bodies report **limited promotion of good practice or communication work on intersectionality**. While under-reporting is noted as a significant problem, equality bodies report a significant amount of enforcement work in this field, particularly where there is legislative provision.

#### Engaging with others on the matter

The engagement of equality bodies with civil society organisations has been pursued in a manner that supports an intersectional perspective by both, in particular by civil society organisations representing a single discrimination ground.

#### Three Strands

Three strands are evident in this work: **Multiple discrimination** approach concerned with addressing discrimination on a combination of grounds. **Multiple identity** approach that seeks to respond to the specific identity, situation and experience of intersectional groups of people. **Intersectionality** approach that sees different grounds interacting in a manner that makes them inseparable and involves action on structures of power and exclusion.

# Gender intersections leading the way

Intersectionality involving the ground of gender is a **particular and dominant focus** of the work of equality bodies. Gender stereotypes combining **religious stereotypes** and **stereotypes against Black people** are of particular concern. In particular, the labour market is a key site for equality bodies on gender intersections. Access to justice and including gender and intersectionality in policies and programmes are two other focuses reported by equality bodies. Education has however not been significantly addressed yet by equality bodies.

## Factors that influence

### Enabling factors

- **Potential held by intersectionality:** captures the real life situation of people, relations of powers and helps equality bodies to form more effective responses to discrimination
- Allows **focus on structural discrimination** and gives a better understanding of complex and hidden realities

### Factors that block

- **Difficult concept** to engage with
- **Data gaps** prevent equality bodies from taking effective action
- Absence of **legal provisions**
- **Low number of cases**
- **Internal issues** to equality bodies: human and financial resources

## Looking to the future

### Equality Bodies

Although equality bodies can point to a significant track record of action on intersectionality, it is clear that the full potential of the concept remains to be uncovered and secured. Equality bodies could:

- **Stimulate exchange** amongst themselves in order to build a shared understanding of intersectionality;
- **Build their own capacity** and practice to view and review their work;
- Establish a **formal exchange on the research work** being done;
- Further support good practices by **employers and service providers**.

### European Union and Individual Jurisdictions

#### LEGISLATION

- Provisions on multiple discrimination in equal treatment provides a **vital stimulus** for action on intersectionality.
- Such provisions should be accompanied by **enhanced sanctions**.
- It also demands a **review of current key concepts in anti-discrimination law** and a coherence of protection across the current grounds.

#### MAINSTREAMING AND TARGETING

- European Union and Member State **mainstreaming processes** need to be further developed to include a focus on intersections. The second sentence should be moved into the second bullet point.
- These plans should also include **targeted actions** to address intersectionality.

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