



INTERSECTIONALITY AND POLICY-MAKING ON DISCRIMINATION IN THE EUROPEAN UNION

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Origin: The concept of intersectionality originates in Black feminist thought. US critical legal scholar Kimberlé Crenshaw coined the term to reflect the complexity of the experience of violence and discrimination of Black women. Crenshaw showed that this experience could not be adequately captured using a 'single-axis' framework based on race or sex alone. Instead, as in an actual crossroad or intersection - racism and sexism factor into Black women's lives in ways that can only be captured by **looking at the race and gender dimensions of those experiences together.**

Current usage: Since then, the concept of intersectionality has been used to understand how discrimination affects people relating to multiple aspects of their identity, ranging from class, age, gender, race, religion, ability, sexual orientation and gender identity. Operationalising the concept of intersectionality in policymaking, especially when it comes to intersections with race, ethnicity and religion has proven to be challenging and sometimes undermining the potential of the concept. The European Institute for Gender Equality defines intersectional discrimination as "taking place on the basis of several personal grounds of characteristics/identities, which operate and interact with each other at the same time in such a way as to be inseparable".

Intersectionality shows how two or more **forms of discrimination co-constitute and shape each other.** The concept demands that we examine the various and **intertwined power structures** of our world, including racism, patriarchy, economic exploitation, and more.

Why should policy makers adopt an intersectional approach?

- *To better understand the reality of discrimination.* Discriminated groups are never homogeneous groups, they are not affected by discrimination in the same ways because of their different backgrounds and profiles and the hierarchies within groups.
- *To acknowledge the severity of multiple marginalisation.* There is a need to acknowledge **additional obstacles due to compounded forms of discrimination** based on racial or ethnic origin, religion, class, etc.
- *To design better equality policies.* Tackling and framing issues from an intersectional approach will lead to **more targeted and efficient policy measures** and thus meaningfully improve the situation of discriminated people as a whole.
- *To build a strong basis for solidarity.* Addressing intersectional experiences of discrimination and violence increases the relevance social justice moments to one another.
- *To achieve full equality.* With an awareness that discrimination manifests differently in many contexts, and that there may be a need for specific policies to address discrimination and inequality at intersections of systems of power.

Relevance of intersectionality to policymaking – examples

- *Gender equality policy* – Analyses of gender equality policies demonstrate oversight of the specific situations of women in a number of situations from the perspective of race, religion, sexual orientation and gender identity, social class, disability and immigration status. Examples of this are: the lack of reference to underrepresentation of minority women in generalist gender EU policies on the gender pay gap and women in leadership and management.

- *Migration policy and practice* – Exploring the effect of migration policies on groups susceptible to discrimination (LGBTI migrants, women, persons with disabilities, Black migrants) highlight additional, multiple and intersecting barriers for migrants at numerous stages of the migration process.
- *Discrimination law* – EU law and policy is still evolving on the question of how victims of discrimination may access redress in law on the basis of two or more combined grounds. One example of intersectional discrimination is organisational [policies prohibiting the wearing of the headscarf](#) which disproportionately affect Muslim women.
- *The EU labour market* – Discrimination, wider social exclusion, vulnerability due to race, gender, class, sexuality and gender identity and immigration status, and other factors leads to many women of colour being overrepresented in unemployment, precarious, low paid work, carrying with it higher risk of exploitation and abuse. Policies designed to facilitate entry of women into the workforce have increased demand for workers in the domestic care, cleaning and informal sectors, who are often working class women of colour.

Implementing intersectionality

- Member States can undertake an **intersectionality review of their equality** policies to explore the extent to which their policies address intersectional discrimination. Consulting affected groups and experts on intersectional discrimination is a key to success.
- Intersectionality should underpin **National Anti-Racism or Anti-Discrimination Plans** from EU Member States. For instance, in the [Racial Equality Framework for Scotland](#), intersectionality is an overarching guiding principle. The [Swedish Action Plan against Racism](#) notes that it is important for equality policy to be ‘is integrated and intersectional, taking into account these and other power structures.’

Challenges implementing intersectionality in policymaking

- *Data collection* – Research and policymaking is limited insofar that in many countries in Europe there is **insufficient collection of equality data** (disaggregated data used to assess the comparative situation of a specific discriminated group).
- *Intersectionality beyond race and gender* – One issue is how to sufficiently recognise other forms of discrimination, whilst also addressing the **specificity of the issues faced by women of colour**. Intersectionality has been increasingly used in policy contexts to cover a range of intersecting discrimination, e.g. on the basis of sexual orientation, gender identity, disability, age, but has ignored the position of women of colour, leading to criticisms of it as a ‘buzzword’, or ‘non-performative’.

Resources

- Crenshaw, K. (1989) [Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics](#)
- Intersectional discrimination in EU gender equality and non-discrimination law. European Commission - European network of legal experts in gender equality and non-discrimination (2016)
- ENAR (2016) ['Forgotten Women: the impact of Islamophobia on Muslim women'](#)
- The [Center for Intersectional Justice](#) is an independent non-profit organisation based in Berlin dedicated to advancing equality and justice for all by combating intersecting forms of structural inequality and discrimination in Europe.
- ENAR Article in Open Democracy: Julie Pascoët and Sarah Chander (2017): [Women's rights in the EU: a privilege for some women?](#)
- ILGA Europe (2016) [Protecting the Rights of LGBTI asylum seekers and refugees in the reform of the Common European Asylum System](#)
- Fundacion Secretariado Gitano (2018) [Intersectional Discrimination and Roma Women](#) (spanish)
- [Teaching Resource on Intersectionality](#) by Dr Sara Salem - the International Political Economy of Everyday Life.