INTERSECTIONALITY: A TOOL FOR EQUALITY AND JUSTICE IN EUROPE

SYMPOSIUM

ENAR | **cij** CENTER FOR INTERSECTIONAL JUSTICE

3 OCTOBER 2018 | 9:30 - 18:00 | BRUSSELS

A SHORT REPORT

This symposium, jointly organised by ENAR and the Center for Intersectional Justice (CIJ), was a one-day event to further explore how to implement the concept of intersectionality in policy making. Through a series of workshops, speeches and discussions, the objectives were to:

- Broaden the knowledge-base on the concept of intersectionality in policy making/activist circles and restore the centrality of race as a political category;
- Explore ways to operationalise the concept of intersectionality in policy making and address structural racism more effectively (race at the intersection of different grounds);
- Strengthen and consolidate the pan-European network of civil society actors working on intersectionality.

WHAT IS INTERSECTIONALITY?

- 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.
- 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**.
- Now the term is used in many areas, including law and policy, as a way to understand multiple, overlapping or interconnecting forms of discrimination.

MAIN FINDINGS

- Intersectionality requires analysis of the structural aspects of discrimination, rather than the individual aspects, which is the current focus of much of national and EU law and policy approach.
- Intersectionality requires moving beyond rigid 'discrimination categories' to the recognition that many people experience discrimination at the intersections of those groups.
- Government departments must underpin the principle of intersectionality to all equality policies, to avoid overlooking the experiences of the most marginalised groups.
- Governments should put in place strong consultation mechanisms with a wide diversity of stakeholders to inform policy making in order to ensure it is as inclusive as possible.
- Intersectionality requires a change in the way we organise working and meeting spaces, including in civil society movements.

STEPS FORWARD FOR A MORE INTERSECTIONAL APPROACH: FINDINGS FROM THE WORKSHOPS

1. INTERSECTIONAL POLICY MAKING

How can we ensure that equality policies lead to substantive equality for all groups of people at risk of discrimination?

- Ensure policy language is inclusive, comprehensive and intersectional, to encompass all realities and different situations of people at the intersections of several forms of oppression;
- Ensure the concept of intersectionality is mentioned and defined in a comprehensive manner in policies and legislation;
- Develop methodologies to collect data that show the reality of intersectional discrimination;
- Develop data profiles of the most marginalised groups at the intersections of oppressions;
- Meaningfully consult a wide spectrum of people concerned by a policy, with a specific attention to people at the intersections of different grounds of discrimination;
- List all the groups that can be impacted by a specific policy;
- Asess if a policy addresses the issues of the most marginalised groups in society. This is a key indicator for a successful and efficient policy;
- Put in place mechanisms that secure a wide representation of groups among people in power/elected people, to ensure that decisions, policies and implementation of legislation are in line with the electorate's reality and its diversity. This is needed to break the social, gender and racial stratification of power;
- Set up advocacy coalitions that can bring the different concerns of a wide range of groups and effectively advocate in an intersectional manner and produce intersectional recommendations. This approach can also enhance solidarity across groups;
- Have an underlying approach of policies instead of fragmenting legislation and policies;
- Prepare a guide on how to design and implement intersectional policies;
- 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 'integrated and intersectional, taking into account these and other power structures.'

2. LABOUR MARKET AND INTERSECTIONALITY

How to build a fully inclusive and equal labour market without reinforcing inequalities for some groups, e.g. like currently in the care sector?

Check ENAR's **Equal@work toolkit on women of colour at work**: Main principles for employers to implement an intersectional approach to diversity management (see page 24)
o   Understanding the issues at the intersections
o   Transforming the organisation
o   Empowering women of colour

3. INTERSECTIONALITY AND THE LAW

How to encourage implementation of the current non-discrimination laws that address structural disadvantages and not only individual cases?

- Put in place mechanisms that ensure a diverse representation of judges, including by reviewing some selection criteria that are structural barriers;
- Produce and use more quantitative/qualitative equality research;
- Allow equality data collection;
- Work more towards substantive equality;
- Get structural remedies in judgements. "Ice-breaking case" to help other cases;
- Commission an EU Fundamental Rights Agency study on intersectionality;
- Increase understanding of structural discrimination to allow for judgments that recognise structural inequalities.

4. INTERSECTIONAL ORGANISING

How can intersectionality be used by activists as a powerful mobilisation tool for equality and solidarity, to achieve powerful and fully inclusive political alliances?

- Ensure full accessibility to common spaces;
- Use non-binary terminology in materials, didactics, workshop structures, etc.;
- Use inclusive and accessible language;
- Increase collaboration with grassroots organisations/informal social movements, especially those that have an intersectional approach and that represent the most marginalised groups;
- Change roles and positions within an organisation on a rolling basis;
- Put in place mechanisms that enable regular change and representation of a diversity of people in organisations' decision making bodies (i.e. Board);
- Reflect on and adapt organisations' programmes.

GENERAL NEXT STEPS FOR ENAR

- Advocate for adoption/improvement of policies and implementation of EU legislation that tackle structural inequalities;
- One way of doing this is through National Action Plans Against Racism which should take a long-term approach to tackling structural inequality through concrete policies, including positive action measures. See the Scottish and Swedish national action plans for more information on intersectionality as a framework;
- Foster solidarity and cooperation between most marginalised groups, especially among people of colour;
- Raise awareness, collect data and produce knowledge about the centrality of race in leading to inequalities;
- Advocate for equality data collection highlighting intersections of discrimination, including race and ethnicity.

More in ENAR's briefing on why policy makers should take an intersectional approach