



## REPORT ON MULTIPLE DISCRIMINATION II

BERICAT, EDUARDO (Coord.)  
*University of Seville*

(Part III)  
*University of Seville*

(Part III)  
*EKKE*



The project is co - funded (80%) by the Rights, Equality and Citizenship (REC) Programme of the European Union

## Part III

# POLICIES AND GOOD PRACTICES AGAINST MULTIPLE DISCRIMINATION IN THE EU

*María Luisa Jiménez*

|   |    |
|---|----|
| 1. Introduction.....  | 2  |
| 2. Conditions, formulas and recommendations for developing policies to address multiple discrimination..... | 3  |
| 2.1. Knowledge and information.....   | 3  |
| 2.1.1. Research.....  | 3  |
| 2.1.2. Information: Data collection and cases reporting.....  | 9  |
| 2.2. Legislative change .....   | 10 |
| 2.3. Equality and non-multiple discrimination institutions.....   | 16 |
| 2.4. Civil society organisation and participation in the making of equality policies .....                  | 19 |
| 3. Good practices for tackling the mechanisms of multiple discrimination .....                              | 23 |
| 3.1. Good practices against stereotypes and prejudices .....  | 23 |
| 3.1.1. Visibility, awareness raising and sensitivity .....  | 23 |
| 3.1.2. Training and education.....  | 26 |
| 3.2. Good practices for accessibility to social rights .....  | 26 |
| 3.2.1. Employment .....   | 26 |
| 3.2.2. Health and health care.....  | 28 |
| 3.2.3. Legal support and access to justice.....   | 30 |
| 4. Conclusions .....  | 31 |
| References.....   | 33 |
| Web resources .....   | 37 |
| Annexes.....  | 39 |
| Annexe 1. Research initiatives developed by equality institutions .....                                     | 39 |
| Annexe 2. Multiple discrimination in national legislation.....  | 40 |
| Annexe 3. Anti-discrimination policy plans that take the intersection of grounds into account .....         | 43 |

## 1. Introduction

This chapter exposes the main findings from a literature review on policies for tackling multiple discrimination developed in the European Union. The aim of this review is to offer a selection of practices and initiatives aimed at combating various forms of multiple discrimination. This chapter also provides formulas and recommendations for introducing the intersectionality approach into policies and social interventions.

The search strategy includes the consulting of:

- Academic databases: Scopus, Web of Science, Ingenta, Directory of Open Access Journals and EBSCO.
- Web pages and databases of institutions and non-governmental organisations focused on equality and non-discrimination issues. Specifically, collections and repositories on good practices and ideas for addressing discrimination have been reviewed, such as: Good practices for gender mainstreaming of *European Institute for Gender Equality*<sup>1</sup> (EIGE), *European Network of Equality Bodies*<sup>2</sup> (EQUINET), Good ideas in integration of *Cities of migration*<sup>3</sup>, and OHCHR's Database on practical means to combat racism, racial discrimination, xenophobia and related intolerance<sup>4</sup>.
- Reports, factsheets and other documents that identify and expose good practices regarding the fight against multiple discrimination have been reviewed. For example, reports published by the European Commission (European Commission, 2007; Chopin and Germaine, 2016; Fredman, 2016) and other specialised institutions in equality and non-discrimination (EQUINET, ENAR, FRA, EIGE, etc.) and NGOs.

This chapter is divided into two different parts, with annexes at the end. Part one presents the main conditions of the possibility for development of effective policies and good practice for addressing multiple discrimination. These conditions are the following: 1) More and better knowledge and information; 2) Legislative change; 3) Institutional architecture focused on equality and non-multi-discrimination; and 4) Civil society organisation and participation in policy making and social intervention.

First, it is necessary to foster more and better knowledge about the experiences of multiple discrimination in different fields of social life. "The continued invisibility of intersectional experiences is evidenced in the paucity of comprehensive data or qualitative studies in the EU" (Fredman, 2016: 86). This epigraph provides recommendations and examples for incorporating an intersectional approach into research and data collection regarding multiple discrimination.

---

<sup>1</sup> Available at: <http://eige.europa.eu/gender-mainstreaming/good-practices>

<sup>2</sup> "European Network of Equality Bodies, brings together 46 organisations from 34 European countries, which are empowered to counteract discrimination as national equality bodies across a range of grounds including age, disability, gender, race or ethnic origin, religion or belief, and sexual orientation". Available at: <http://www.equineteurope.org>.

<sup>3</sup> "Good Ideas in Integration is a collection of city-level practices that provide innovative and practical approaches to the integration of urban migrants. Each profile includes tips, contact information, further reading, and city data to help you use and adapt these practices locally, wherever you live and work". Available at: <http://citiesofmigration.ca/good-ideas-in-integration/>.

<sup>4</sup> Web of UNITED NATION – HUMAN RIGHTS. Available at: <http://adsdatabase.ohchr.org/SitePages/Anti-discrimination%20database.aspx>

Secondly, legislative conditions are central to promote the recognition and protection of social rights of the groups facing multiple discrimination. “Legislative change will be important in securing further progress on intersectionality. Provision on multiple discrimination in equal treatment legislation provides a vital stimulus for action on intersectionality” (Crowley, 2016: 44). Likewise, this section presents different ways to make plans and policies more sensitive to intersectionality.

Thirdly, the articulation of an effective institutional network (*equity architecture*) is another key condition for developing and implementing policies against multiple discrimination. “Equality institutions are one of the most specific pillars of equality policies. They are meant to compensate, both in a declaratory and in a functional sense, for the failures of regular policymaking and policy implementation processes in protecting status-based vulnerable groups in their respective societies” (Krizsan, 2012: 544). Moreover, “equality bodies reported a range of strategic approaches to addressing the issue of intersectionality and confronting the complexities involved”, such as casework, communication work, policy work, promotion work to support good practice, and research (Crowley, 2016: 22). As in previous sections, several models and examples of good practices to address multiple discrimination by equality institutions are exposed.

The fourth and indispensable condition for a successful implementation of policies and practices against multiple discrimination is the participation of civil society in their elaboration. Participation of civil society groups working on equality in policy-making processes contributes to making policymaking and implementation more effective for targeting various different forms of multiple discrimination (Lombardo, Bustelo, 2012; Strid et al., 2013).

A second part is dedicated to providing good practices identified and collected by academic and specialised organisations for tackling the main mechanisms of multiple discrimination. On the basis of the information gathered, these practices have been classified in the following two main areas: 1) Practices and interventions against stereotypes and prejudices; and 2) Practices and interventions for promoting the accessibility to social rights such as employment, healthcare, and legal and judicial support.

Finally, this chapter includes annexes with detailed information on legislation, policy plans and other good practices developed in several EU countries.

## 2. Conditions, formulas and recommendations for developing policies to address multiple discrimination

### 2.1. Knowledge and information

#### 2.1.1. Research

Although the intersectionality theory provides a conceptually solid framework with which to examine multiple discrimination, there are methodological difficulties in having an intersectional approach into practice (Bowleg, 2008; Seta, 2016). However, we can identify from the literature review key recommendations and ways to support an intersectional approach in research. These recommendations refer to different phases of research: 1) focus

research; 2) data collection; 3) data analysis and interpretation; 4) and diffusion and impacts of the research.

## A. Focus research

- Focusing research on the interstices between social categories

A key recommendation for analysing multiple discrimination experiences is to focus research “on the interstices between social categories, or rather focus on interrogating particular social categories” (Monro, 2010: 1006). “A study with an ethnic minority or ethnically diverse sample that includes demographic measures of racial or ethnic identification, socioeconomic status (SES), and sexual orientation, for example, is not intersectionality research de facto. By contrast, a similar study that focused on the dimensions of experience (e.g., annual earnings, access to health care, stress experiences, etc.) shaped by the participants’ experiences of intersecting identities of racial or ethnic identification, SES, and sexual orientation would exemplify intersectional research” (Bowleg, 2008: 316). This is called a “group-centred” (Choo and Ferree, 2010) or “intracategorical” approach (McCall, 2005). This approach “emphasises including multiply-marginalised groups in the content of the research” and [...] giving “voice” to those who are in positions of oppression (Choo & Ferree, 2010:130). “This methodological emphasis focuses especially on differences of experience for subgroups within a category” (Choo & Ferree, 2010:132-133).

### Research focused on intersections: Some examples

- *Inequalities and multiple discrimination in healthcare.* (European Union Agency for Fundamental Rights, 2013)  
This project seeks to understand how multiple discrimination affects equal access to healthcare services because of the interplay of age, sex, ethnic origin and disability.
- *Addressing discrimination in the workplace on multiple grounds – the experience of trade union Equality Reps (ERs)*  
The research explored the forms of combined discrimination identified by ERs, and the measures taken to address this, both in terms of legal remedies and action in conjunction with employers (Moore, Wright, Conley, 2012).

The equality institutions are configured as important agents in the promotion of research on multiple discrimination. “The dominant area of work by equality bodies on intersectionality is research, with an emphasis on building a knowledge base for work on intersectionality and bringing this into public and political debate” (Crowley, 2016: 3). For a review of different research initiatives developed by equality institutions see annexe 1.

## B. Data production

- Measuring multiple discrimination

One of the most significant challenges regarding the research on multiple discrimination is the difficulty in its measurement. First, because “concepts such as gender, race, sexual orientation, ability, and so on are socially constructed and therefore new categories are constantly created and definitions are ever-changing” (Hankivsky et al., 2009:27). In addition, “if data are lacking with respect to specific grounds of discrimination, they are even more scarce with respect to multiple discrimination” (Sheppard, 2011: 4).

“Despite these challenges, there have been some important inroads. Disaggregated data, tracking the intersection of gender and other grounds of discrimination, are increasingly available, given the importance of gender as an integral dimension of many forms of multiple discrimination. Furthermore, there has been a growing number of studies measuring the overlapping and intersectional realities of multiple discrimination on other grounds (i.e. race and age; sex, race, and sexual orientation, etc.)” (Sheppard, 2011: 4).

In addition, several specific surveys focused in multiple discrimination are available. For example, *EU-MIDIS: European Union minorities and discrimination survey* (FRA, 2010) or *Multiple discrimination and young people in Europe* (Forum European Youth, 2014).

#### Surveys on multiple discrimination

- *EU-MIDIS: European Union minorities and discrimination survey*. FRA, 2010  
EU-MIDIS provides the first primary survey data collected from selected ethnic minority and immigrant persons resident in the EU Member States. This survey data will support policy-makers and other key stakeholders in developing evidence-based and targeted policies that address discriminatory, racist practices, and improve support structures for victims of discrimination and racist crime.  
<http://fra.europa.eu/en/project/2011/eu-midis-european-union-minorities-and-discrimination-survey>
- *Multiple discrimination and young people in Europe* (Forum European Youth, 2014)  
Online exploratory survey on multiple discrimination affecting young people in Europe, launched by the European Youth Forum (Youth Forum) between March and June 2014, which involved 495 young people between 18 and 35. This survey widened the spectrum of grounds and areas where discrimination can take place in young people’s lives and it focused on their experiences of discrimination based on more than one ground beyond the perspective of a single group of young people. It also inquired into the respondents’ perception about the grounds on which their young peers are more likely to be discriminated against or at risk of discrimination in their country.

#### Recommendations:

- Employ quantitative approaches in helping to advance understanding of the unique experiences associated with intersecting identities (Parent et al., 2013: 643).
  - Adopt a “within-group perspective”: When describing the characteristics of groups, researchers should not only provide figures on the population as a whole, but also for each of the subgroups (Spierings, 2012: 338).
  - Operationalise “constructs in ways that reflect and capture the unique experiences of the population” (Parent et al., 2013: 643).
  - Questions about intersectionality should focus on meaningful constructs such as stress, prejudice, discrimination rather than relying on demographic questions alone (Bowleg, 2008: 316).
- The potential of qualitative methods to research multiple discrimination

Qualitative methods –ethnography, neighbourhood studies, participatory action research, historical analyses, structured interviews, textual analyses (Hankivsky et al., 2009:28)– have been highlighted for studying the complex construct of intersectionality. Qualitative methods provide data in relation to essential aspects for the study of multiple discrimination as the following:

- “phenomenological experiences associated” with multiple discrimination (Parent et al., 2013:642).

- “interdependence, multi-dimensionality and mutually constitutive relationships” (Bowleg, 2008:317).
- “how particular characteristics and contexts moderate self-perception and the response of others” (Lumby, 2011: 4).
- “locations and experiences with power and privilege” (Hankivsky et al., 2009:28).

#### **The potential of qualitative methods and intersectionality in exploring life with HIV**

“Using the methodology of intersectionality, this work investigates the key factors shaping the experiences of life with HIV for one particular group: Black African migrants in London. It further explores diversity among the narratives of individuals within this population and identifies the significance of gender and sexual identity in the creation of these differences”. [Intersectionality] is used here to explore the daily realities and changing subjectivities of a group of Black HIV-positive women and men who have come to London from different parts of Africa. The main aim was to map the ways in which this group of individuals shaped and (re)shaped themselves and their lives as their circumstances changed. The participants in the project were all selected with three important features in common: their Black African origins, their status as migrants and their HIV-sero-positivity. Hence, the first level of the analysis was an examination of the ways in which these contingencies were interwoven in shaping the lives of a group of individuals standing at this particular intersection. In other words, we were interested in the constitutive relationships between ‘being a Black African’, ‘being a migrant’ and ‘being HIV-positive’ as they are played out in London” (Doyal, 2009).

#### • Combining multiple methods

“Mixed method” strategies have been highlighted for the study of multiple discrimination due to the fact that they “facilitate looking at interactions across levels of social organisation” (Choo & Ferree, 2010: 147). Also, the use of a mix of methods helps “to realise the demands of a multi-dimensional research analysis” and provides “the flexibility needed to ensure the applicability of an intersectional framework across a wide variety of disciplines and may help in capturing the complexity of dimensional variation among socially constructed categories” (Hankivsky et al., 2009:29). Mixed methods have been applied, for example, in the study of multiple discrimination and HIV (Bowleg et al., 2013; Grace, 2014).

#### • Participation and empowering methods

Participation and empowering data collection methods –for example, community action research– are basic for developing a sensitive research to multiple discrimination (Kóczé, 2009).

#### **Supporting participation and empowerment**

- *Forgotten Women: the impact of Islamophobia on Muslim women*. European Network Against Racism (ENAR). One aim of the project is to foster cross-group partnership and develop alliances between the anti-racist and feminist movements in order to better address the intersectional discrimination affecting Muslim women (gender, religion, race and class).  
<http://www.enar-eu.org/Forgotten-Women-the-impact-of-Islamophobia-on-Muslim-women>
- *Broadening the Agenda: The Status of Romani Women in Romania* (Surdu and Surdu, 2006). “This research was conducted in Romania by trained Romani activists [...]. The research methodology provides for an intensive participation of Romani women, an approach which the authors call an “empowering methodology”. Romani women were included at all stages of the elaboration and realisation of the research. Furthermore, most members of the research team were Romani women with an appropriate educational background and they were also trained to acquire all the necessary research skills for the data collection process” (Kóczé, 2009: 64).  
<https://www.opensocietyfoundations.org/reports/broadening-agenda-status-romani-women-romania>
- *Roma Women Talk*. Slovakia (2001 – Ongoing)  
Roma Women Talk is a project responding to the lack of information and knowledge about the problems of Roma women, about their life situation, their life values, their thinking on life, their view of Roma society, and

their understanding of being Roma women. It pre-supposes that no inclusion or integration will be possible without emancipated Roma women, empowered to articulate their own perspective.

EIGE – Good practices: <http://eige.europa.eu/gender-mainstreaming/good-practices/slovakia/roma-women-talk>

### C. Data analysis and interpretation

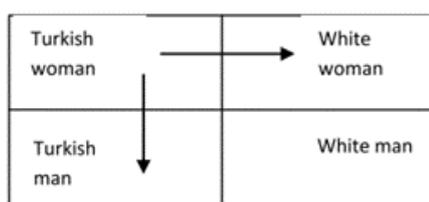
- Disaggregated data: Tracking the intersection of different grounds of discrimination

A first step to analyse multiple discrimination is to count with disaggregated data by variables linked to the intersection of different grounds of discrimination. There are several ways:

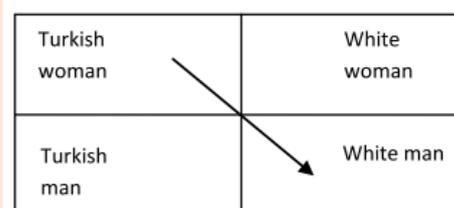
- Constructing new comparison categories based on intersections. “An intercategorical approach entails using pre-existing categories of difference to explore inequalities within and across social groups (e.g., comparing Black women with poor White men)” (Hankivsky, Cormier, de Merich, 2009:6). Statistical approach helps to explore the “differences among and between individuals of varying backgrounds” (Hankivsky et al., 2009: 27).

#### Comparison between groups according to intersection of grounds of multiple discrimination

Vertical and horizontal comparison



Diagonal comparison



European Network against Racism (2011)

- “Analysing data with attention to within group diversity (rather than a sole focus on between group comparisons, typically defining a majority group as a normative “control”)” (Parent et al., 2013: 643).

#### Disaggregated data: Examining the intersections of grounds of discrimination

- *Data in Focus Report Multiple Discrimination*

The current Data in Focus report examines:

- Respondents’ general perceptions about and experiences of discrimination in their Member State on the basis of a range of grounds for discrimination (‘multiple discrimination’) – such as gender and age, as well as ethnicity and immigrant background. These findings are compared with results for the majority population that are taken from a Eurobarometer survey conducted in the same year.
- Respondents’ personal experience of discrimination – as they perceive it – specifically on the basis of their ethnicity or immigrant background, which is explored in relation to personal characteristics such as gender and age, and socio-economic variables such as employment status.

<http://fra.europa.eu/en/publication-type/data-focus>

- *Analysis of FRA Roma survey results by gender (2013)*

This paper provides an analysis of data collected through FRA’s Roma Survey broken down by gender and covering the core areas of employment, education, housing and health, as well as any other gender-sensitive policy areas.

<http://fra.europa.eu/en/publication/2013/analysis-fra-roma-survey-results-gender>

- **Understanding the experiences of groups facing multiple discrimination**

As above, it is possible to apply both the intercategory and the intracategory approach in the qualitative analysis. On the one hand, “the phenomenological experience of the specific group approach was reflected largely in the qualitative studies” (Parent et al., 2013:641). For example, in the field of violence against women, diverse specific groups have been analysed: girls and women with disabilities (Campos Pinto, 2016), migrant women working in prostitution (Rodríguez, 2015). Also, the European Union Agency for Fundamental Rights has developed several projects<sup>5</sup> on situations of children in intersection with other grounds such as migration or disability. On the other hand, the comparison between different groups helps to explore the effects of the interaction of grounds of discrimination.

#### **Groups comparison for exploring the effects of multiple discrimination**

Doyal (2009) analysed “three groups of HIV-positive Black African migrants: one of (self-identified) heterosexual women, one of heterosexual men and one of gay/bisexual men. [...] Results from each group were initially analysed and reported on separately. They were then compared in order to explore both the communalities and differences between the three groups”. Another case is Wagaman’s qualitative work (2014), which explores and compares the service provision experiences of a racially and ethnically diverse group of LGBTQ-identified young people. Furthermore, Wright (2013) carried out an intersectional examination of women’s experiences in UK construction, comparing two groups: heterosexual women and lesbians.

- **Contextual analysis: Connecting inequalities structures and experiences of multiple discrimination**

The contextual analysis is central in the study on multiple discrimination, because it helps to understand “that individuals occupy complex and dynamic social locations, where specific identities can be more or less salient depending on the historical or situational context” (Hankivsky et al., 2009: 5).

“Intersectional methodologies are contextual and should respond to the specific social and cultural contexts” of multi-discriminated groups’ lives” (Kóczé, 2009: 62). “The intersectionality analyst must be able to analyse research findings within a macro sociohistorical context that transcends the observed data” (Bowleg, 2008: 320). “Intersectionality researchers, regardless of whether they are using qualitative or quantitative methods, bear the responsibility for interpreting their data within the context of sociohistorical and structural inequality” (Bowleg, 2008: 321).

#### **Analysing the context**

*Inequalities and multiple discrimination in healthcare* (European Union Agency for Fundamental Rights 2013)  
The methodology applied in this research does not aim to provide statistical data on the prevalence of multiple discrimination and its distribution in the population. Instead the in-depth interviews and case studies provide a better insight and deeper understanding of the experiences of multiple and intersectional forms of discrimination by members of multiply disadvantaged groups when accessing healthcare, including information on the contexts, the reactions, and the impact of this specific form of discrimination.

<http://fra.europa.eu/en/publication/2012/inequalities-and-multiple-discrimination-healthcare>

The analysis of multiple discrimination also requires a multilevel approach. “The challenge is to identify the local and historically particular configurations of inequalities” (Choo & Ferree, 2010: 135). “Dynamic analyses would consider how national and transnational structures of

---

<sup>5</sup> See FRA web: <http://fra.europa.eu/en/research/projects>.

inequality are produced and reproduced in multisited processes such as gendering, racialisation, labour exploitation, and generational succession” (Choo & Ferree, 2010: 147).

- **Attending to power relations**

“Power is central to an intersectional analysis [...] An intersectional-type analysis places the importance of power and its role in creating and perpetuating the personal and social structures of discrimination and oppression front and centre in the consideration of the issue at hand” (Hankivsky et al., 2009: 9). “The process model of intersectionality places primary attention on context and comparison at the intersections as revealing structural processes organising power” (Choo & Ferree, 2010: 135). “It is the analysis and interpretation of research findings within the sociohistorical context of structural inequality for groups positioned in social hierarchies of unequal power that best defines intersectionality research” (Bowleg, 2008: 323).

#### **D. Diffusion and impacts**

- **Promoting diversity of dissemination channels**

##### **Sharing findings of research**

*Forgotten Women: the impact of Islamophobia on Muslim women.* ENAR (2016).

One aim of the project is to disseminate the findings of the research in advocacy settings (European and national), communication activities and lawyers’ workshops.

Different ways of diffusion are used:

- Web page:  
<http://www.enar-eu.org/Forgotten-Women-the-impact-of-Islamophobia-on-Muslim-women>
- Press release
- Social networks (twitter)
- ENAR’s symposium “Muslim women, forgotten women? Understanding the gender dimension of Islamophobia”
- Forgotten Women project newsletter
- Call for projects on sexism and Islamophobia
- Different publication products: European report, key findings, Factsheet on national findings (in several languages), video...

- **Knowledge transfer and pursuit of social justice**

Applicability and transfer of knowledge are key elements of intersectional studies. The intersectionality approach searches to empower and enhance quality of life of vulnerable groups putting into practice the knowledge “in human rights law, in antidiscrimination policy, and in social movements and advocacy organisations” (Cho, Crenshaw, and McCall, 2013: 796).

“The ultimate goal of an intersectional analysis is to advance an identifiable social justice issue. This action is intended to create coalitions and strategic alliances to alleviate poverty, social exclusion, marginalisation, and subordination” (Hankivsky et al., 2009:8).

##### *2.1.2. Information: Data collection and cases reporting*

“Collecting data enables decision-makers and other stakeholders in the field of anti-discrimination and equal treatment to target their efforts at effectively protecting vulnerable

groups of individuals from becoming subject to discrimination” (European Commission, 2007: 55). “Having gender disaggregated data is a precondition to having basic information on the position of women (and men) in a specific country, and additional filters which would allow for intersectional analysis and combinations would make statistical data relevant and useful for the drafting of informed policies” (Seta, 2016: 8). Equality bodies play an important role regarding collection and analysis data from an intersectional perspective (Crowley, 2016: 27). Table 1 shows some examples. Moreover, equality institutions record and release cases of multiple discrimination (for a review see Crowley, 2016; Fredman, 2016).

#### Data collection by equality institutions

##### **Belgium** - *Interfederal Centre for Equal Opportunities (UNIA)*

- Diversity Barometer Regular measurement of discrimination rate in employment, housing and education. Offers a focus on gender intersecting with all other grounds covered.
  - Socio-economic Monitoring Tracks ethnic segregation in the labour market and includes intersection with gender.
- (Crowley, 2016)

##### **Croatia** - *Gender Equality Ombud*

- Data on discrimination complaints they receive in relation to multiple discrimination. These are predominantly related to employment and the workplace (Crowley, 2016).
- 2014 report identifies several intersectional groups of women as especially vulnerable, including rural women, women with a disability, women of Roma ethnic origin, women victims of sexual violence during the Homeland War, and sex workers (Fredman, 2016).

##### **Portugal** - *Commission for Citizenship and Equality (CIG)*

- Registration tool on domestic violence experienced by migrant women.
- (Crowley, 2016)

##### **UK** - *Government Equalities Office (GEO)*

- *Research on Potential Intersectional Discrimination Cases -- Analysis of cases in the UK* (Evidence, 2009).

## 2.2. Legislative change

“The EU has recognised the significance of multiple discrimination, although both the Employment Equality Directive and the Racial Equality Directive do not specifically address the issue. Explicit provisions are provided in a few Member States only” (Chopin, Germaine, 2016: 41). Authors have noted several problems with applying an intersectional approach in anti-discrimination law. “Existing EU anti-discrimination law presents severe structural obstacles to intersectional claims, having separate directives, with differing scope, differing justifications and exceptions and a fixed list of grounds. This makes it impossible to create new subgroups to reflect intersectional experience, and difficult to combine grounds” (Fredman, 2016: 86). In addition, “the European emphasis on multiple inequalities promotes competition among those working to overturn distinct inequalities” (Bustelo, 2009: 542).

Despite these problems, the EU anti-discrimination frame has meant a decisive impulse for many countries for introducing and developing anti-discrimination legislation and equality institutionalisation. For example, Italy, Portugal, and Spain have been greatly influenced by EU legislation on equality (Lombardo and Bustelo, 2012). A similar situation has occurred in central and eastern European countries, where “the EU accession overlapped with the changes in the EU equality policy. These countries were the first and best students to harmonise their legislation with the newly adopted equality directives” (Krizsan, 2012: 557).

Ange-Marie Hancock (2007: 67) distinguishes three models for classifying policy practices that deal with multiple inequalities:

- **Unitary:** “Emphasis on a single category of identity or difference or political tradition as the most relevant or most explanatory”.
- **Multiple:** “It recognises a priori the role of several categories, such as race and gender or race and class as equally important yet conceptually independent considerations when examining political phenomena”.
- **Intersectional:** “It posits an interactive, mutually constitutive relationship among these categories and the way in which race (or ethnicity) and gender (or other relevant categories) play a role in the shaping of political institutions, political actors, the relationships between institutions and actors, and the relevant categories themselves”.

“National and EU anti-discrimination and equality laws have traditionally focused on single grounds resulting in gender equality laws and race discrimination acts. Especially in the Nordic countries, gender has been a privileged ground of protection and a target of equality policies. This unitary model is currently under challenge. The EU has emerged as a key factor in pushing for legal and political developments in the field of ‘multiple discrimination’ in Europe” (Kantola, 2014: 8).

In order to advance in the legal addressing of multiple discrimination issues, several recommendations and good practices have been identified.

- **Recognition and definition of multiple discrimination in legislation**

According to Fredman’s report, “about 13 of the States surveyed make explicit mention of multiple discrimination in their legislation. There is no explicit mention in the legislation of 20 of the States covered. Multiple discrimination is generally defined as discrimination on more than one protected ground, although some provisions refer to multiple discrimination without defining it. Almost none refers to ‘intersecting’ discrimination, with the exception of Serbia, which refers to cases of multiple or intersecting discrimination. Several jurisdictions specify that multiple discrimination is a severe, grave or aggravating form of discrimination, along with such categories as repeated discrimination, continued discrimination and discrimination whose consequences are particularly harmful to the victim” (Fredman, 2016: 51-52).

“However, all existing national provisions have had limited effects in practice and case law remains very scarce. In the few existing cases reported, no specific approach with regard to the comparator had been followed by either the courts or the equality bodies, and the plurality of grounds does not generally have a direct impact on the amounts of compensation awarded” (Chopin, Germaine, 2016: 42-43). For a synthesis of national legislations addressing multiple discrimination see annexe 2.

### Reviews and synthesis reports on anti-discrimination legislation in EU countries

- *A comparative analysis of non-discrimination law in Europe 2016* (Chopin and Germaine, 2016) <http://ec.europa.eu/justice/gender-equality/document/files/intersectionality.pdf>.
- *Intersectional discrimination in EU gender equality and non-discrimination law* (Fredman, 2016) <http://ec.europa.eu/justice/gender-equality/document/files/intersectionality.pdf>.

#### • Unification and harmonisation of anti-discrimination laws

Several practical problems that hinder the application of an intersectional vision are related with the fragmented equal treatment legislation which deals with the discrimination grounds separately and provides unequal protection (Verloo, Meier, Lauwers, Martens, 2012: 530). In this way, legal strategies aimed at combating discrimination have been reduced to a unitary and fixed form (Smith, 2005: 9). For these reasons, it is recommended to advance towards unified models.

**“Sweden** was the first Nordic country to enact a unified law. In Sweden, the new Anti-Discrimination Act came into force on 1 January 2009. It combats discrimination on seven grounds: sex, transgender identity or expression, ethnic origin, religion or other belief, disability, sexual orientation and age. Of these transgender identity or expression is a new ground not mentioned in EC law” (Kantola, 2014:11).

**United Kingdom:** “Simplification of equality legislation via the establishment of a single equality bill. [...] The stated benefits of the introduction of the Equality Bill are twofold: to ‘simplify and strengthen the law’. First, the Equality Bill aims to simplify discrimination law, replacing nine major pieces of legislation (including the Equal Pay Act 1970, Sex Discrimination Act 1975, Race Relations Act 1976 and Disability Discrimination Act 1995), and around 100 statutory instruments with a single Act. Second, it aims to strengthen further equality law by requiring public bodies (such as the police and local councils) to give due regard to the need to tackle discrimination and promote equality through their purchasing functions” (Squires, 2009: 502).

#### • Attending to intracategorical diversity

In the case of multiple approach, where policy plans focus on a “privileged” strand, the recommendations included recognise and include other inequality strands in order to adopt actions targeted at specific groups. This is a formula inspired in an intracategorical or within-groups diversity approach (see annexe 3).

- In **Portugal** “most policies have abandoned the former single-strand perspective and make room for other inequalities” [...] “The III National Plan for Equality: Citizenship and Gender 2007–2010, explicitly states that “multiple, discriminatory situations require particular attention due to unequal opportunity occurrences and discriminatory practices which women are cumulatively faced with in response to their race, their country of origin, religion, disability, age or sexual orientation.” Other policy plans address multiple inequalities in a more implicit manner by including actions targeted at specific groups. This is the case with plans that encompass actions centred on the situation of women and related to social inclusion. Furthermore, in line with a greater emphasis on gender mainstreaming, concrete actions are being taken to promote entrepreneurship or combat gender-based violence among female immigrants” (Alonso, 2012: 607).

#### ▪ **UK**

*Together We Can End Violence against Women and Girls* (HM Government, 2009). It names ethnicity, age and disability, family, and house-hold status. [...] Visibility as intersecting inequalities is denoted in multiple ways, included as “victims of domestic violence who have entered the UK on a spousal/partner visa,” and “have no recourse to public funds” (2009, 9); “vulnerable women”; and as those who are “homeless having fled domestic violence” (2009, 50). It states that younger women are more likely to be victims than older women and that “some forms of violence against women are more likely to be experienced by particular sub-groups of the population” (2009, 15). Black and ethnic minority and refugee women are said to be more likely to experience genital mutilation, forced marriage, and honour-based violence than majority ethnic non-black women (Strid et al., 2013: 566-567).

▪ **Spain**

*The IVth Basque Positive action plan for Equality between men and women.* “Multiple axes of discrimination are not only mentioned, as the plan recommends measures such as data collection, cross-cutting reflection and targeted implementation measures, through an increase of available resources. Additionally, there is special attention for not producing stabilised categories through the addition of inequality axes, but mainstreaming the attention for the interaction between different inequalities all along the priorities, objectives and proposed measures of the document”.

*Catalonian Interdepartmental Plan for non discrimination of homosexual and transgender people.* Designed with the participation of civil society, it has a clear inclusive perspective because it intends to carry out actions concerning not only non normative sexuality, but also gender, age, social exclusion, disability, victims of the dictatorship, HIV/AIDS, etc. Although it is mainly addressing “double discrimination”, especially when it comes to gender and sexuality, it addresses the need for public policies to act upon the diversity of sexual minorities” (Bustelo, Forest, 2009: 17-18).

• **Developing intersectional policies**

To effectively address multiple discrimination, “intersectionality should be regarded as central to anti-discrimination law” (Fredman, 2016: 86). “An intersectional analysis emphasises these structural and systemic issues and how they act, interact, and intertwine in subordinating and excluding different groups in society. European and Member State mainstreaming processes need to be further developed to include a capacity to address intersectionality” (Crowley, 2016: 46). According to Walsh and Xydias (2014) “intersectional policies have several core criteria and key features that address, identify, and deconstruct sources of marginalisation” (551-552). These key features are the following:

1. Policies address a subgroup of marginalisation with at least two intersecting axes of marginalisation (such as ethnicity, race, class, and sexual orientation).
2. Policies explicitly aim to protect, empower, or otherwise strengthen the rights of a specific marginalised subgroup.
3. Policies explicitly identify the sources of marginalisation for subgroups of women.
4. The policies explicitly aim to alleviate marginalisation by unmaking the fundamental structures that have created and maintained marginalisation of the subgroup in the first place.
5. The policies must explicitly address the policy preferences of the particular marginalised subgroup.
6. The policies must explicitly address the policy priorities of the particular marginalised subgroup.

Intersectional policies are also characterised by the “adoption of new goals related to multiple inequalities. *The Portuguese Program for the Eradication of Female Genital Mutilation*, approved in 2009, represents an enlightening example of this tendency” (Alonso, 2012: 606). Other significant examples are the honour-related violence (HRV) policies in Finland (Hong, 2014) or policy on forced marriage in Britain (Strid et al., 2013). In the latter case, this policy “shows the strongest form of visibility of multiple inequalities and recognition of intersectionality. Policies on forced marriage include the voices of minoritised women, articulated through a developed state/civil society interface and in the organisation of civil society and in policy outcomes” (Strid et al., 2013: 574). Other examples of policies focused on the interactions between different grounds of discrimination are shown in the following table.

### Policy plans focused on particular marginalised subgroups

#### Netherlands

*Plan to Address the Emancipation and Integration of Women and Girls from Ethnic Minorities*

The Plan's target group consisted of long-settled first generation and second-generation immigrant women. The Commission [on the] Participation of women from ethnic minorities (PaVEM Commission) implemented the Plan. (Korteweg and Triadafilopoulos, 2013)

#### Norway

*Action plan against forced marriage, female genital mutilation and severe restrictions on young people's freedom* (2013–2016)

OHCHR's Database (United Nation – Human Rights)

#### Spain

*1st Action plan for disabled women in Andalusia*, 2008

Instead of perpetuating an additive approach to sex- and disability-based discriminations, it clearly aims at developing a multiple approach and pays explicit attention to the interactions between different strands of inequalities. Bustelo and Forest (2009)

- Involving civil society groups in policy making

“The creation of intersectional policy requires the presence and empowerment of women's groups in civil society who are dedicated to advocating for marginalised subgroups of women” (Walsh and Xydias, 2014: 564).

### Participation of multi-discriminated groups in policy making

“Minoritised groups of women have visibility as voice in the strategy *Together We Can End Violence against Women and Girls* (HM Government 2009). [...] The Home Office commissioned the Women's National Commission (WNC 2007) to undertake focus groups to gather women's views on their experiences of violence and of dealing with victims of violence. Three hundred women and girls across England were consulted, including women who self-identified as black and minority ethnic women, Traveller, older women, girls and young women, disabled, transgender, lesbian, bisexual, gay, asylum seeker, refugee, trafficked into the UK, in prostitution, abused, homeless, survivor of rape and sexual violence, victim of female genital mutilation, and women identifying themselves as having mental health and substance misuse problems” (Strid et al., 2013: 567).

In this participative process, the role of equality institutions is highlighted. “The intersectional contribution of consultative bodies is their focus on dialogue and coalition building between different civil society actors, negotiations on gender equality claims representing non-unitary visions of gender, and inclusive representation” (Krizsan, 2012: 546-547).

### Equality institutions: legal and consultation work

#### Austria

The Ombud for Equal Treatment in Austria published specific information on the provisions in national law with examples of discrimination cases and legal remedies in relation to multiple discrimination. Crowley (2016)

#### Britain

The Equality and Human Rights Commission in Britain reported legal work in an inquiry on disability hate crime, which included a focus on intersection of disability and age and gender, and led to policy recommendations. Crowley (2016)

#### Bulgaria

The Commission for Protection against Discrimination in Bulgaria deploys a specific and enlarged five member panel in such cases. OHCHR's Database (United Nation – Human Rights)

#### Germany

*Federal Anti-Discrimination Agency*. Two expert reports, published in early 2011. They concern the conceptual framing and legal handling of ‘multidimensional discrimination’, as well as an empirical study on this phenomenon. Fredman (2016)

**France**

*High Authority against Discrimination and for Equality (HALDE). Decisions and deliberations. Fredman (2016)*

**Ireland**

*Equality Officer*

Decisions and deliberations. Fredman (2016)

**Malta**

The NCPE in Malta had proposed the inclusion of provisions on multiple and intersectional discrimination in their equal treatment legislation. The draft Equality Bill includes such provisions. Legislative change provides the foundation for future work on this issue. Crowley (2016)

**Sweden**

The legal department of the Equality Ombudsman in Sweden, where reference to multiple discrimination was made in the preparatory work for the equal treatment legislation, receives complaints from individuals.

The Equality Ombudsman in Sweden invites a large number of civil society organisations for consultation each year. The consultation focuses on disseminating information, gathering knowledge, and creating communication channels. Crowley (2016)

- **Promoting reflexivity: Research on the sensitivity of policies to multiple discrimination**

Reflexivity is a crucial key in the incorporation of the intersectional approach into policies. “Being reflexive as to one’s assumptions about particular policy problems and what types of evidence and knowledge one considers valid allows for possible gaps and limitations in policy response to be revealed”<sup>6</sup> (Hankivsky et al., 2014:8).

Several research projects have analysed and evaluated the intersectionality sensitiveness of the public policies: honour-related violence (HRV) policies in Finland (Hong 2014), anti-discrimination law in Ireland (Smith, 2005), National laws and policies on women and/or Muslim immigrant women in Germany (Urbanek, 2012; Walsh and Xydias, 2014), Nordic gender policies and anti-discrimination laws (Kantola, 2014; Skjeie and Langvasbråten, 2009; Reisel, 2014), equality institutions in central and eastern European countries (Krizsan, 2012), migration policies in Netherlands (Korteweg and Triadafilopoulos, 2013), equality laws and institutions in UK (Malik, 2007; Squires, 2009).

**Researching on gender policies and intersectionality**

*European project Quality of Gender and Equality Policies in Europe (QUING) (2006-2011), directed by Mikee Verloo.*

This project addresses “questions about both the overall and the specific quality of gender equality policies across the European Union, and about the degree to which these currently pay attention to the intersections of gender inequality with other inequalities (such as race/ethnicity, age and disability) in the EU’s diverse populations” (Verloo, QUING Consortium, 2011:4). Articles on specific countries: Belgium and The Netherlands (Verloo et al., 2012), Spain (Bustelo, 2009), Italy, Portugal, and Spain (Lombardo and Bustelo, 2012), Italy (Lombardo and Del Giorgio, 2013), Portugal (Alonso, 2012), and UK (Strid, Walby, and Armstrong, 2013).

<http://www.quiring.eu/>

---

<sup>6</sup> In the field of health policy, Olena Hankivsky has proposed and applied an Intersectionality-Based Policy Analysis (IBPA) Framework to Canadian policies (Hankivsky, 2012; Hankivsky, Grace, Hunting, Giesbrecht, Fridkin, Rudrum, Ferlatte, Clark, 2014).

### 2.3. Equality and non-multiple discrimination institutions

As it has been seen in the case of legislation, “different models of equality institutional architectures can be differentiated, each expressing different relationships between inequalities: layered, hierarchical and integrated models” (Krizsan, 2012: 550-551).

- **Layered models** “allow different relationships to be established in each institutional pillar, which often means integrated approaches in anti-discrimination bodies, while keeping separate institutional approaches for different inequalities in the other two institutional pillars” (Krizsan, 2012: 550-551). In this institutional model, “cooperation among bodies provides a new manner of dealing with the single body dilemma” (Alonso, 2012: 608) and incorporating intersectionality.

#### **Layered model: How to incorporate intersectionality**

In Belgium, there are two distinct equality bodies, one dealing with gender (the Federal Institute for the Equality of Women and Men, or the Gender Institute) and one dealing with the other protected grounds, apart from language (the Inter-federal Centre for Equal Opportunities (ICEO)). “There may also be structural obstacles within an equality body. [...] The ICEO had for many years divided claims into racial and other claims, with separate departments for each, making it difficult to deal with intersectional cases. The change in internal functioning, to permit cases to be identified as including several different grounds (excluding gender), has made intersectionality much more visible and facilitated appropriate adjudication” (Fredman, 2016: 60).

- **Hierarchical models** “elevate gender above the other inequalities keeping separate gender institutions within all institutional pillars or at least specific focus on gender. This model stands for affirming the specificity and distinctiveness of gender inequality vis-à-vis all other inequality categories. Gender equality is not only kept institutionally separately in this framework, but also the protection provided for gender equality is more in-depth, proactive, and far reaching than that provided for other inequalities. Current European practice shows that it is particularly countries with strong feminist mobilisation and a long tradition in promoting gender equality that follow such a model” (Krizsan, 2012: 550-551).

Examples of this model can be found in Nordic countries (Kantola, 2014) and southern European countries (Lombardo & Bustelo, 2012).

The hierarchical models present several difficulties to progress work on intersectionality (Crowley, 2016: 42). “Inequalities are not attributed the same weight across the statutory systems. In particular, clear instances of hierarchy are evident in the nature of discriminatory protection accorded to the different grounds and in the manner through which individual redress or enforcement is pursued. The most entrenched hierarchy is that which operates between the gender and the non-gender grounds” (Smith, 2005: 11). Thus, “hierarchical models are vulnerable to competitive relationships between inequality categories” (Krizsan, 2012: 565). However, “they have the potential for intracategorical diversification, with possible entry points within each institutional pillar” (Krizsan, 2012: 565).

- **Integrated models** “opt for integrated institutions in all institutional pillars. This model conveys the message of similarity and comparability of all inequality categories including gender, and tends to play down specifics of gender inequality” (Krizsan, 2012: 551).

“A major argument in favour of integrating both equality legislation and its enforcement is that such an approach is necessary to take account of multiple grounds and situations of discrimination” (Skjeie & Langvasbråten, 2009: 520). “The main advantage of integrated models is their openness toward intercategory approaches, given their symmetrical understanding of relationship between inequalities. Their main disadvantage is linked to their wide scope of action targeting several inequalities, whether it is feasible at all to address intersectionality in their context. Finally, layered models allow a variety of entry points for intersectionality sensitive approaches, depending on each institutional pillar” (Krizsan, 2012: 565).

#### Examples of anti-multiple discrimination bodies

“**Bulgaria** has created its first gender equality machinery [...]. In 2005, it was transformed into an integrated body: Its mandate was amended to cover multiple inequalities along with gender” (Krizsan, 2012: 553).

“**Britain** has created an Equality and Human Right Commission, which has responsibility for enforcing equality legislation on age, disability, gender, race, religion or belief, and sexual orientation or transgender status, and encourages compliance with the Human Right Act”.

“**Norway** has introduced significant changes to its anti-discrimination and equality machinery, creating a joint Ombud and Equality Tribunal institution responsible for combating discrimination and promoting equality on a range of inequality grounds” (Krizsan, Hege, and Squires, 2012: 5). “The Equality and Discrimination Ombud is the first enforcement body in the Nordic countries which is working against discrimination on several grounds. The Equality and Discrimination Ombud and the Equality Tribunal were established in 2006 enforcing all anti-discrimination and equality legislation, which covers gender, ethnicity, disability, language, religion, sexual orientation and age” (Kantola, 2014: 11).

“In **Denmark**, the Equality and Discrimination Ombud and the Equality Tribunal were established in 2006 to enforce all anti-discrimination and equality legislation, which covers gender, ethnicity, disability, language, religion, sexual orientation and age” (Kantola, 2014:11).

In addition to the progress toward integrated models, other recommendations have been proposed regarding institutional work for combating multiple discrimination.

- **Addressing multiple discrimination in specific fields of social life**

“In order to address multiple discrimination effectively, it is necessary to have national equality bodies that cover all protected grounds in all fields” (European Commission, 2007). For example, in workplace (Moore et al., 2012).

#### Equality institutions in the workplace

“Equality Representatives are a relatively new form of workplace rep, that the Trade Union Congress (TUC) believes they are uniquely placed to promote fairness in the workplace. This is achieved in a number of ways: firstly by raising the equality agenda among fellow workers and their own unions, secondly by encouraging employers to make equality and diversity part of mainstream collective bargaining and thirdly by working with ‘vulnerable workers’ and trying to ensure that every worker receives fair treatment irrespective of gender, race, disability, religion, age, gender reassignment or sexual orientation” (Moore et al., 2012:8).

In this sense, equality bodies can “encourage innovation among service providers and employers in responding to multiple discrimination [...] and engage in training judges, lawyers, journalists, employers, trade unions, and service providers on preventing and responding to multiple discrimination and in training their own staff on recognising and handling cases of multiple discrimination” (Crowley, 2016: 17).

- Coordination between equality institutions

“Coordination—institutional collaboration among equality machineries to implement multiple inequality policies. This required searching for evidence of existing procedures to promote institutional coordination on equality” (Lombardo and Bustelo, 2012: 581).

**Coordination-institutional collaboration among equality bodies**

**Portugal** stands out comparatively as the “champion” of a coordinated and participatory approach. Its separate equality agencies are coordinated through joint policy implementation. The older and more consolidated institutions, such as gender and race, play a leading role in coordinating the other equality agencies, often through policy plans” (Lombardo and Bustelo, 2012: 586).

**Ireland.** “The Equality Authority and the Irish Human Rights Commission (now merged as the Irish Human Rights and Equality Commission), the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission, and the Disability Rights Commission, Commission for Racial Equality and Equal Opportunities Commission in Britain (now merged as the Equality and Human Rights Commission) cooperated to explore, better understand, and establish ways they could work on the issue of intersectionality. Their focus was on the specific issue of multiple identity” (Crowley, 2016:23).

- Promoting strategic approaches to addressing multiple discrimination

According to EQUINET report, “equality bodies address issues of intersectionality in casework, communication work, policy work, promotion work to support good practice, and research. The dominant work to date by equality bodies on this issue appears to be in the field of research with an emphasis on building a knowledge base for work on intersectionality and bringing this into public and political debate” (Crowley, 2016: 25).

| Areas of work  | Equality institution  |
|--|---|
| Intersectionality priority focus   | Federal Anti-Discrimination Agency (FADA) (Germany)   |
| Building a shared knowledge base   | The Equality Authority and the Irish Human Rights Commission (now merged as the Irish Human Rights and Equality Commission), the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission, and the Disability Rights Commission, Commission for Racial Equality and Equal Opportunities Commission in Britain (now merged as the Equality and Human Rights Commission) |
| Pursuing a legal basis   | NCPE (Malta), Equality Commission (Northern Ireland)  |
| Conducting research  | Belgium, Czech Republic, France, Germany, Hungary, Ireland, Northern Ireland, Poland, and Portugal  |
| Research leading to policy work  | FADA (Germany)<br>The Public Defender of Rights (Czech Republic)<br>Equality Commission (Northern Ireland)<br>Office of the Commissioner for Human Rights (Poland), Commission for Citizenship and Equality (CIG) (Portugal)  |
| Linking research and enforcement   | Unia (Interfederal Centre for Equal Opportunities) (Belgium)<br>Equality and Human Rights Commission (Britain)  |
| Data development work  | Office of the Ombudswoman (Croatia)<br>Public Defender of Rights (Czech Republic)<br>CIG (Portugal)<br>Unia (Belgium)<br>Equality Commission (Northern Ireland)   |
| Promotion work in supporting good practice on intersectionality                  | Human Rights and Equality Commission (Ireland)<br>Defender of Rights (France)   |
| Enforcement work (legislative provisions in relation to multiple discrimination) | Commission for Protection against Discrimination (Bulgaria)<br>Equality Ombudsman (Sweden)  |
| Communication: Addressing under-reporting  | Ombud for Equal Treatment (Austria)<br>Commissioner for Protection of Equality (Serbia)<br>Equality Ombudsman (Sweden)  |

|  |   |
|--|---|
| Communication: Awareness   | Unia (Belgium)  |
| Engaging with others on the matter (civil society organisations) | Public Defender of Rights (Czech Republic)<br>The Equality Ombudsman (Sweden) |

Source: Crowley, N. (2016). *Innovating at the Intersections. Equality Bodies tackling Intersectional Discrimination*, EQUINET: 22-24.

- Incorporating intersectionality into jurisprudence

“The Court’s jurisprudence continues to render invisible the specific nature of intersectional disadvantage in its understanding of existing grounds [...] For a genuine intersectional approach, litigants need to illuminate the ways in which relationships of power interact in vertical, diagonal and layered ways so that the most disadvantaged are the most protected, rather than the converse. But it might also be because the expense and time-consuming nature of a litigation process puts it out of reach for the most disadvantaged. For this reason, litigation is likely to be a less effective way of addressing intersectionality than proactive measures”<sup>7</sup> (Fredman, 2016: 71).

## 2.4. Civil society organisation and participation in the making of equality policies

Participation of civil society organisation on equality in policy-making processes is defined as a key condition for addressing multiple discrimination. Social participation encourages visibility and empowerment of multi-discriminated groups as well as improves policy efficiency (Lombardo, Bustelo, 2012; Strid et al., 2013). “Visibility in the form of voice in the policymaking processes and mechanisms is more important than merely naming inequality grounds” (Strid et al., 2013: 574-575).

### Participation of NGOs in policy-making

“NGOs have been the key actors in bringing the issue of honour-related violence to the attention of policy-makers and the wider public, and in taking concrete steps against it, for example by providing specialised support services” (Hong, 2014: 326).

There are several ways of integrating intersections of multi-discrimination into NGOs.

- Recognising the intracategorical diversity within NGOs

### Sweden

“The Swedish Rheumatism Association is an example of an NGO which has become increasingly aware that the group which they represent is not homogeneous. The organisation has had to recognise that rheumatic patients at particular intersections of grounds do not get the treatment and support they are entitled to, or do not have access to treatment and support due to, for instance, lack of language skills.

The Association therefore, started the NIKE project in 2004. This project strives to help strengthen the group of

<sup>7</sup> Fredman’s report “evaluates several sets of judgements of the CJEU where the Court could be said to be incorporating an intersectional perspective into a capacious view of grounds. [...]. Perhaps the main instance of a capacious approach are the cases in which gender or sexual orientation discrimination have been applied to the specific experience of older women or older same-sex couples. Gender has also been capaciously interpreted to include pregnancy and parenting and there are some important insights in relation to a capacious interpretation of ethnic origin. Nevertheless, there are also important ways in which the Court’s jurisprudence continues to render invisible the specific nature of intersectional disadvantage in its understanding of existing grounds” (Fredman, 2016: 86)

women with a rheumatic disease and an immigrant background. It is an objective of the project, through training, to help the women acquire a good knowledge of their disease and of their rights and opportunities in Sweden. So far training courses have been conducted in 6 cities in Sweden. After they have completed their training, these women are to create activities for women of their own language community and to form a link between these women and local rheumatism associations.

In addition, cooperation has been established with the Ombudsman in charge of discrimination on grounds of race and ethnic origin. Ombudsman staff have been training 70 women involved in the NIKE project about discrimination and the women are now documenting their experiences on discrimination within the Swedish Health Care system” (European Commission, 2007).

- Promoting multiple ground NGOs

According to the European Commission, “in order to build the voice of intersectional groups, the establishment of multiple-ground NGOs should be encouraged and supported” (European Commission, 2007: 56). Some examples of multiple ground NGOs are shown in the following table.

| <b>Examples of multiple ground NGOs</b>   |
|---|
| <p><i>Ethnicity + gender</i><br/>Asociación Mujeres Gitanas ROMI (Spain)<br/><a href="http://mujeresgitanasromi.blogspot.com.es/">http://mujeresgitanasromi.blogspot.com.es/</a></p>  |
| <p><i>Religion + gender</i><br/>Islamische Frauengruppe Muenster (Islamic Women’s Group Muenster) (Germany)<br/>Nafisa Aktionsbündnismuslimischer Frauen (Action Alliance of Muslim Women) (Germany)</p>  |
| <p><i>Religion + Sexual orientation</i></p> <ul style="list-style-type: none"> <li>▪ Homosexuels Musulmans 2 France (France)<br/><a href="http://www.homosexuels-musulmans.org/">http://www.homosexuels-musulmans.org/</a></li> <li>▪ BEIT HAVERIM is a French organisation for Jew LGBT people and their friends (France)<br/><a href="http://beit-haverim.com/welcome-to-beit-haverim/">http://beit-haverim.com/welcome-to-beit-haverim/</a></li> </ul>   |
| <p><i>Age + Sexual orientation</i></p> <ul style="list-style-type: none"> <li>▪ AgeUK works to improve later life for everyone by providing life-enhancing services and vital support. The organisation has a section devoted to the concerns and issues of older LGBT people.<br/><a href="http://old.ilga-europe.org/home/issues/multiple_discrimination/resources_on_multiple_discrimination/age">http://old.ilga-europe.org/home/issues/multiple_discrimination/resources_on_multiple_discrimination/age</a></li> </ul> |
| <p><i>Race/Ethnicity + Sexual orientation</i></p> <ul style="list-style-type: none"> <li>▪ UK Black Pride<br/><a href="http://ukblackpride.org.uk/">http://ukblackpride.org.uk/</a></li> <li>▪ UK Lesbian &amp; Gay Immigration Group (UKLGIG)<br/><a href="http://uklgig.org.uk/">http://uklgig.org.uk/</a></li> <li>▪ LesMigraS (Germany)<br/><a href="http://lesmigras.de">http://lesmigras.de</a></li> </ul>  |

- Building networks and alliances between civil society organisations

There are many examples of collaboration networks between different groups working in equality and non-discrimination (see ENAR, 2007; European Commission, 2007). One way is the collaboration between feminist associations and other women groups focused on particular intersections of discrimination.

#### **Collaboration between feminists and multi-ground groups**

##### *Roma Women's Initiative (RWI)*

The RWI’s stated mission was to promote the human rights of Romani women by empowering Romani women activists in Central and Eastern Europe. These activists raised awareness of the prejudice Romani women faced from both mainstream society and “traditional” Romani communities, challenging racism and gender inequality simultaneously. In other words, the RWI was a model of intersectional feminist practice led by Romani women in collaboration with non-Romani feminists (Schultz, 2012: 38).

**France:** The Collectif des Féministes Pour l'Égalité (CFPE, Collective of Feminists for Equality) forms an alternative to mainstream feminist associations as it promotes an inclusive feminism. The association mixes historical feminists who distanced themselves from historical mainstream feminists on the issue of the headscarf, and younger Muslim feminists. While the CFPE is well known at the European and International level, they are paradoxically set apart by French institutions and mainstream feminist and anti-racism associations. The CFPE organises conferences and meetings and is involved in trainings addressed to state and political representatives, as well as education trade union members (Moya, 2016: 42).

Another formula is regarding multi-ground structures which bring together NGOs focused on different grounds of discrimination through conferences, meetings, forums or working groups on intersectionality or multiple discrimination.

#### **Collaboration between NGOs focused on different grounds of discrimination**

“An informal working group on multiple discrimination was formed jointly by anti-discrimination networks working on each of the grounds in the aim of promoting effective responses to multiple discrimination at both the European and national levels. The six networks involved are the European Older People’s Platform (AGE), the European Disability Forum (EDF), the European Network Against Racism (ENAR), the European Women’s Lobby (EWL), the European Youth Forum (YFJ) and the International Gay and Lesbian Association for Europe (ILGA-Europe).

The working group meets regularly to: exchange information on relevant activities and develop joint projects; develop common understanding and conceptualisation of multiple discrimination; develop practical supports for awareness-raising within the networks; and develop common positions on key policy issues in the European context as appropriate. In September 2007, the European Youth Forum will host a conference on multiple discrimination, developed and implemented in collaboration with the working group” (European Network against Racism, 2007: 9).

##### *The Equality and Diversity Forum*

“The Equality and Diversity Forum (EDF) is a network of national organisations committed to progress on age, disability, gender, race, religion and belief, sexual orientation and broader equality and human rights issues. The Forum was established in January 2002 to promote dialogue and understanding across the separate equality ‘strands’, and to ensure that policy debate on proposals for discrimination legislation and a single equality body recognises the cross-cutting nature of equality issues. It has played a key role in building consensus and cooperation between organisations that had not worked together before. Experience of promoting change with respect to disability, gender and race is highly relevant in developing proposals and guidance on age, religion and belief, and sexual orientation: the Forum has organised sessions focussed on sharing best practices and commissioned a series of forward-looking research papers to advance the policy debate” (European Commission, 2007: 52)

Networks can also bring together national and local multi-ground NGO’s in order to articulate strategic plans, empowerment actions, and intervention projects, etc.

#### **International networks focused on a particular ground of discrimination**

##### *The International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Youth & Student Organisation IGLYO*

Pan European network, working with over 95 LGBTQI youth and student organisations. It is run for and by young people. Drawing on the learning from the roundtables and conference, IGLYO produced an Intersectionality Toolkit for its members and other equalities organisations in order to gain knowledge on practical methods for ensuring an intersectional approach to work.

<http://www.iglyo.com/>

##### *ILGA-Europe*

At annual conferences, ILGA-Europe has specific workshops focused on each of the other grounds to inform their membership of the intersection between sexuality and the other grounds and to promote diversity internally. As an outcome of this initiative, the organisation will be undergoing shortly an inward-looking equality and diversity evaluation, along with four member organisations. This process will include evaluations of structures, systems and programmes, as well as action planning for change to better promote equality and diversity within these organisations. This will be facilitated by an external expert and the boards, staff and members of each organisation will participate.

<http://www.ilga-europe.org>

##### *International Roma Youth Network*

We are a network of youth and youth associations, which creates space for young people to become active citizens through empowerment, mobilisation, self-organisation and participation. We believe in the common efforts by

creating trust, and mutual respect between Roma and non-Roma youth.

<http://www.ternype.eu/>

Other significant collaboration strategies are the “alliances” among different actors where two or more inequalities do not strictly intersect, but still come together at a particular moment (Walby, 2009; cit. in Lombardo, Bustelo, 2012).

#### Strategic alliances among civil society groups

“Examples—that we will cover in our discussion of implemented intersectionality— include the temporary alliance of the lesbian, gay, bisexual, and transgender (LGBT) and feminist movements in struggles concerning same-sex partnership, sexual, and reproductive rights. These projects can impact equality institutions and be influenced by characteristics of equality machinery at the same time. Alliances can inform on the extent to which an intersectional approach is implemented in a given context” (Lombardo and Bustelo, 2012: 576).

**Italy.** “In 2006, the lesbian and women’s movements allied against restrictive legislation on assisted reproduction (Law 40/2004) introduced by the right-wing government. Furthermore, the homosexual movement made alliances with the anti-racist movement under the slogan of “anti-racist pride” for the 2009 Gay Pride Parade (Lombardo, Del Giorgio, 2013; Lombardo and Bustelo, 2012: 587).

**Portuguese civil society organisations** have tended to collaborate with one another over the last decade, especially since the Portuguese Social Forum took place. [...] Regular common actions such as the LGTB pride day and the women’s world march, as well as joint campaigns to encourage Portugal’s most contested reforms—abortion and same sex marriage—show the extent to which women’s, LGTB, and migrants’ movements now tend to cooperate with one another and with trade unions. [...] This tendency to network might indicate the initial stages of evolution from traditional coalitions, that is, from agreements concerning concrete issues where differences among groups are hidden, to rainbow coalitions where specificities are visible, debates about systems of oppression are open, and mutual support goes beyond occasional instances” (Alonso, 2012: 614).

- **Collaboration with equality institutions**

“The engagement of equality bodies with civil society organisations can support an intersectional perspective” (EQUINET, 2016: 34). There are several ways of collaboration with equality institutions. For instance, advisory or participatory Councils can “contribute to the establishment of connections with civil society organisations” (Alonso, 2012: 610).

#### Connections with civil society organisations

**Portugal** has been noted for its tradition of consulting civil society through advisory councils established from the creation of equality institutions<sup>8</sup> (for more details see Alonso, 2012). “Portugal offers greater potential for the implementation of an intersectional approach, particularly a “deliberative” approach. This is due to the country’s emphasis on the coordination of equality machinery and routinised consultation with civil society” (Lombardo and Bustelo, 2012: 586). In this regard, “the Commission for Citizenship and Equality (CIG) reported a particular role in relation to supporting the development and implementation of the national action plan for gender equality. This includes a range of intersectional actions with a focus on gender and disability, gender and age, and gender and racial or ethnic origin” (Crowley, 2016: 27).

Equinet report has identified several good practices for the engagement of civil society organisations with equality institutions, for example, promoting consultations, joint working groups, communication channels, etc. (Crowley, 2016).

---

<sup>8</sup> “Since their creation in 1977, the CIG and the INR have an Advisory Council —with an NGO section— and a National Council for the Rehabilitation and Integration of People with Deficiency respectively. Something similar can be said of the National Youth Council of the IPJ and the Advisory Council for Immigration Affairs of the ACIDI, both created in conjunction with the main equality body. Moreover, recent policy plans such as those addressing social inclusion or the European Year for Equal Opportunities for all (EMAEIOT) also had their own participatory structures” (Alonso, 2012: 609).

### 3. Good practices for tackling the mechanisms of multiple discrimination

#### 3.1. Good practices against stereotypes and prejudices

##### 3.1.1. Visibility, awareness raising and sensitivity

An essential task to tackling multiple discrimination is “to generate a greater awareness of and sensitivity to the ways in which cross-currents of different sources of discrimination impact on people in different contexts” (Fredman, 2016: 12). “Legislation on its own cannot achieve the goal of creating a discrimination-free society. More proactive methods are needed to meet the objective of equal opportunities for all. Initiatives and campaigns are necessary to raise awareness among individuals of their right to equal treatment and access to justice” (European Commission, 2007: 54). “This requires equality bodies and other civil society organisations to pay specific attention to raising awareness of the issues and to monitor intersectionality through their reports and other investigatory powers they might have” (Fredman, 2016: 12).

Diverse strategies and tools have been put into practice in order to make visible the experiences of multi-marginalised groups, and increase awareness and understanding of multiple discrimination.

- **Publications**, reports, factsheets, etc. Some examples: *Human rights for women and children with disabilities* (Human Rights Watch, 2010), *One minority at a time Being black and gay* (Guasp and Kibirige, 2012) or the factsheet published the Collective against Islamophobia in Belgium looking at the sexist dimension of Islamophobia and calling for the mainstreaming of the specific issues faced by Muslim women in gender equality policies ENAR (Mescoli, 2016).
- **Campaigns on multiple discrimination**

##### **8 April: International Roma Day - Improving the lives of older Roma**

“As 2012 is the European Year for Active Ageing and Solidarity between Generations, the European Roma Information Office and AGE Platform Europe have jointly published a press release expressing the belief that “this year the International Roma Day is a unique opportunity to raise awareness about the challenges and obstacles that older Roma face daily across the EU. [...]”. The two organisations state that “at the European Parliament Hearing, Unblocking the Anti-Discrimination Directive, organised by the LIBE group on 22 March 2012, the intersection of age with other grounds of discrimination such as Roma was highlighted by both the European Commission and EQUINET. Older Roma are one of the groups most heavily subject to multiple discrimination since they face even more discrimination than other Roma age groups or older people generally in accessing basic essential services, social security provisions and employment. As such, they have even greater difficulty than most Roma and older people in realising their fundamental rights as EU citizens”.

<http://www.equineteurope.org/8-April-International-Roma-Day>

##### **Germany**

LesMigraS campaign on experiences with violence and multiple discrimination of lesbian, bisexual women and trans\* people.

<http://lesmigras.de>

##### **Italy**

“The Muslim woman: beyond prejudices”, an awareness raising initiative by the association Le Radici dell'olivo (The roots of the olive tree), organised a 2-day event in Varese where young Muslim women set up a stall where passers-by could stop and find out about Islam and the role of women. Similar initiatives have been implemented by GMI (Young Muslims of Italy) and ADMI (Association of Muslim women of Italy). Dessi (2016)

### **The European Roma Youth Summit**

The European Roma Youth Summit is an initiative of “ternYpe”. In the framework of the youth campaign “Be Young! Be Roma!” the participants from 12 European countries presented their vision and their commitment to fight stigma and discrimination against Roma in discussions and in creative and artistic actions. They called for a greater participation of young people in society and in political decision-making. <http://www.ternype.eu/projects>

### **Belgium**

Muslim women’s organisation “Bruxelloises et voilées” focuses on collecting testimonials and making their experiences visible. These organisations may serve as informal support networks in order to help Muslim women overcome negative experiences and empower them. Mescoli (2016)

## ▪ **Mass media:**

### **Sweden**

“The Swedish newspaper Expressen ran the series “Hate against the headscarf”, during spring 2015, featuring five Muslim women. The women in the series, all wearing the headscarf, share stories of being called “Easter crone”, “oppressed”, “Muslim pussy”. They give examples of how they are marked as different: people, completely unknown to them, tell them to “return to where they come from”. The women share experiences of being spat in the face and having the headscarf forcefully removed as well as incidents of physical abuse”. Abdullahi (2016)

## ▪ **Documentaries and films:**

### **Belgium**

Documentary “Voyage sans retour” on older migrants (Interfederal Centre for Equal Opportunities, UNIA). This is a sensitive portrait of older people talking about their experience of arriving in Belgium to work in the mines and factories and about how they conceive the end of their life in Belgium. It includes a specific focus on the experience of women. UNIA uses this communication tool to raise awareness about older migrants, former workers with low education, who may have special care needs. Crowley (2016)

### **Netherlands**

Documentary “Anders Kijken” (Look differently) produced by Dutch Muslim women’s organisation Al Nisa. 2015. This is about Islamophobia in order to raise awareness and encourage Muslims to report incidents. Seta (2016)

<http://alnisa.nl/2016/04/15/al-nisas-documentaire-anders-kijken/>

### **London, Paris, Lisbon**

*Narratives of Belonging* (Manifesta and Runnymede Trust)

BELONGING invited young people to talk about what belonging and identity means to them, especially when they are managing multiple, flexible identities (e.g. daughter, Parisian, Muslim, friend, French) and “belonging” can mean attachment to more than one place (France, Portugal). The resulting 43 short films provide insight into the thoughts, aspirations and cares of young urban migrants and their views on “belonging.”

Cities of migration - Good Ideas in Integration: [http://citiesofmigration.ca/good\\_idea/narratives-of-belonging/](http://citiesofmigration.ca/good_idea/narratives-of-belonging/)

### **UK**

“Say my name” is a UK based project addressing homophobia within the Black community. Recognising the complexities and challenges that can and do face many Black Gays “SAY MY NAME!” is dedicated to flying the flag of tolerance and promoting seeds of understanding in the hope that it furthers a conversation that we in the Black community need to keep constant.

SAY MY NAME! began life in 2006 as a 5 minute play at the Royal Court. SAY MY NAME! has since developed and expanded into more just a short film and we are delighted to have returned with a new and completely revamped user friendly website.

<http://www.saymynameproject.com/>

### **European Network on Independent Living**

The European Network on Independent Living (ENIL) has launched a series of four videos entitled “Think Different, Think Equal” to empower and raise awareness about the rights of disabled people in Europe. Developed by a group of young disabled people from fifteen European countries, the video campaign explores the concept of intersectionality and helps young disabled people understand and embrace their multiple identities. Its goal is to build young people’s capacity to identify and respond to discrimination by

knowing their rights and the protections available, as well as to encourage self-advocacy. European Network on Independent Living (2014)

<http://enil.eu/resources/photos/think-different-think-equal-campaign/>

#### **Belgium**

*The Youth Ambassador Project, Ghent*

Young people with a migrant background share their stories about their paths to success and the challenges they have overcome.

Since 2006 the City, through Gent, stad in werking's (Ghent, city at work) Latent Talent project has been working to improve the local labour conditions of second and third generation immigrant youth. This approach focuses on much more than merely improving youth unemployment numbers. It means that their city is working to become a more inclusive place for all migrants and their families. Their long-term goal is to change local attitudes, stereotypes and perceptions. Ambassadors are immigrant youth volunteers who have overcome barriers and have found employment success. They share their stories about school and their rocky road to success in the labour market. And they don't just talk to other youth like them. They present and dialogue with teachers, parents, employers and other organisations in the city.

In 2012, the project became part of the City of Ghent's Office of Integration Services and is being promoted outside of the city. To enable successful replication of this good idea, the City has created curriculum focused on two ambassadors telling their own stories. It includes a series of exercises and assignments and a DVD with seven short films about the project.

Cities of migration - Good Ideas in Integration: [http://citiesofmigration.ca/good\\_idea/the-youth-ambassador-project/](http://citiesofmigration.ca/good_idea/the-youth-ambassador-project/)

#### **Germany**

LesMigraS is actively engaged in several networks and works closely with antidiscrimination and anti-violence projects in order to jointly develop and implement strategies on the issue of and the struggle against multiple discrimination and violence. LesMigraS has supported three films in Germany, France and Austria about the situation of lesbian migrants from various countries.

<http://www.lesmigras.de>

- **Web initiatives:** The Internet is becoming increasingly important in making visible cases of multiple discrimination.

*Minority Rights Group International Life at the Margins: The Challenges of Multiple Discrimination*

A web collection of short articles and case studies focusing on discrimination on different grounds.

Minority Rights Group International campaigns worldwide with around 130 partners in over 60 countries to ensure that disadvantaged minorities and indigenous peoples, often the poorest of the poor, can make their voices heard.

<http://stories.minorityrights.org/lifeatthemargins/home/>

In addition, virtual social networks are used to articulating collective initiatives:

#### **Sweden**

- The Hijab Petition "Hijabuppropet" was organised by five Muslim women following a highly publicised hate crime against a heavily pregnant woman. Prominent Swedish politicians, activists and citizens wore the hijab for a day, in support of the right to safety for Muslim women who wear the veil. Seta (2016)
- Johanna Lihagen, with a background as a prison imam, decided there was a need to share the stories of Muslim women. She created the Instagram account "#Muslimskvinna" (Muslim woman) which today has around 12,500 followers. The aim is to show Muslim women's experiences of discrimination, racist violence as well as general stories relating to what it is like to be a Muslim woman in Sweden. Abdullahi (2016)

### 3.1.2. Training and education

- **Education campaigns:**

**Romania**

*EUROPEAN YOUTH4MEDIA NETWORK.* A multilateral youth exchange in Romania.

The project activities foster anti-discrimination through media communication and youth information. They are the continuation of previous projects organised by the “European Youth4Media Network”, a European NGO based in Germany and having Asociatia “Renasterea Botosaneana” as one of its member branches. The multilateral youth exchange takes place in Botosani, Romania. 4 youth groups (RO, D, PL and BG) work for a better understanding of equal opportunities in Europe and involvement of the youth using media tools. The host group consists mainly of youngsters representing Roma and isolated rural communities in Botosani County, Romania, acting as volunteers of the coordinating organisation. They work with the partner groups learning to use media and communication to combat any form of discrimination and to inform young people. (SALTO, n.d.)

[www.open-web-tv.eu](http://www.open-web-tv.eu)

**Hungary**

From the Training Course ‘Roma Youth in Action’, held in Budapest in September 2009. When talking about intercultural learning programmes involving Roma and non-Roma youth, it is somehow very easy (if coming from majority community) to assume that it is only about getting to know each other’s differences... (SALTO, n.d.)

- **Training courses for professionals:**

**Portugal**

Miguel Bombarda Hospital, Lisbon, in co-operation with immigrant associations. Training courses for health professionals on the different minorities’ cultural values and practices in order to achieve a better response, mainly regarding African women. Corsi et al. (2008)

**Sweden**

*RISK* (Riksföreningen Stoppa Kvinnligkönsstympning)

Organisation working against FGM ([www.risk.se](http://www.risk.se)) with a board of ten members from different countries in Africa and Sweden. The organisation trains personnel who can spread information in their own language. They inform about the health risks of FGM and at the same time inform about women’s and children’s rights. Corsi et al. (2008)

**Belgium**

Recommendations for medical staff and health care workers to take account of these needs of older migrants (Interfederal Centre for Equal Opportunities, UNIA). Crowley (2016)

## 3.2. Good practices for accessibility to social rights

Good practices identified from literature review are localised mainly in employment, and health and care settings; and to a lesser degree in legal and juridical field. This is in line with the findings of the Equinet report, which notes that employment and health care are the most relevant settings of social intervention against multiple discrimination (Crowley, 2016:25).

### 3.2.1. Employment

In the field of employment, the initiatives located are regarding mentoring and intermediation programmes for connecting most vulnerable groups with entrepreneurs. Other measures had been adopted to fight against prejudices, stereotypes and discriminatory behaviours at the workplace.

- **Mentoring initiatives:**

**Denmark - KVINFO's mentor network**

In Copenhagen, the Danish Centre for Information on Women and Gender, or KVINFO, has developed a unique mentoring programme to combat professional and social isolation among immigrant women. KVINFO's mentor network matches women with refugee and immigrant backgrounds with women who are active in the Danish society.

KVINFO's success owes much to the organisation's inclusive feminist mission as well as its willingness to experiment with a new approach to integrating immigrant women into the Danish society. However the rapid success of their Mentoring Programme is also the result of good research and a practical approach to program design. KVINFO modelled their mentoring program on an existing one for skilled immigrants in Toronto and then adapted it in consultation with HR experts from the corporate sector.

The programme has also received the integration prize for the public labour market by the Ministry of Refugee Immigration and Integration Affairs, an award from a Danish women's magazine in 2004 and has been highlighted as a positive initiative in integration by the OECD.

This Good Idea was identified by the Open Society Foundations' At Home in Europe project as a good practice promoting inclusion, social cohesion and non-discrimination. For more on this practice and the At Home in Europe project, read Living Together: Projects Promoting Inclusion in 11 EU Cities. (European Network against Racism, 2011)

<http://www.kvinfo.dk>

Cities of migration - Good Ideas in Integration

**Switzerland - Mentoring Project, Bern**

Since 2009 the City of Bern has been supporting a mentoring project led by the feminist NGO CFD. The Project intends to improve the access of highly qualified immigrant women to information and networks of the working world by connecting them to professional women (mentors), coming from the same branch as the immigrant women. The City supports the Project by searching mentors in the public administration. The City has also presented the Project in different events and the journal for the City's employees, with the intention to animate more people to become mentors and to focus their attention to the complex situation of qualified migrant women on the Swiss labour market.

The Programme is strictly aimed at immigrant women and pairs them with women in the same area of work. Such targeted pairing can importantly improve access of immigrant women to work not only by providing them information about access to employment but by enabling them to develop new contacts. (UNESCO, 2012)

[http://www.bern.ch/weiche\\_de](http://www.bern.ch/weiche_de)

- **Intermediation between entrepreneurs and multi-discriminated groups:**

**Sweden**

*Mitt Liv.* An entrepreneurial social venture connects talented young immigrant women to employment opportunities.

Mitt Liv, founded in 2008, is a social enterprise that works on two fronts: to create more professional and career opportunities for young immigrant women, and a labour market that values and promotes diversity. Mitt Liv matches dynamic and entrepreneurial young immigrant women with Swedish entrepreneurs and corporate leaders. Through mentoring, training and a wide range of contacts, Mitt Liv (which is translated as 'My life') opens doors for the 'best and the brightest' women of immigrant background and provides them with access to training and employment opportunities.

Cities of migration - Good Ideas in Integration: [http://citiesofmigration.ca/good\\_idea/my-brilliant-career/](http://citiesofmigration.ca/good_idea/my-brilliant-career/)

**France**

Mozaïk RH is the first French recruitment agency and HR consulting non-profit specialising in the promotion of equal opportunities and diversity. While many jobs go unfilled in France, youth from poor and marginalized neighbourhoods remain un- or underemployed. Their potential goes unfulfilled and unrecognised and, with it, the country's potential.

Cities of migration - Good Ideas in Integration: [http://citiesofmigration.ca/good\\_idea/closing-the-opportunity-gap/](http://citiesofmigration.ca/good_idea/closing-the-opportunity-gap/)

- **Initiatives for combating prejudices, stereotypes and discriminatory behaviours at the workplace:**

#### **Belgium**

- Permission to wear the headscarf in the University Hospital in Ghent, Belgium, if the woman accommodates her headscarf and matches the uniform of the hospital.
- Another positive development comes from a private company in Belgium where the administration wanted to list all Muslim women wearing the headscarf in the company. When the information reached the employees, all of them (both women and men) showed up at work the following day wearing a headscarf. This peaceful, but significant protest led to the cancellation of the discriminatory initiative. Seta (2016)

#### **Netherlands**

A project specifically targeted at Muslim women, *Tipje van de Sluier*, was said to have been successful in empowering the participating Muslim women. It assisted them in navigating the processes of job hunting and application and increased awareness amongst employers about stereotypes and biases in the recruitment and selection process. European Network against Racism (2011)

### 3.2.2. Health and health care

Health care is another main context of intervention to prevent and overcome the discriminatory barriers that can operate in the access to health services. The measures identified include the elaboration of guidelines and actuation protocols for professionals, counselling and information, and promotion of intercultural intermediation. These initiatives are mainly focused on the intersection of migrant and ethnic grounds with gender and age.

- **Facilitating the access to health services:**

#### **Austria:**

- The “Marhama” project for female migrants' health care is conducted by an NGO, but is sponsored by the Ministry of Economic Affairs and Employment. Support to female migrants and Muslims in the field of health care (especially in hospitals). Training for intercultural receptiveness (concerning staff, treatment/care and bureaucratic matters). Realisation of guidelines on the treatment of Muslim patients. Corsi et al. (2008)  
Special health care projects focus on elderly ethnic minority and immigrant women, who have never completed breast cancer screening, or on Bosnian, Croatian and Turkish women with no German language knowledge. The main features of these projects consist in offering information in foreign languages, but also on training for health care workers (nurses, doctors) in order to increase their cultural sensitiveness. Corsi et al. (2008)
- Austria Mammogram screening – “Ichschau auf mich” (I look at myself)  
Realisation of the “European guidelines for quality assurance in breast cancer screening and diagnosis”; enhancement of the utilisation of mammogram examination; native language support to women whose results were suspect or positive, psycho-oncology support, awareness-raising on breast cancer. Disadvantaged women, migrants and women who have never done breast cancer screening or who did it a long time ago; age group: 50-69 years. Corsi et al. (2008)

#### **Netherlands**

*Care consultants:* Project focused on health promotion among Sinti and Roma. Women are trained to act as consultants and as intermediaries in relation to health care institutions. Focused on women in terms of both participation in training and as final beneficiaries. Corsi et al. (2008)

#### **UK**

*Addressing the needs of intersectional groups through ‘community’*

Social Action for Health (SafH) is a community development charity based in London, England, which works alongside marginalised local people and their communities towards equality and better health and well-being. In its outreach activities the charity’s staff takes into account the needs of specific intersectional groups, such as migrant women and older people belonging to ethnic minorities. Because the staff themselves are predominantly from ethnic minority groups gives them privileged access to Somalis and Bengalis in Tower Hamlet. The group in Tower Hamlet is particularly active in cancer prevention and has achieved one of the lowest rates in the United Kingdom. European Union Agency for Fundamental Rights (2013)

- **Attending particular health problems of multi-discriminated groups:** From an intersectional perspective, special attention has been paid to the violence faced by different groups of women in intersection with other inequality grounds such as age or race/ethnicity.

#### **Portugal**

##### *Health action on gender, violence and life cycle (HAGVLC)*

An integrated model of intervention on interpersonal violence cases in health settings.

In 2013, continuing the strategy adopted in 2008 by the Ministry of Health through the creation of the Health Action for Children and Youths at Risk (HACYR), an integrated model of intervention on interpersonal violence across lifecycle was created –Health action on gender, violence and lifecycle (HAGVLC). Among other objectives, HAGVLC aims to prevent interpersonal violence, specifically domestic violence, stalking, dating violence, violence against elder people, vicarious violence and trafficking in human beings. HAGVLC is an integrated model developed to improve responses of the National Health Service to prevent violence through lifespan. Its main aims are to:

- promote equality, particularly health equity, independently of sex, age, health conditions, sexual orientation, religion and social and economic background
- prevent interpersonal violence, namely domestic violence, stalking, dating violence, violence against elder people, vicarious violence and trafficking in human beings
- promote the functional articulation between HACYR and intervention in adult violence.

EIGE – Good practices: <http://eige.europa.eu/gender-mainstreaming/good-practices/portugal/health-action-gender-violence-and-life-cycle-hagvlc>

#### **Spain**

##### *Programa Mujer, Salud y Violencia, Ayuntamiento de Bilbao*

Developed by Bilbao's Office of Equality, Cooperation and Citizenship, the award-winning Programa Mujer, Salud y Violencia promotes sexual and reproductive health among immigrant women, including prevention related to gender-based violence and issues related to cultural and sexual identity. The "Women, Health and Violence" program also aims to empower individual women to participate and become leaders in their own communities. *Programa Mujer, Salud y Violencia* was recognized by the Spanish Ministry of Labour and Immigration, as an example of city councils implementing local plans to raise awareness on equal treatment and non-discrimination. The program was also recognized as a best practice by the European Network OPENCities.

Cities of migration - Good Ideas in Integration: [http://citiesofmigration.ca/good\\_idea/womens-health-in-women%E2%80%99s-hands/](http://citiesofmigration.ca/good_idea/womens-health-in-women%E2%80%99s-hands/)

Female genital mutilation (FGM) is becoming a central issue in the policy agenda for addressing intersectional violence. For example, several countries, such as Portugal, The Netherlands, Belgium and UK, are developing datasets and registration systems for recording FGM cases, as well as programs and protocols to respond to the health needs of girls and women who have had FGM (see EIGE – Good practices: <http://eige.europa.eu/gender-mainstreaming/good-practices>).

#### **Netherlands**

##### *Model protocol medical care for women and girls with FGM (2009-2015)*

The Model protocol medical care for women and girls with FGM is a joint initiative of several medical professional organisations. It makes recommendations on how professionals can deliver medical, psychosocial and sexual care to girls and women who are victims of FGM. The protocol is aimed at prevention, urgent aid and long-term care. Statements are made on registration and reporting of (potential) cases of FGM.

EIGE – Good practices: <http://eige.europa.eu/gender-mainstreaming/good-practices/netherlands/model-protocol-medical-care-women-and-girls-fgm>

#### **Sweden**

##### *Treating and counselling women subjected to FGM*

A Stockholm hospital, Södersjukhuset, has since 2007 had a special centre for women subjected to FGM that provides both medical treatment and counselling. The centre is integrated into the hospital's other

gynaecological health services and employs five gynaecologists and one therapist. The centre, called the 'Amel centre', is open for visits without referral from a physician for all women living in the Stockholm county. European Union Agency for Fundamental Rights (2013)

### 3.2.3. Legal support and access to justice

Legal and judicial support is another important field of intervention to fight against mechanisms of multiple discrimination. This is a “setting for work by equality bodies on gender intersections with other grounds of discrimination” (Crowley, 2016: 37).

“The Equality Ombudsman in Sweden published two manuals in 2011 on access to justice that include an intersectional approach, ‘Roadmap to Equality – Empowerment and Access to Justice’ and ‘A Roadmap to equality – inspiration for local discrimination work’”. (Crowley, 2016: 33).

Above all, social civil organisations play a significant role in legal counselling and judicial support in the cases of multiple discrimination.

#### Belgium

- A campaign entitled “Head-Up” was launched in 2014 by a young woman to collect funds and to support women wearing the headscarf who were discriminated against to undertake legal procedures. This campaign was supported by several associations and collected 70,000 Euros. Seta (2016)
- Several Muslim women’s associations have been established after individual experiences of discrimination in the employment field. The general aim of these associations is to offer judicial support to women who wish to pursue a legal procedure, create as many legal precedents as possible and allowed. Mescoli (2016)
- *Support Point (Point d’appui) for women*  
The support point provides legal information and advice on family law to migrants confronted with the interaction between different legal systems. Corsi et al. (2008)

#### France

- The *Collectif contre l’islamophobie en France* (CCIF) is an NGO combating all forms of islamophobia with a specific gender focus. The CCIF provides victims of discrimination with legal advice and representation in court and guides the victims at every step of their case. They also act as legal referents and mediators between the victims and the perpetrators in order to solve some cases out-of-court. In their data collection methodology, they ensure the disaggregation of data by gender and pay specific attention and dedicate analysis and activities to the gendered form of Islamophobia. Seta (2016)

#### Germany

- *LesMigraS*  
An intercultural team offers counselling in person, on the phone, via email and chat in English, Arabic, French, Persian, Kurmancî, Turkish and German. For other languages, we work together with translators.  
Topics: Dealing with experiences of violence and discrimination; Violence in lesbian trans\* and inter\* relationships; Legal advice on asylum law, residency law, hate violence and binational relationship; Migration  
<http://www.lesmigras.de/>

#### UK

- The *UK Lesbian & Gay Immigration Group* (UKLGIG) is a charity that promotes equality and dignity for lesbian, gay, bisexual, trans and intersex (LGBTI) people who seek asylum in the UK, or who wish to immigrate here to be with their same-sex partner. Asylum related activities include:
  - Supporting LGBT asylum seekers: providing support & information via our helpline and in person; referring to solicitors; organising a monthly support meeting; visiting detention centres and running other social support projects.
  - Research & Policy: monitoring and researching relevant (legal) developments and issues; researching human rights in countries of origin; working to ensure LGBT people are treated equally and with dignity in the asylum process; seeking to improve the quality of UKBA decision making, and networking with organisations and individuals working on related issues in UK and internationally.
  - Training & Information: providing training and information on LGBT asylum issues to relevant service providers in the refugee and LGBT community, solicitors and other legal advisers, UKBA staff and the judiciary.  
<http://uklgig.org.uk/>

## 4. Conclusions

Multiple discrimination is receiving increased attention by both governmental institutional and civil society organisations. On the one hand, many EU countries, in different levels, are developing specific legislation and institutional bodies aimed to address multiple discrimination. On the other hand, society civil groups are working from different ways to promote the visibility, recognition and empowerment of multi-discriminated groups.

From literature review, we can identify four main conditions for developing policies and practices against multiple discrimination:

- Research and data collection aimed at increasing the knowledge and understanding of situation of multi-marginalised groups, as well as the social processes of multiple discrimination and its effects.
- Legislation (laws and policy plans) in order to ensure the recognition and protection of social rights of groups facing multiple discrimination.
- Equality and non-multiple discrimination institutions that support the implementation of policies against multiple discrimination through several strategic activities: building a shared knowledge base, pursuing a legal basis, conducting research and data collection, communication, engaging with civil society organisations, etc.
- Civil society organisations that channel and articulate the collective action and social participation. They mean an important platform for awareness increasing, empowerment, social and legal support... for people facing multiple discrimination.

The intersectionality approach is crucial for identifying, defining and implementing policies and actions against multiple discrimination. This standpoint includes:

- Visibility of intersections between grounds of discrimination and detection of particular multi-marginalised groups.
- Better knowledge and understanding of the social dynamics of multiple discrimination. This requires:
  - Information disaggregated by variables linked to grounds of discrimination and its intersections.
  - Comparative analysis, attending to intra and inter groups complexity.
  - Understanding of the phenomenological experiences of multi-discriminated groups.
  - Analysis of the contexts, structures of inequalities, and power relations where the sources and processes of multiple discrimination are situated.
- Recognition of social needs and rights of multi-discriminated groups. This requires the adoption of new policy goals related to multiple inequality, as well as the development of specific policies aimed to protect and empower particular marginalised groups.
- Collaboration between different actors working in equality and non-discrimination. This is a fundamental point to ensure the policy efficacy and transference of knowledge and intervention work.
- Participation of civil society and multi-discriminated groups in research and policy making.
- Reflexivity on policy process by research and evaluation of possible bias and limitations in policy response to multiple discrimination.

- Empowerment of vulnerable groups and social change towards more social equity.

Most of the measures identified to address the mechanisms of multiple discrimination are aimed at awareness raising. Although many of them are driven by equality bodies (top-down policies), the initiatives promoted by civil society groups (bottom-up interventions) are particularly significant for enhancing visibility and empowerment of multi-discriminated people. The Internet and virtual social networks are becoming increasingly important for articulating these collective actions and disseminating information.

While the mechanism of multiple discrimination affects numerous fields of social life, employment and health, and to a lesser extent access to justice, are the main areas of intervention. Some of these measurements are targeted at groups facing multiple discrimination (for example, providing information or social and legal support). Other remarkable measurements are referred to change attitudes and behaviour between potential discriminators groups and filters (for example, mentoring and intermediation in workplace, training and protocols in health care, etc.).

## References

- Abdullahi, Maimuna, 2016. *Forgotten Women: The Impact of Islamophobia on Muslim Women in Sweden. Key Findings*. Brussels: European Network against Racism (ENAR) [http://www.enar-eu.org/IMG/pdf/factsheet\\_germany\\_-\\_en\\_final.pdf](http://www.enar-eu.org/IMG/pdf/factsheet_germany_-_en_final.pdf).
- Alonso, Alba, 2012. "Intersectionality by Other Means? New Equality Policies in Portugal". *Social Politics* 19 (4): 596–621.
- Bowleg, Lisa, 2008. "When Black + Lesbian + Woman ≠ Black Lesbian Woman: The Methodological Challenges of Qualitative and Quantitative Intersectionality Research". *Sex Roles* 59: 312–25.
- Bowleg, Lisa, Michelle Teti, David J Malebranche, and Jeanne M Tschann, 2013. "'It's an Uphill Battle Everyday': Intersectionality, Low-Income Black Heterosexual Men, and Implications for HIV Prevention Research and Interventions". *Psychology of Men & Masculinity* 14 (1): 25–34.
- Bustelo, María, 2009. "Spain". *International Feminist Journal of Politics* 11 (4): 530–46.
- Bustelo, María, and Maxime Forest, 2009. "The Politics of Intersectionality in Spain: Shaping Intersectional Approaches in a Multi-Level Polity". Paper to be presented at the ECPR Joint Sessions of Workshop 2009 Lisbon, Portugal 14 - 19 April 2009 Workshop on institutionalising intersectionality.
- Campos Pinto, Paula, 2016. "Out of the Shadows: Violence against Girls and Women with Disabilities in Portugal". *Alter. European Journal of Disability Research* 10: 137–47.
- Cho, Sumi, Kimberlé Williams Crenshaw, and Leslie Mccall, 2013. "Towards a field of intersectionality studies: Theory, applications, and praxis". *Signs: Journal of Women in Culture and Society* 38 (4): 785–810.
- Choo, HaeYeon, and Myra M. Ferree, 2010. "Practicing Intersectionality in Sociological Research: A Critical Analysis of Inclusions, Interactions, and Institutions in the Study". *Sociological Theory* 28 (2): 129-149.
- Chopin, Isabelle, and Catharina Germaine, 2016. *A Comparative Analysis of Non-Discrimination Law in Europe*. [https://www.hrw.org/sites/default/files/related\\_material/0912\\_disabilities\\_brochure\\_0.pdf](https://www.hrw.org/sites/default/files/related_material/0912_disabilities_brochure_0.pdf).
- Corsi, Marcella, Chiara Crepaldi, Manuela SamekLodovici, Paolo Boccagni, and Cristina Vasilescu, 2008. "Ethnic Minority and Roma Women in Europe: A Case for Gender Equality?" <http://ec.europa.eu/social/BlobServlet?docId=4833&langId=en>.
- Crowley, Neil, 2016. "Innovating at the Intersections. Equality Bodies Tackling Intersectional Discrimination". <http://www.equineteurope.org/Equinet-Perspective-Innovating-at-the-Intersections-Equality-Bodies-tackling>.
- Dessi, Giulia, 2016. *Forgotten Women: The Impact of Islamophobia on Muslim Women in Italy*. Brussels: European Network against Racism (ENAR). <http://www.enar-eu.org/Forgotten-Women-the-impact-of-Islamophobia-on-Muslim-women>.

- Doyal, Lesley, 2009. "Challenges in Researching Life with HIV/AIDS: An Intersectional Analysis of Black African Migrants in London". *Culture, Health & Sexuality* 11(2): 1369–1058.
- European Commission, 2007. Tackling Multiple Discrimination. Practices, Policies and Laws. European Commission. <http://ec.europa.eu/social/main.jsp?catId=738&pubId=51>
- European Network against Racism, 2007. "FACT SHEET 33 Multiple Discrimination July 2007". [http://cms.horus.be/files/99935/MediaArchive/pdf/fs33\\_multipliediscrimination\\_july2007\\_en.pdf](http://cms.horus.be/files/99935/MediaArchive/pdf/fs33_multipliediscrimination_july2007_en.pdf).
- . 2011. "ENAR Fact Sheet 44 The Legal Implications of Multiple Discrimination". [http://www.enar-eu.org/IMG/pdf/fs44\\_the\\_legal\\_implications\\_of\\_multiple\\_discrimination\\_final\\_en.pdf](http://www.enar-eu.org/IMG/pdf/fs44_the_legal_implications_of_multiple_discrimination_final_en.pdf).
- European Network on Independent Living (ENIL), 2014. "Understanding and Countering Multiple Discrimination Faced by Young People with Disabilities in Europe". European Network on Independent Living (ENIL) in co-operation with the European Youth Centre of the Council of Europe. <http://enil.eu/category/europe-in-action/>
- European Union Agency for Fundamental Rights, 2013. *Inequalities and Multiple Discrimination in Access to and Quality of Healthcare*. <http://fra.europa.eu/en/publication/2013/inequalities-discrimination-healthcare>.
- Evidence, 2009. *Potential Intersectional Discrimination Cases Citizens Advice Research for the GEO*. Citizens Advice. <https://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/citizenship-policy-research/potential-intersectional-discrimination-cases/>.
- Forum European Youth, 2014. *Multiple Discrimination and Young People in Europe*. <http://www.youthforum.org/assets/2015/10/Multiple-discrimination-and-young-people-in-Europe.pdf>.
- Fredman, 2016. *Intersectional Discrimination in EU Gender Equality and Non-Discrimination Law*. <http://ec.europa.eu/justice/gender-equality/document/files/intersectionality.pdf>.
- Guasp, April, and Hannah Kibirige, 2012. *One Minority at a Time Being Black and Gay*. Stonewall. [https://www.stonewall.org.uk/sites/default/files/One\\_Minority\\_At\\_A\\_Time\\_2012.pdf](https://www.stonewall.org.uk/sites/default/files/One_Minority_At_A_Time_2012.pdf).
- Hancock, Ange-Marie, 2007. "When Multiplication Doesn't Equal Quick Addition : Examining Intersectionality as a Research Paradigm". *Perspectives on Politics* 5 (1): 63–79.
- Hankivsky, Olena, Renee Cormier, and Diego de Merich, 2009. *Intersectionality: Moving Women's Health Research and Policy Forward*. Vancouver: Women's Health Research Network. [http://bccwh.bc.ca/wp-content/uploads/2012/05/2009\\_IntersectionalityMovingwomenshealthresearchandpolicyforward.pdf](http://bccwh.bc.ca/wp-content/uploads/2012/05/2009_IntersectionalityMovingwomenshealthresearchandpolicyforward.pdf).
- Hankivsky, Olena, Daniel Grace, Gemma Hunting, Melissa Giesbrecht, Alycia Fridkin, Sarah Rudrum, Olivier Ferlatte, and Natalie Clark, 2014. "An Intersectionality-Based Policy Analysis Framework: Critical Reflections on a Methodology for Advancing Equity". *International Journal for Equity in Health* 13: 119.

- Hong, Tuuli, 2014. "Discourses on Honour-Related Violence in Finnish Policy Documents". *NORA - Nordic Journal of Feminist and Gender Research* 22 (4): 314–29.
- Human Rights Watch, 2010. *Human Rights for Women and Children with Disabilities*. <https://www.hrw.org/news/2012/09/11/human-rights-women-and-children-disabilities>
- Kantola, Johanna, 2014. "The Paradoxical Gendered Consequences of the EU Policy on Multiple Discrimination: The Nordic Case". *European Integration Online Papers* 18 (1). [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2523421](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2523421)
- Kóczé, Angéla, 2009. *Missing Intersectionality. Race/Ethnicity, Gender, and Class in Current Research and Policies on Romani Women in Europe*. Policy Studies Series. <https://cps.ceu.edu/sites/default/files/publications/cps-policy-study-missing-intersectionality-2009.pdf>.
- Korteweg, Anna C., and Triadafilos Triadafilopoulos, 2013. "Gender, Religion, and Ethnicity: Intersections and Boundaries in Immigrant Integration Policy Making". *Social Politics* 20 (1): 109-136.
- Kriszan, Andrea, SkjeieHege, and Judith Squires, 2012. "Institutionalising Intersectionality: A Theoretical Framework". In *Institutionalising Intersectionality*, edited by Andrea Kriszan, Hege Skjeie, and J A Squires, 1–32.
- Kriszan, Andrea, 2012. "Equality Architectures in Central and Eastern European Countries: A Framework for Analysing Political Intersectionality in Europe". *Social Politics* 19 (4, SI): 539–71.
- Lombardo, Emanuela, and María Bustelo, 2012. "Political Approaches to Inequalities in Southern Europe: A Comparative Analysis of Italy, Portugal, and Spain". *Social Politics* 19 (4): 572–95.
- Lombardo, Emanuela, and Elena Del Giorgio, 2013. "EU Antidiscrimination Policy and Its Unintended Domestic Consequences: The Institutionalization of Multiple Equalities in Italy". *Women's Studies International Forum* 39: 12–21.
- Lumby, Jacky, 2011. *Methodological Issues and Intersectionality in Gender Studies*. 3-4 October 2011, Paris: Unesco. <https://eprints.soton.ac.uk/199183/>.
- Malik, Maleiha, 2007. "'Modernising Discrimination Law': Proposals for a Single Equality Act for Great Britain". *International Journal of Discrimination and the Law* 9 (2): 73–94.
- McCall, Leslie, 2005. "The Complexity of Intersectionality". *Signs: Journal of Women in Culture and Society* 30 (3): 1771–1800.
- Mescoli, Elsa, 2016. *Forgotten Women: The Impact of Islamophobia on Muslim Women in Belgium. Key Findings*. Brussels: European Network against Racism (ENAR). [http://www.enar-eu.org/IMG/pdf/factsheet\\_germany\\_-\\_en\\_final.pdf](http://www.enar-eu.org/IMG/pdf/factsheet_germany_-_en_final.pdf).
- Monro, Surya, 2010. "Sexuality, Space and Intersectionality: The Case of Lesbian, Gay and Bisexual Equalities Initiatives in UK Local Government". *Sociology* 44 (5): 996–1010.

- Moore, Sian, Tessa Wright, and Hazel Conley, 2012. *Addressing Discrimination in the Workplace on Multiple Grounds – the Experience of Trade Union Equality Reps*. World Health. ACAS.  
[http://www.acas.org.uk/media/pdf/f/p/0212\\_Multidiscrim\\_TU\\_Equality\\_Reps.pdf](http://www.acas.org.uk/media/pdf/f/p/0212_Multidiscrim_TU_Equality_Reps.pdf)
- Moya, Marjory, 2016. *Forgotten Women: The Impact of Islamophobia on Muslim Women in France. Key Findings*. Brussels: European Network against Racism (ENAR).  
[http://www.enar-eu.org/IMG/pdf/factsheet\\_germany\\_-\\_en\\_final.pdf](http://www.enar-eu.org/IMG/pdf/factsheet_germany_-_en_final.pdf).
- Parent, Mike C., CirleenDeBlaere, and Bonnie Moradi, 2013. "Approaches to Research on Intersectionality: Perspectives on Gender, LGBT, and Racial/Ethnic Identities". *Sex Roles* 68 (11–12): 639–45.
- Rodríguez, Pilar, 2015. "An Intersectional Analysis of Intimate Partner Violence and Workplace Violence among Women Working in Prostitution". *Revista Española de Investigaciones Sociológicas* (Reis) 151: 123–38.
- SALTO. n.d., *Youth in Action and the Roma Community. Inclusion of Diversity*. [www.SALTO-YOUTH.net/toolbox](http://www.SALTO-YOUTH.net/toolbox).
- Schultz, Debra L., 2012. "Translating Intersectionality Theory into Practice: ~ E Feminist Alliance A Tale of Romani- Gadz". *Signs: Journal of Women in Culture and Society* 38 (1): 37–43.
- Seta, Dermana, 2016. *Forgotten Women : The Impact of Islamophobia on Muslim Women*. Brussels: European Network against Racism (ENAR). <http://www.enar-eu.org/Forgotten-Women-the-impact-of-Islamophobia-on-Muslim-women>.
- Sheppard, Colleen, 2011. Multiple Discrimination in the World of Work. [http://www.oit.org/declaration/info/publications/eliminationofdiscrimination/WCMS\\_170015/lang--en/index.htm](http://www.oit.org/declaration/info/publications/eliminationofdiscrimination/WCMS_170015/lang--en/index.htm).
- Skjeie, Hege, and Trude Langvasbråten, 2009. "Intersectionality in Practice?" *International Feminist Journal of Politics* 11 (4): 513–29.
- Smith, Olivia, 2005. "Ireland's Multiple Ground Anti-Discrimination Framework - Extending the Limitations?" *International Journal of Discrimination and the Law* 8 (1–2): 7–31.
- Spierings, Niels, 2012. "The Inclusion of Quantitative Techniques and Diversity in the Mainstream of Feminist Research". *European Journal of Women's Studies* 19 (3): 331–47.
- Squires, Judith, 2009. "Intersecting Inequalities". *International Feminist Journal of Politics* 11 (4): 496–512.
- Strid, Sofia, Sylvia Walby, and Jo Armstrong, 2013. "Intersectionality and Multiple Inequalities: Visibility in British Policy on Violence against Women". *Social Politics* 20 (4): 558–81.
- Surdu, Laura, and Mihai Surdu, 2006. *Broadening the Agenda. The Status of Romani Women in Romania*. Open Society Institute.  
<https://www.opensocietyfoundations.org/reports/broadening-agenda-status-romani-women-romania>.

UNESCO, 2012. *Fighting Racism and Discrimination*. Paris.

<http://www.unesco.org/new/en/social-and-human-sciences/themes/fight-against-discrimination/>.

Urbanek, Doris, 2012. "Forced Marriage vs. Family Reunification: Nationality, Gender and Ethnicity in German Migration Policy". *Journal of Intercultural Studies* 33 (3): 333–45.

Verloo, Mieke, Petra Meier, Sophie Lauwers, and Saskia Martens, 2012. "Putting Intersectionality into Practice in Different Configurations of Equality Architecture: Belgium and the Netherlands". *Social Politics* 19 (4): 513–38.

Verloo, Mieke, and QUING Consortium, 2011. *QUING Quality in Gender + Equality Policies. Final Report*. <http://www.quing.eu/>.

Wagaman, M. Alex, 2014. "Understanding Service Experiences of LGBTQ Young People through an Intersectional Lens". *Journal of Gay & Lesbian Social Services* 26 (1): 111–45.

Walby, Sylvia, 2009. *Globalization and Inequalities: Complexity and Contested Modernities*. Sage.

Walsh, Shannon Drysdale, and Christina Xydias, 2014. "Women's Organising and Intersectional Policy-Making in Comparative Perspective: Evidence from Guatemala and Germany". *Politics, Groups, and Identities* 2 (4). Taylor & Francis: 549–72.

Wright, Tessa, 2013. "Uncovering Sexuality and Gender: An Intersectional Examination of Women's Experience in UK Construction". *Construction Management and Economics* 31 (January 2015): 832–44.

## Web resources

Cities of Migration

<http://citiesofmigration.ca>

Citizen Advice

<https://www.citizensadvice.org.uk>

European Union Agency for Fundamental Rights. FRA

<http://fra.europa.eu/en>

European Institute for Gender Equality. EIGE

<http://eige.europa.eu/gender-mainstreaming/good-practices>

European Network against Racism. ENAR

<http://enar-eu.org/>

European Network of Equality Bodies. EQUINET

<http://www.equineteurope.org/-Relevant-policy-initiatives->

European project Quality of Gender and Equality Policies in Europe (QUING)

<http://www.quing.eu/>

Human Rights Watch

<https://www.hrw.org/>

ILGA-Europe (European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association)

[http://old.ilga-](http://old.ilga-europe.org/home/issues/multiple_discrimination/resources_on_multiple_discrimination/)

[europe.org/home/issues/multiple\\_discrimination/resources\\_on\\_multiple\\_discrimination/](http://old.ilga-europe.org/home/issues/multiple_discrimination/resources_on_multiple_discrimination/)

OHCHR's Database on practical means to combat racism, racial discrimination, xenophobia and related intolerance UNITED NATION – HUMAN RIGHTS

<http://adsdatabase.ohchr.org/SitePages/Anti-discrimination%20database.aspx>

SALTO YOUTH - ROMA

[www.salto-youth.net/roma](http://www.salto-youth.net/roma)

ROMA YOUTH AND THE COUNCIL OF EUROPE

[http://www.coe.int/t/dg4/youth/Training/Roma/2013\\_FEB\\_Roma\\_Youth\\_and\\_Council\\_of\\_Europe\\_en.asp](http://www.coe.int/t/dg4/youth/Training/Roma/2013_FEB_Roma_Youth_and_Council_of_Europe_en.asp)

INTERNATIONAL ROMA YOUTH NETWORK

[www.ternype.eu](http://www.ternype.eu)

[www.romayouth.com](http://www.romayouth.com)

## Annexes

### Annexe 1. Research initiatives developed by equality institutions

| Country          | Equality Institution                               | Research initiatives  |
|------------------|--|---|
| Belgium          | Interfederal Centre for Equal Opportunities (Unia) | <ul style="list-style-type: none"> <li>▪ “The Use of Racial Anti-Discrimination in Belgium: A Gender Perspective”.</li> </ul>   |
| France           | Defender of Rights                                 | <ul style="list-style-type: none"> <li>▪ Perceptions of discrimination in employment covering gender and physical appearance.</li> <li>▪ The situation of women with disabilities in employment.</li> <li>▪ The experience of girls from minority ethnic groups in education.</li> <li>▪ Perceptions of discrimination in employment covering gender and racial or ethnic origin.</li> <li>▪ Promotion work in supporting good practice on intersectionality, with a focus on gender and sexual orientation.</li> </ul>   |
| Czech Republic   | Public Defender of Rights                          | <ul style="list-style-type: none"> <li>▪ Research on Roma children in schools.</li> <li>▪ Research on sterilisation of Roma women.</li> <li>▪ Research on older people with dementia.</li> </ul>  |
| Germany          | German Federal Anti-Discrimination Agency (FADA)   | <ul style="list-style-type: none"> <li>▪ Multidimensional discrimination – terms, theories and legal analysis.</li> <li>▪ Multidimensional discrimination – an empirical analysis using auto-biographical narrative interviews.</li> <li>▪ Experiences of Discrimination in Germany: Initial results of a representative survey of the people affected.</li> </ul>  |
| Ireland          | Irish Human Rights and Equality Commission (IHREC) | <ul style="list-style-type: none"> <li>▪ Rethinking Identity: The Challenge of Diversity. A composite study on the situation, experience and identity of a range of multiple identity groups.</li> <li>▪ Minority Ethnic People with Disabilities in Ireland. Situation, Identity, and Experience.</li> <li>▪ Analysis of Census 2006 data including a chapter on ‘Multiple Group Membership – Women, Men and Disability’.</li> <li>▪ Promotion work in supporting good practice on intersectionality, with a focus on gender and racial or ethnic.</li> </ul>  |
| Northern Ireland | Equality Commission for Northern Ireland           | <ul style="list-style-type: none"> <li>▪ Key Inequalities in Northern Ireland. Highlighted inequalities experienced by women due to their multiple identities.</li> <li>▪ Key Inequalities – Education Highlighted inequalities across a range of multiple identities, in particular gender, religion, and socio-economic status.</li> <li>▪ Inequalities in health and social care experienced by women with disabilities.</li> <li>▪ Women with Disabilities in Northern Ireland. Situation, Identity, and Experience.</li> <li>▪ A study on childcare provision with a focus on grounds of gender, racial or ethnic origin, and disability.</li> </ul> |
| Poland           | Office of the Commissioner for Human Rights        | <ul style="list-style-type: none"> <li>▪ Preventing Violence against Women, especially older women and women with disabilities – Analysis and Recommendations.</li> </ul>   |

Source: Crowley, N. (2016). *Innovating at the Intersections. Equality Bodies tackling Intersectional Discrimination*, EQUINET: 34.

## Annexe 2. Multiple discrimination in national legislation

| Country                               | Law   | Description   | Reference   |
|---------------------------------------|---|---|---|
| Austria                               | Federal Equal Treatment Act   | Para. 19a and Equal Treatment Act, Paras. 12/13, 26/13, and 51/10.<br>Multiple discrimination must be considered when assessing the amount of immaterial damages.<br>The explanatory notes further clarify that cases of discrimination based on multiple grounds need to be assessed in an overall view and that the claims cannot be separated or cumulated by grounds. | Chopin and Germaine (2016)  |
| Bulgaria                              | Law on Protection against Discrimination 2<br>General Act on Equal Treatment 004                | Article 11<br>(2) The bodies of state power, the public bodies and the local self-governance bodies shall take with priority measures as referred to in Article 7, paragraph 1, points 13 and 15 to equalise the opportunities of persons, victims of multiple discrimination.  | OHCHR's Database (United Nation – Human Rights)<br>Chopin and Germaine (2016) |
| Croatia                               | Anti-discrimination Act   | The four severe forms of discrimination are multiple, repeated, continued and discrimination whose consequences are particularly harmful for the victim (Article 6).  | Chopin and Germaine (2016)  |
| Former Yugoslav Republic of Macedonia | Anti-discrimination Law   | Article 12<br>Multiple discrimination, which is defined as discrimination on several discrimination grounds, constitutes a severe form of discrimination.   | Chopin and Germaine (2016)  |
| Germany                               | General Act on Equal Treatment  | Section 4 provides that any unequal treatment on the basis of several prohibited grounds has to be justified with regard to each of those grounds. In addition, Section 27(5) states that in cases of multiple discrimination the Federal Anti-discrimination Agency and the competent agents of the federal Government and the Parliament must co-operate.               | Chopin and Germaine (2016)  |
| Greece                                | Act 3996/2011 concerning the general reform of the Labour Inspectorate adopted on 5 August 2011 | Article 2(1): 'The labour inspectorate supervises the implementation of the principle of equal treatment irrespective of racial or ethnic origin, religion or other beliefs, disability, age or sexual orientation, taking into consideration instances of multiple discrimination in accordance with Article 19 of Act 3304/2005'.                                       | Chopin and Germaine (2016)  |
| Liechtenstein                         | Act on Equality of People with Disabilities   | Article 23 provides that multiple discrimination must be taken into account when deciding on the compensation for immaterial damages.   | Chopin and Germaine (2016)  |
| Montenegro                            | Law on Prohibition of Discrimination (2010)   | Article 20<br>Grave form of discrimination, on any ground referred to in Article 2, paragraph 2 of this Law shall be deemed to be discrimination:<br>1) committed against the same person or the group of persons on multiple grounds referred to in the Article 2, paragraph 2 of this Law (multiple discrimination).  | OHCHR's Database (United Nation – Human Rights)<br>Chopin and Germaine (2016) |
| Romania                               | Anti-discrimination Law   | Article 2(6): 'Any distinction, exclusion, restriction or preference based on two or more of the criteria foreseen in para. 1 shall constitute an aggravating circumstance in establishing responsibility for a minor offence, unless one or more of its components is not subject to criminal law'.  | Chopin and Germaine (2016)  |

| Country        | Law   | Description  | Reference  |
|----------------|---|--|--|
| Serbia         | The Law on The Prohibition of Discrimination (2010) | The following shall be considered to constitute severe forms of discrimination:<br>5. discrimination against individuals on the basis of two or more personal characteristics (multiple or intersecting discrimination).   | OHCHR's Database (United Nation – Human Rights) Chopin and Germaine (2016) |
| Slovenia       | Protection against Discrimination Act               | Articles 12, indent 1, 39(3), 45(2).<br>Multiple discrimination is considered to be a severe form of discrimination, which is relevant for determining the amount of compensation or in determining the amount of the fine for misdemeanour.   | Chopin and Germaine (2016)   |
| United Kingdom | Equality Act (2010)                                 | Section 14 Combined discrimination: dual characteristics:<br>(1) A person (A) discriminates against another (B) if, because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics.<br>(2) The relevant protected characteristics are—<br>(a) age;<br>(b) disability;<br>(c) gender reassignment;<br>(d) race religion or belief;<br>(f) sex;<br>(g) sexual orientation.<br>(3) For the purposes of establishing a contravention of this Act by virtue of subsection (1), B need not show that A's treatment of B is direct discrimination because of each of the characteristics in the combination (taken separately).<br>(4) But B cannot establish a contravention of this Act by virtue of subsection (1) if, in reliance on another provision of this Act or any other enactment, A shows that A's treatment of B is not direct discrimination because of either or both of the characteristics in the combination.<br>(5) Subsection (1) does not apply to a combination of characteristics that includes disability in circumstances where, if a claim of direct discrimination because of disability were to be brought, it would come within section 116 (special educational needs).<br>(6) A Minister of the Crown may by order amend this section so as to—<br>(a) make further provision about circumstances in which B can, or in which B cannot, establish a contravention of this Act by virtue of subsection (1);<br>(b) specify other circumstances in which subsection (1) does not apply.<br>(7) The references to direct discrimination are to a contravention of this Act by virtue of section 13. | OHCHR's Database (United Nation – Human Rights) Chopin and Germaine (2016) |



### Annexe 3. Anti-discrimination policy plans that take the intersection of grounds into account

| Country | Policy plan   | Reference                                       |
|---------|---|---|
| Hungary | <p><i>National Social Inclusion Strategy – Extreme Poverty, Child Poverty, The Roma – (2011–2020)</i></p> <p>3.2.4. Roma women may be regarded as a social group affected by multiple discrimination for socio-cultural reasons; at the same time, by virtue of their role played in the traditional family structure, they may constitute a priority target group of programmes targeting families.</p> <p>3.3. Situation of children</p> <p>Improving the situation of disadvantaged children and children with multiple disadvantages, including Roma children, and preventing the inheritance of poverty are key to social inclusion.</p>   | OHCHR's Database (United Nation – Human Rights) |
| Ireland | <p><i>National Action Plan Against Racism in Ireland (NPAR)</i></p> <p>The intersection between gender and racism and multiple or aggravated forms of discrimination are also highlighted in the Programme of Action texts.</p> <p>Multiple forms of discrimination; young people and the girl child and trafficking.</p>   | OHCHR's Database (United Nation – Human Rights) |
| Finland | <p><i>The Proposal of the Working Group for A National Policy on Roma (2009)</i></p> <p>4.5.1.3 Intervening in the multiple discrimination experienced by the Roma population as well as the internal discrimination within the group</p> <p>In the future, the multiple discrimination faced by the Roma population in various spheres of life should be identified better than today among authorities, the Roma population itself, and other bodies representing groups in danger of being discriminated against. The discrimination experienced by Roma women in working life should be prevented through joint action between the various operators in working life, the authorities, and bodies representing the Roma population. Gender equality among the Roma population should be enhanced in cooperation with equality authorities and women's and men's organisations. The equal treatment of Roma boys and girls in early childhood education and care, basic education and leisure activities must be ensured. Roma pupils should be taken into account in the development of measures against school bullying. In services for the elderly, the personnel should be made aware of the fact that the Roma population is entitled to exactly the same services as the rest of the population, and that due to their background, they may have special needs that the service providers need to address. Special consideration should also be given to the realisation of the rights of persons with disabilities with a Romani background and the accessibility of services.</p> <p>The various minorities within the Roma community, such as persons with disabilities, representatives of sexual and gender minorities, and various moral, ethical and religious groups, should be seen as representatives of the multiplicity of the Roma population. The work of Roma organisations and the National and Regional Advisory Boards on Romani Affairs in the enhancement of the acceptance of multiplicity within the Roma population should be developed further, with due consideration to all the illegal grounds for discrimination, such as gender, religion or moral conviction, age, disability, and sexual orientation.</p> <p>Target area</p> <p>Intervening in the multiple discrimination experienced by the Roma population as well as the internal discrimination within the group.</p> | OHCHR's Database (United Nation – Human Rights) |

| Country          | Policy plan  | Reference                                       |
|------------------|--|---|
|                  | <p>Action</p> <p>Enhancing action for stopping or preventing multiple discrimination; raising the awareness of the Roma population of multiple discrimination and the legislation relating to it.</p> <p>Development of Roma organisations' resources, expertise and attitudinal work for the acceptance of multiplicity among the Roma population.</p>  |   |
| Northern Ireland | <p><i>A Racial Equality Strategy for Northern Ireland (2005-2010)</i></p> <p>Multiple identities and multiple discrimination and disadvantage</p> <p>1.22 We recognise that people's identities are complex and that an individual's identity may be made up of several factors such as gender, age, religion, disability, ethnicity and sexual orientation. We acknowledge that some people may, therefore, face multiple discrimination.</p> <p>1.23 We recognise the need to address issues of multiple identity and multiple discrimination. We need to maintain clear linkages between the racial equality strategy and other anti-discrimination policies and strategies as they are implemented. We will ensure effective links between the implementation of this strategy and other policies and strategies to tackle inequalities. Specific attention will be paid to the multiple identities, multiple discrimination and inequalities experienced by minority ethnic people in the development, implementation and monitoring of the Action Plans. We will include where appropriate the development of specific actions, shared actions with other strategies and the development of associated performance indicators. An important strand will be to collect disaggregated data to enable the measurement of the impact of actions on multiple discrimination and disadvantage.</p> | OHCHR's Database (United Nation – Human Rights) |
| Portugal         | <p><i>National Strategy for the Integration of Roma Communities (2012)</i></p> <p>1.5. Key theme – Gender equality</p> <p>Socio-economic and gender studies have shown that women belonging to ethnic minorities are the most vulnerable to multiple discrimination which is a factor in social exclusion.</p> <p>Ethnic minorities (and the Roma population in particular) are not only potential targets for cultural/racial discrimination but also tend to experience difficulties in accessing a series of basic social systems (education, employment, housing, health, social protection etc.), which are essential preconditions for the implementation of social inclusion processes and active citizenship.</p> <p>As well as being more vulnerable to poverty and social exclusion, Roma women experience forms of gender inequality shared with non-Roma women.</p>  | OHCHR's Database (United Nation – Human Rights) |
| Portugal         | <p><i>II Plan for the Integration of Immigrants</i></p> <p>Concrete actions are being taken to promote entrepreneurship or combat gender-based violence among female immigrants</p>  | Alonso (2012)                                   |
| Scotland         | <p><i>Race Equality Scheme 2008-2011</i></p> <p>Developing the Information Base</p> <p>6.36 Data Comparing Social Groups - if we are to address inequality effectively, we need to understand more about issues of multiple discrimination and the complex inter-linkages between ethnicity and other equalities strands such as gender, age and disability. There are often considerable methodological difficulties involved in producing data on multiple discrimination, particularly in relation to ethnicity, because of small sample sizes. However, where feasible, we will undertake to disaggregate and analyse data which combines ethnicity and other equality strands. For example, the Gender Audit of Statistics includes</p>   | OHCHR's Database (United Nation – Human Rights) |

| Country  | Policy plan  | Reference                                       |
|----------|--|---|
|          | <p>analysis of data on gender and ethnicity, where such data is available.</p> <p>COMMUNITIES ASD</p> <p>6.80 The national outcome of ‘We have tackled the significant inequalities in Scottish society’ is a main outcome for CAS and through our planned research work on Muslim women in Scotland, Muslim experiences of religious intolerance and multiple and complex needs and our statistical work on ethnicity classification and measurement framework development, we will continue to provide valuable evidence to assist the Scottish Government to tackle inequalities in Scottish society in relation to race (along with other equality groups).</p> <p>HEALTH ASD</p> <p>6.161 Health Analytical Services know that if we are to address inequality effectively, we need to understand issues of multiple discrimination and the complex inter-linkages between race and other equalities strands: age, disability, sexual orientation, gender, level of deprivation and religion/belief.</p> <p>PROMOTING RACE EQUALITY</p> <p>Work to tackle inequality for people who face multiple discrimination, such as the Self Directed Support scheme; the All our Futures work to improve the lives of elderly minority ethnic people and consideration of minority ethnic issues in ‘The Same As You?’ Learning Disability Review.</p>   |   |
| Slovakia | <p><i>Slovak Roma Integration Strategies (2014-2020)</i></p> <p>[...] Its implementation requires careful account of the existing multiple discrimination of the Roma population, i.e. simultaneous effect of various causes for discrimination, where, aside from ethnicity, both gender and age are disadvantaging factors. These are the cases of multiple discrimination of Roma women, children and the elderly; but there are other possible reasons for discrimination as well.</p> <p>Within MRK (marginalised Roma communities) it is possible to also identify multiple discrimination affecting in particular women and girls. The status of women in MRK with a traditional model of family organisation, where the mother takes care of a large family and the household, low level of education of women and their low economic activity impact significantly not only their quality of lives, but also the quality of lives of their children, thus continuing the cycle of poverty. Empowering women and respecting their human rights (including reproduction rights) and equality constitutes one of the base attributes of human development; therefore, it is necessary to pay special attention to eliminating prejudices and inequality of women within MRK.</p> <p>1. Remove obstacles to more effective implementation of antidiscrimination legislation:<br/>focus on eliminating multiple discrimination of women and on bridging gender inequality both in private and public lives of MRK; support economic independence of Roma women through education on gender equality in collaboration with NGOs active in the field of gender equality.</p> | OHCHR's Database (United Nation – Human Rights) |
| Spain    | <p><i>National Roma Integration Strategy in Spain 2012 -2020</i></p> <p>The establishment of extraordinary measures for Roma women victims of multiple discrimination.</p>   | OHCHR's Database (United Nation – Human Rights) |
| Spain    | <p><i>The IVth Basque Positive action plan for Equality between men and women (2006-)</i></p> <p>Multiple axes of discrimination are not only mentioned, as the plan recommends measures such as data collection, cross-cutting reflection and targeted implementation measures, through an increase of available resources. Additionally, there is special attention for not producing stabilised categories through the addition of inequality axes, but mainstreaming the</p>   | (Bustelo and Forest, 2009)                      |

| Country | Policy plan  | Reference                                       |
|---------|--|---|
|         | attention for the interaction between different inequalities all along the priorities, objectives and proposed measures of the document.   |   |
| Spain   | <p><i>Catalonian Interdepartmental Plan for non discrimination of homosexual and transgender people.</i></p> <p>Designed with the participation of civil society, it has a clear inclusive perspective because it intends to carry out actions concerning not only non normative sexuality (Platero, 2007), but also gender, age, social exclusion, disability, victims of the dictatorship, HIV/AIDS, etc. Although it is mainly addressing “double discrimination”, especially when it comes to gender and sexuality, it addresses the need for public policies to act upon the diversity of sexual minorities.</p>  | (Bustelo and Forest, 2009)                      |
| Spain   | <p><i>Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and related Intolerance.</i> 2011</p> <p>The Strategy also aims to include and to specifically tackle the concept of multiple discrimination.</p> <p>The Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Intolerance must incorporate the multiple discrimination perspective in its planned action areas, with special emphasis on discrimination on the grounds of gender and religion or other beliefs.</p> <p>Drawing on a complex diagnosis of the situation of the targeted group in Andalusia, including references to age, rural/urban cleavage, educational background, employment and financial resources (section II.: 120-129), the plan does not make any reference to ethnicity, migrant status, nor sexual diversity. More specific attention is dedicated to the intersection between gender, disability and employment and gender-based violence.</p> | OHCHR's Database (United Nation – Human Rights) |

## Part III

### LEGISLATION AND GOOD PRACTICES AGAINST MULTIPLE DISCRIMINATION

This chapter focuses on legislation concerning multiple discrimination and highlights good practices in Greece and other European countries. Some of these best practices have been selected because they directly and innovatively target Multiple Discrimination. Others have been selected because they undertake a conscious horizontal approach to combating discrimination. In order to evaluate the incorporation and application of European anti-discrimination legislation across individual European states and in order to foster a comparative analysis with Greece, eight countries with different characteristics were selected. Selection was performed based on Esping-Andersen welfare state models, also taking into account geographical criteria for the presentation of states belonging to the same model. Based on a series of multidimensional criteria incorporating funding, objectives, universality of protection system, type of services offered and their relations to the market, Esping-Andersen distinguishes three welfare state models: the liberal-Anglo-Saxon model, where the basic criterion for social rights is need; the central-European state-corporatist, where rights distribution is categorical, i.e. according to employment integration and insurance; and the social democratic-Scandinavian, which acknowledges rights to all citizens, regardless of needs or occupational efficiency. In these three models two more can be added: a) the Latin rim model that represents the states of Southern Europe and b) the model that is referred to the Eastern European countries (ex-communist countries). United Kingdom is selected to represent the first model, Germany, France and Netherlands represent the second model that seems to be the dominant in the European Union, Sweden represents the third, Italy and Spain are characteristic examples of the Latin rim model and as Southern European countries having a lot in common with Greece, while Poland has been selected representing the model of ex-communist states of Eastern Europe.

#### **1. Legislation and Good practices on multiple discrimination in Greece**

##### **2.1 Legislation**

In Greece prohibition of multiple discrimination was not included in the general Antidiscrimination Law 3304/2005. However, on 5 August 2011, Law 3996/2011<sup>9</sup> concerning a general reform of the Labour Inspectorate and other provisions on social

---

<sup>9</sup>Greece, Law 3996/2011 on the reform of the Labour Inspectorate Body, social security issues and other provisions, (OJ 170 A/13.08.2011).

insurance was passed in the Greek Parliament. This new legislation describes thoroughly the competence and the mission of this body as an auditor in the field of the protection of workers' and employees' rights. This is the first time a legislative instrument explicitly refers to multiple discrimination, as well as to discrimination concerning people living with HIV/AIDS (as a special category of disabled people). Namely, Law 3996/2011 'on the reform of the Labour Inspectorate', in Article 2(1) (h), states clearly that: '... [the Labour Inspectorate] supervises the implementation of the principle of equal treatment irrespective of racial or ethnic origin, religion or other beliefs, disability, age or sexual orientation, taking into consideration instances of multiple discrimination in accordance with Article 19 of Law 3304/2005 [...].'

On 2 December 2016, the Greek Parliament voted Law 4443/2016 with the title: "*Transposition of Directive 43/2000/EC on the application of equal treatment principle irrespective of race and ethnic origin, and transposition of Directive 78/2000/EC on the configuration of the general framework of equal treatment in employment and work*", which replaced the main Greek anti-discrimination legislation (Law 3304/2005)<sup>10</sup>. The new provisions introduce new protected grounds such as chronic illness, descent, family or social status and gender identity or characteristics. Especially, the introduction of the ground of family status in the field of discrimination in workplaces is regarded as an expansion of the rights of same-sex couples who have signed a civil partnership. Moreover, certain definitions, which were not provided in the previous law 3304/2005, have been added. Thus, Article 2 considers "discrimination by association" the less favorable treatment of a person due to his/her close association to a person or persons who bare certain characteristics connected to the aforementioned grounds of discrimination.

"Discrimination based on perception" is the less favorable treatment of a person who is perceived to have certain characteristics linked to the aforementioned grounds of discrimination. The "denial of reasonable accommodation" for people with disabilities or chronic illness has finally been recognized as a form of discrimination, and "reasonable accommodation" is defined as the necessary and appropriate modifications, provisions and measures, which should be adopted so as to ensure the equal treatment for people with disabilities or chronic illness, under the condition that none of these measures create an excessive or unjustified burden for the employer but it is not specified whether these are individual measures or measures of a more general character. Finally, "multiple discrimination" is the discrimination, exclusion or restriction of a person based on multiple grounds of discrimination. As for the promotion of the principle of equal treatment, Article 12 clearly stipulates that during the drafting and application of legislative, regulatory and administrative orders or acts,

---

<sup>10</sup>[http://www.parliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law\\_id=246e2286-a8e1-4283-95c0-a6b901169a95](http://www.parliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=246e2286-a8e1-4283-95c0-a6b901169a95).

policies and actions in the areas covered by the present law, equal treatment shall be given due consideration.

The most important feature of the new provisions is the unification of separate jurisdictions –private and public- under one equality body, the Ombudsman. Therefore, the Committee for Equal Treatment will no longer have jurisdiction over discrimination in the private sector and will, thus, be abolished. Under article 12, the Ombudsman will be tasked with the monitoring and promotion of equal treatment not only for the public sector, but the private as well. At the same time, 10 more staff positions will be created so as to hire permanent Legal Officers or Legal Officers with open-ended private law contracts<sup>11</sup>. The General Secretariat for Transparency and Human Rights of the Ministry of Justice, within the framework of its jurisdiction for the protection of human rights and combatting all forms of discrimination, will be competent for the promotion of equal treatment. The Social Protection Directorate of the Ministry of Labour will, *inter alia*, monitor the application of anti-discrimination policies in the field of labour and employment, inform employees and employers on issues related to discrimination in the field of employment and raise awareness, and will scientifically support the Labour Inspectorate Body, which will continue to exist but will no longer exercise equality body functions.

In fact, Article 16 requires the cooperation amongst all of the aforementioned authorities, as well as with the Economic and Social Committee, the higher union organisations in the private and public sector, the National Social Solidarity Center, the National Center for Social Research, the Centre for Equality Research, the Centre for Disease Control and Prevention, the Central Union of Greek Municipalities, as well as with civil society organisations with expertise on anti-discrimination. Regarding awareness raising and dissemination of information, Article 17 stipulates that the employers, as well as those in charge of vocational training, shall ensure the application of anti-discrimination provisions and provide the equality body with all the necessary information for the promotion of equal treatment, as per their mandate. The union organisations shall inform their members of the content of anti-discrimination provisions, as well as the measures that are carried out for the application and promotion of equal treatment.

In Greece there is no case law dealing with multiple discrimination. Moreover, there is no information available from the equality bodies regarding their jurisprudence in 2016 to assist in assessing the way they are tackling intersectional discrimination<sup>12</sup> or

---

<sup>11</sup>European network of legal experts in gender equality and non-discrimination : Greece, Introduction of new anti-discrimination legislation in Greece p.2

<sup>12</sup>Intersectional discrimination refers to discrimination on more than one ground, where the influence of those grounds cannot be disentangled. For more information: Schiek, D. and Lawson, A. (2013), Introduction, in Schiek, D. and Lawson, A. (Eds.), European Union Discrimination Law and Intersectionality, Ashgate Publications, pp.1-10, at p. 3.

discrimination on multiple grounds. The National Commission of Human Rights (NCHR) has repeatedly highlighted<sup>13</sup> that Law 3304/2005 does not include the prohibition of multiple discrimination, noting the need to amend it. With regard specifically to the right of older people, the NCHR notes that the prohibition of multiple discrimination is particularly important. According to the NCHR, older people are often victims of discrimination not only because of their age but also because of their gender, ethnic origin, sexual orientation, nationality, religion or disability. For instance, in some cases indirect gender discrimination and multiple indirect discrimination on the grounds of gender and age are very possible, as in the example that most pension beneficiaries under 55 years of age are women who have retired with fewer years of service, due to the fact that they had minor children, which is also noted by the ILO<sup>14</sup> as being a situation of indirect discrimination<sup>15</sup>.

## 2.2. Best Practices

### 2.2.1 Coco Mat<sup>16</sup>

Coco Mat is a company manufacturing sleep products exclusively from natural materials. It is a recognized leader in natural sleep products in Europe, with a network of stores across the EU, as well as in the USA, Saudi Arabia, and Canada.

*Practice description:* Coco Mat is committed to equal opportunities for all. Its staff comprises people of thirteen different nationalities and nine religions, as well as people with disabilities. Among its foreign employees are refugees from Eastern European Countries, like Russia.

*Outcomes:*

- Refugees and people with disabilities make for 54% and 12% of Coco Mat's staff respectively.
- Coco Mat has won an impressive number of awards for its policies, like the "European Corporate Responsibility Award (2009), the "Corporate Social Responsibility Award for HR/Equal Opportunities" by the Greek Advertisers' Association (2010), the "Entrepreneurial Excellence Award" of the Ministry of

---

<sup>13</sup>GNCHR, Decision on the rights of Older Persons, 20.11.2014, available in Greek at: [http://www.nchr.gr/images/pdf/apofaseis/Hlikiomena\\_atoma/EEDA\\_Ilikiomena\\_atoma.pdf](http://www.nchr.gr/images/pdf/apofaseis/Hlikiomena_atoma/EEDA_Ilikiomena_atoma.pdf), last accessed on 20.1.2017

<sup>14</sup>ILO, Report on the High Level Mission to Greece (Athens, 19-23 September 2011)

<sup>15</sup>European network of legal experts in gender equality and non-discrimination, Country report Non-discrimination Greece p.34

<sup>16</sup> See <http://www.coco-mat.com/web/en/node>

Development of Greece (2007), the “Human Resource Prize” of KPMG (2006) and many more<sup>17</sup>.

*Impact:*

Coco Mat’s human resources policy could be used as model for other companies in Greece, since the country lacks a culture of diversity integration in the workplace. Coco Mat’s policy could be used as a tool for:

- Governmental policy planning (as a best practice integrating the Principle of Non-Discrimination which could be applied in public services);
- Developing corporate policies for the integration of diversity;
- Campaigns of people with disabilities and immigrants/ refugees organizations on the benefits of vulnerable social groups’ employment.

### **2.2.2. Immigrants Agro-jobs**

Practice description: The action’s objective was to promote the conditions of social and economic integration of female economic migrants, who face additional barriers to their access to the labour market particularly when it comes to non-traditional occupations (care of the elderly, young children, housework, etc.). Through training, female economic migrants gained knowledge and skills that will help them improve their employability.

Outcomes: After finishing their training, three of them were hired on a 10-month, full-time contract at the Women’s Agricultural Cooperative “TO KASTRI”. This program benefited both the participants and the Cooperative’s members. On the one hand, the enterprise gained employers who successfully carried out their jobs, while on the other hand these women gained valuable work experience in catering services, which will aid their integration to the local community.

The employment of members of the target-group as Counsellors was identified as a best practice of this project, because it promotes socially vulnerable groups’ active participation. It was highlighted that Counsellors offering information and support services to immigrants living and working in the agricultural space, are immigrants themselves who were trained, selected following a specific procedure, and now work under the supervision of the organizations’ Coordinator-Consultant. In this case, "informal" group leaders were utilized, and also acted as Ombudsmen, both to attract and to engage beneficiaries. The Counsellor-Ombudsman intervenes in the level of attitudes and mentality, as it is necessary to enhance his/her fellow-compatriots’

---

<sup>17</sup> For more information visit: <http://www.coco-mat.com/web/en/awards>

assertiveness and remove any suspicions towards the institutions and services of the Greek state.

*Impact:* Contact between the members of the Women's Cooperative and the immigrant women who took part in this project contributed in:

- The mutual understanding that both sides, although of different nationalities, share the same concerns, the same problems, but also the same joys, as women and as mothers.
- Reducing racist prejudice.
- In highlighting immigrant women employment in the Cooperative as a best practice of economic and social integration.

Furthermore, women immigrants who live in rural areas could potentially constitute the new members of Women's Cooperatives, which could reverse the declining number of cooperatives' members, due to the gradual abandonment of rural areas by young Greek women.

### **2.2.3. Empeiria**

*Practice description:* The project's aim was to identify innovative practices and to design and propose relevant legislative measures which would add to an integrated management of *active ageing*, i.e. supporting and maintaining the employability of the active older population in Greece, through the engagement of the most representative social partners and the activation of social dialogue processes.

*Outcomes:*

- Flyers were designed and distributed to Greek employers, human resources managers and production managers of big corporations. The flyers presented some of the most common myths and stereotypes about older workers.
- Enterprises of all three economy sectors were offered training on active ageing management and promotion.

*Impact:* The main impact of the program was that for the first time in Greece a comprehensive approach to the issue of aging was developed throughout all sectors of the economy. Another important achievement was that for the first time in Greece, employer organizations and trade unions sat down together at the table of discussions and committed themselves to an open social dialogue on the important issue of active ageing. It should be noted that the General Confederation of Greek Workers (INE / GSEE) and the General Confederation of Professionals, Craftsmen and Merchants (GSEVEE) were among the partners. Finally, a central "observatory" concerned with issues related to active ageing was set up in Athens, supported by a nationwide network

that provides coverage for all regions. The great advantage of both the observatory and its network is that all information and products developed can be easily accessed and disseminated across Greece. The observatory is still active today, and operates under the auspices of the Economic and Social Council of Greece.

#### **2.2.4. Good Practice related to transgender people in Greece "Person of the Year 2007"**

This good practice is about awarding the 'person of the year 2007' to a transsexual in the context of the EU European Year for Equal Opportunities for All 2007.

The title concerns raising awareness about persons from all EU Member States which have been victims of discrimination and are fighting for equal opportunities for all.

The 'Person of the Year' gives them an opportunity to exchange experiences and stories that clearly demonstrate the need for anti-discrimination measures at all levels - local, regional, national and international.

For Greece, one of the two persons chosen was Ms Betty Vakalidou, a transsexual businesswoman and writer, who had been prostituting herself. Some snapshots from the life of Betty Vakalidou constitute a wakeup call on discrimination, homophobia and transphobia in Greece.

This award is one of a number of steps being taken in Greece in recent years which aims to sensitize society about the discrimination that transsexual face.

#### **2.2.5. Acceptance of the equitable integration into the Fire Brigade Academy of persons who acquired Greek citizenship through naturalization**

The Council of State, the Supreme Administrative Court of Greece, found the inclusion of a provision in a Draft Presidential Decree unlawful, since it does not allow citizens who have acquired Greek citizenship through naturalization to be enrolled to the Warrant Officers' School of the Fire Brigade Academy, unless a year had passed since the acquisition of citizenship, and therefore it violates the Article 4, par. 1 of the Greek Constitution which stipulates that all Greek citizens are equal before the law.

The Draft Presidential Decree had been submitted by the government to the Council of State for a preliminary legal examination of the qualifications, conditions and the procedure for enrolling to the Officers' School of the Fire Brigade Academy for graduates of Higher Education and Technological Institutes, after partaking in the qualifying exams.

The competent Department E' of the Council of State, through its opinion with no. 205/2016, held that the Draft Presidential Decree was partly unlawful and ordered the removal of the relevant provision.

The Council of State notes in its opinion, among others, that with the acquisition of Greek citizenship a new legal situation is created for the person acquiring citizenship (which is fully equated with the Greek nationality of those who acquire it through their origin), who thus enjoys all the rights and bears all the obligations which come with the legal status of a Greek citizen.

In view of this, the above arrangement, which required candidates applying for a position at that School to have obtained citizenship through naturalization at least one year prior to their enrolment, contained an unlawful criterion and should thus be deleted<sup>18</sup>.

The main point of interest regarding the specific court decision consists in the fact that the Council of State clarifies that persons with a Greek citizenship cannot be treated in unequal way if some of them are of non-Greek origin and have acquired citizenship through naturalization.<sup>19</sup> The ground of discrimination is race/ethnic origin.

### **3. Legislation on multiple discrimination and Good Practices in Europe**

#### **3.1. United Kingdom**

In the UK prohibition of multiple discrimination is included in the law, though judicial interpretation is required. The legal framework until recently was able to engage with cases of ordinary/additive multiple discrimination and only during last seven years there has been concern for intersectional multiple discrimination. In the experience of intersectional multiple discrimination, discrimination occurs on more than one ground simultaneously, the different characteristics, interacting and operating in combination. This form of multiple discrimination tends to be associated with stereotypical attitudes and prejudice, myths and stigma and assumptions of inferiority towards people with a combination of identities (Hudson, 2012: 4) Lewis provides the example of older female television presenters being dismissed when younger presenters and older male presenters are not (Lewis, 2010:8).

Legal redress for the social experience of unfair intersectional multiple discrimination within British workplaces was moved a step closer to in the Equality Act 2010. The Act signaled that people may feel treated less favourably on more than one equality ground simultaneously and that there 'may' be a new provision for intersectional multiple discrimination. While additive discrimination would continue to be recognised by single discrimination claims, clause 15 of the Equality Act 2010 allows for discrimination claims involving *two* simultaneously operating (thus 'intersectional') social characteristics to be brought to Employment Tribunal. Express provision is made only in

---

<sup>18</sup><http://www.protothema.gr/greece/article/622605/aneu-oron-prosvasi-stis-stratiotikes-sholes-kai-giatous-politografithedes-ellines/>

<sup>19</sup> European network of legal experts in gender equality and non-discrimination,

the Equality Act<sup>20</sup> in 2010 which provides for the recognition of “dual discrimination” in cases (involving direct discrimination alone) where “because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics”. However, this provision has not come into force.<sup>21</sup>

There is, however, some recognition of multiple discrimination in the case law. In *Ministry of Defence v DeBiquethe* Employment Appeal Tribunal (EAT) upheld a tribunal decision that the claimant, a single mother who had originally been recruited to the British Army from St Vincent and the Grenadines, had been subject to indirect discrimination on grounds of her combined sex and race (which meant that she was particularly disadvantaged by a requirement to be available for work 24 hours a day 7 days a week).<sup>22</sup> The EAT ruled that “the nature of discrimination is such that it cannot always be sensibly compartmentalised into discrete categories. Whilst some complainants will raise issues relating to only one or other of the prohibited grounds, attempts to view others as raising only one form of discrimination for consideration will result in an inadequate understanding and assessment of the complainant’s true disadvantage.” In *Hewage v Grampian Health Board* the Supreme Court accepted that a tribunal had been entitled to find that the claimant had been discriminated against on grounds of sex and race. The Supreme Court did not take issue with the fact that the claimant argued both race and sex discrimination, and that the tribunal did not identify separate facts to support findings of race discrimination and sex discrimination.<sup>23</sup> There is no record of the combined nature of the discrimination having any impact on the level of the EUR 18 333 (£15 000) damages awarded to the claimant in *Ministry of Defence v DeBiquein* respect of injury to her feelings.<sup>24</sup>

Another case of multiple discrimination concerning the grounds race/ ethnic origin and age in the field of employment is the case *Essop and others v Home Office (UK Border Agency)*. The case was brought by civil servants who had failed a generic “Core Skills Assessment” (“CSA”) test which all civil servants were required to pass in order to become eligible for promotion. The CSA bore no correlation to the post for which a

---

<sup>20</sup>The Equality Act 2010 (EqA): adopted 8 April 2010; entry into force 1 October 2010; latest amendments 25 April 2013 (by the Enterprise and Regulatory Reform Act 2013); grounds covered: sex (incl. gender reassignment, married/ civilly partnered status/ pregnancy), colour, nationality (including citizenship), ethnic origins, national origins, disability, sexual orientation, religion or belief, age;

<sup>21</sup> European Commission, Country report Non-discrimination United Kingdom, Lucy Vickers Based on the 2015 report written by Aileen McColgan, p.35

<sup>22</sup>Employment Appeal Tribunal [2010] IRLR 471 12 October 2009 available at [http://www.bailii.org/uk/cases/UKCAT/2009/0048\\_09\\_1210.html](http://www.bailii.org/uk/cases/UKCAT/2009/0048_09_1210.html) accessed 1 June 2016.

<sup>23</sup>Supreme Court [2012] UKSC 37, [2012] IRLR 870, [2012] EqLR 884 25 July 2012 [https://www.supremecourt.uk/decided-cases/docs/UKSC\\_2011\\_0050\\_Judgment.pdf](https://www.supremecourt.uk/decided-cases/docs/UKSC_2011_0050_Judgment.pdf), accessed 19 March 2015.

<sup>24</sup>Employment Appeal Tribunal *Debique v Ministry of Defence (No.2)* 15 September 2011, UKCAT/0075/11/SM [http://www.bailii.org/uk/cases/UKCAT/2011/0075\\_11\\_1509.html](http://www.bailii.org/uk/cases/UKCAT/2011/0075_11_1509.html), accessed 8 April 2016.

candidate intended to apply (and in respect of which a candidate who had passed the CSA would have to pass a second, job-specific test). The evidence was that the success rate of Black and Minority Ethnic (BME) candidates was 40.3% that of white candidates and that of candidates aged 35 or over was 37.4% that of younger candidates. The Court of Appeal had ruled that it was insufficient for the claimants to establish a statistical disparity in success rates in the CSA in order to bring a prima facie claim of age and race discrimination. Rather, they would have to point to the reason why the CSA had disadvantaged them as BME and older candidates. The case was appealed to the Supreme Court<sup>25</sup>. The Supreme Court overruled the Court of Appeal<sup>26</sup>. It reinstated the position that it is not necessary to establish the reason for the particular disadvantage caused to the claimant. It is sufficient to show that a provision, criterion or practice causes the disadvantage suffered by the group and the individual claimant. It remained open to the respondent to justify the requirement to pass the skills assessment. The claims were remitted to be determined by the Employment Tribunal in accordance with the judgment.

### **Best practice: Kirkintilloch High School – Respect the Difference**

This is a program run by Learning and Teaching Scotland (LTS), which is a non-departmental public body, funded by the Scottish Government, which takes part in all major developments in Scottish education<sup>27</sup>.

On their webpage one can find information about the challenges the Scottish school system faces in the areas of discrimination and secularism, examples on projects they run in order to combat these issues, and suggested resources and tools to be used.

The main aim with this specific program is to promote respect, diversity and the acceptance of others, by integrating the lessons of sectarianism in other societies into the school curriculum with the main focus on religious prejudice and the Holocaust, and various social events. Examples of anti-sectarian education is the teaching of the causes and consequences of the Holocaust in history, the study of the causes and consequences of ethnic cleansing in the 21<sup>st</sup> century in modern studies. Upper school classes study Hotel Rwanda, studying the consequences and context of the massacres and producing functional writing.

Other activities includes the school celebration of the Chinese New Year, and the planning of a “French market square” involving the Modern Languages Department developing learner’s languages and entrepreneurial skills and challenging sectarianism by inviting French speaking Rangers and Celtic players to participate in the events.<sup>28</sup>

---

<sup>25</sup>European network of legal experts in gender equality and non-discrimination, Indirect discrimination; Essop and others v Home Office (UK Border Agency), 14 April 2017, <http://www.equalitylaw.eu/downloads/4067-united-kingdom-indirect-discrimination-essop-and-others-v-home-office-uk-border-agency-pdf-34-kb>, accessed 8 May 2017

<sup>26</sup>[2015] EWCA Civ 609 22 June 2015 <http://www.bailii.org/ew/cases/EWCA/Civ/2015/609.html> accessed 5 April 2017.

<sup>27</sup> Institute for Menneskerettigheder, Best Practice Catalogue for anti-discrimination education, p.2

<sup>28</sup><http://www.ltsotland.org.uk>

### 3.2. Germany

In Germany prohibition of multiple discrimination is included in the law. Section 4 of the General Act on Equal Treatment<sup>29</sup> (AGG) provides that any unequal treatment on the basis of multiple prohibited grounds must be justified for each of these grounds. It has not been clarified how the norm applies to cases of intersectionality. Section 27.5 AGG states that, in cases of multiple discrimination, the Federal Anti-Discrimination Agency<sup>30</sup> and the competent agents of the Federal government and the German Bundestag are obliged to cooperate. The rules in place (within their general limits) would allow such cases to be dealt with.

Moreover on 1 December, the German Bundestag and on 16 December the German Bundesrat passed Law on the improvement of inclusion and self-determination of persons with disabilities. The law aims at implementing the demand of the Convention on the Rights of Persons with Disabilities to provide for effective inclusion of persons with disabilities in society. Art. 1 of the Convention states in this respect that persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. The legislation aims at diminishing the effects of such barriers and thus to prevent discrimination on the ground of disability.<sup>31</sup> The law forms a significant step to improve the inclusion of disabled persons in Germany. It has been criticised, however, for not going far enough, e.g. because the system of personal allowances has not been abolished or because more people than foreseen in the act should be entitled to financial support.

So far, case law on multiple discrimination is very limited. Two expert reports, commissioned by the Federal Anti-Discrimination Agency, were published in early 2011<sup>32</sup>. They concern the conceptual framing and legal handling of “multidimensional discrimination”, as well as an empirical study on this phenomenon. Due to the method applied by the latter (a focus on qualitative analysis), a generalization of the results would appear to be difficult. However, it was found that a very high percentage of the individuals selected by the researchers due to their experience of social injustice based on one ground also suffered from a similar experience on another ground (181 out of 290). This was particularly true of the ground of sex (as the second ground)<sup>33</sup>. An online

---

<sup>29</sup> General Act on Equal Treatment (Allgemeines Gleichbehandlungsrecht)

<sup>30</sup> (Antidiskriminierungsstelle des Bundes, ADS)

<sup>31</sup> <http://www.equalitylaw.eu/downloads/4009-germany-law-on-inclusion-of-persons-with-disabilities-pdf-134->

<sup>32</sup> European Commission, 2016, Country report Non-discrimination Germany, Matthias Mahlmann p.2

<sup>33</sup> cf.: S. Baer, Mehrdimensionale Diskriminierung – Begriffe, Theorien und juristische Analyse: [http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Expertisen/Expertise\\_Mehrdimensionale\\_Diskriminierung\\_jur\\_Analyse.html](http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Expertisen/Expertise_Mehrdimensionale_Diskriminierung_jur_Analyse.html) as well as S. Dern, L. Inowlocki and D. Oberlies, Mehrdimensionale Diskriminierung – Eine empirische Untersuchung anhand von

survey also produced the result that in most cases reported by victims, discrimination was experienced as “multidimensional” rather than “one-dimensional”.<sup>34</sup> Although a number of cases have concerned several grounds,<sup>35</sup> the courts regularly do not categorise (in legal terms) these as cases of “multiple discrimination” but instead focus on one ground. Thus, there is as yet no case law on amounts of damages in cases of multiple discrimination.

Concerning current best practices on discrimination there are examples from different actors and different spheres of life: The Federal Antidiscrimination Agency, the Federal Agency for Employment and the Association of German Employers have identified best practices of employers against age discrimination, e.g. through targeted recruitment of older employees (55+).<sup>36</sup> Various universities in Germany have taken steps for an active diversity management.<sup>37</sup> Another very concrete example is the attempt of a school and its pupils to combat racism and discrimination, by information and concrete actions aiming at deeper mutual respect.<sup>38</sup>

An important decision was issued by the Federal German Constitutional Court, in the field of employment and education<sup>39</sup>. The decision concerns the permissibility of wearing an Islamic headscarf by a kindergarten teacher employed by a public authority. The teacher was reprimanded by the public authority because of wearing the headscarf during work. The court decided that the basic right to freedom of religion entitles the teacher to wear such a headscarf. Provisions of anti-discrimination law do not provide

---

autobiographisch-narrativen Interviews, (both published on 11.01.2011) cf.: [http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Expertisen/Expertise\\_M\\_ehrdimensionale\\_Diskriminierung\\_empirische\\_untersuchung.html?nn=4192910](http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Expertisen/Expertise_M_ehrdimensionale_Diskriminierung_empirische_untersuchung.html?nn=4192910),

<sup>34</sup>cf. above, H. Rottleuthner and M. Mahlmann (2011), *Diskriminierung in Deutschland: Vermutungen und Fakten*, Nomos Verlag.

<sup>35</sup>For example, Cologne Labour Court (Arbeitsgericht Köln, AG Köln), 06.03.2008 19 Ca 7222/07; Düsseldorf Administrative Court (Verwaltungsgericht Düsseldorf, VG Düsseldorf), 05.06.2007, 2 K 26225/06; Frankfurt Administrative Court (Verwaltungsgericht Frankfurt, VG Frankfurt), 09.12.2009, 9 L 3454/09; Hamm Land Labour Court (Landesarbeitsgericht Hamm, LAG Hamm), 04.02.2014, 7 Sa 1026/13. For an overview cf. Baer (Fn. 81), p. 53 ff.

<sup>36</sup>European Commission, 2016, Country report Non-discrimination Germany, Matthias Mahlmann p.99. see

Also : [http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Broschuere-Good-Practice-Altersvielfalt-20121126.pdf?\\_\\_blob=publicationFile](http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Broschuere-Good-Practice-Altersvielfalt-20121126.pdf?__blob=publicationFile)

<sup>37</sup>Cf. for some examples, [http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/BT\\_Bericht/Gemeinsamer\\_Bericht\\_zweiter\\_2013.pdf?\\_\\_blob=publicationFile](http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/BT_Bericht/Gemeinsamer_Bericht_zweiter_2013.pdf?__blob=publicationFile), p. 154. For examples of good practice in education and in the work area cf.: “Für Chancengleichheit im Bildungsbereich und im Arbeitsleben. Beispiele für gute Praxis.” (2014):

[http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Broschuere\\_Fuer\\_Chancengleichheit\\_im\\_Bildungsbereich\\_und\\_im\\_Arbeitsleben.pdf?\\_\\_blob=publicationFile](http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Broschuere_Fuer_Chancengleichheit_im_Bildungsbereich_und_im_Arbeitsleben.pdf?__blob=publicationFile).

<sup>38</sup>Cf. [http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/Dokumente\\_ohne\\_anzeige\\_in\\_Publicationen/Albert-Schweitzer\\_Schule\\_Jugendwettbewerb.html?nn=6575434](http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/Dokumente_ohne_anzeige_in_Publicationen/Albert-Schweitzer_Schule_Jugendwettbewerb.html?nn=6575434).

<sup>39</sup><http://www.equalitylaw.eu/downloads/3973-germany-headscarf-in-kindergarten-pdf-96-kb>

legal rights of the claimants beyond those derived from freedom of religion. The court underlined that such a garment is by now common in Germany and a necessary consequence of a pluralist society<sup>40</sup>.

### 3.4 France

In France prohibition of multiple discrimination is not included in the law. However, courts have allowed claimants to claim that they have been cumulatively discriminated against on a number of grounds, for example in cases where access to university education or employment is based on an evaluation of a candidate which could be influenced by cumulative factors of age and nationality or age and sex. Therefore no additional legislation is required in order to address this issue.

In France the following case law deals with multiple discrimination. Findings of multiple discrimination have had no impact on damages, since condemnations are strictly compensatory<sup>41</sup>. The HALDE<sup>42</sup> (the French equality body which was the predecessor of the Defender of Rights) held that the erroneous refusal to admit the claimant into an adult education programme on the ground of her origin was influenced by a refusal to treat her situation on the basis of a subjective discrimination on the ground of her age (over 30) and the fact that she had young children.<sup>43</sup> The same could be found regarding the refusal of a social housing administrator to take into consideration the priority situation of a disabled person, on the basis of her origin,<sup>44</sup> or discrimination in hiring, the employer having evaluated the claimant, a woman of 44, as being very efficient while she was a temporary employee, but not dynamic enough when she applied to be hired in competition with young, inexperienced people<sup>45</sup>.

In a case brought before the Paris Administrative Court,<sup>46</sup> the claimant was denied access to an adult education programme managed by a state secondary school on the ground that she wore a Muslim headscarf. An injunction ordering her immediate re-integration was granted. The HALDE presented observations based on arguments founded on the principles of secularism, which had been advanced in the course of its investigation. The court held that the claimant's personal project could not be challenged and that the prohibition of religious symbols in state schools did not apply to adult education programmes. However, the issue and the evidence that this case could be discussed on the basis of multiple grounds emerged as a result of the defence by the

---

<sup>40</sup>ibid

<sup>41</sup> European Commission, 2016, Country report Non-discrimination France, Sophie Latraverse p.37

<sup>42</sup> French EqualRights and Anti-Discrimination Commission (*Haute autorité de lutte contre les discriminations et pour l'égalité, HALDE*).

<sup>43</sup>Deliberation No. 2006-03, available at: <http://www.defenseurdesdroits.fr/> (accessed 10 February 2017)

<sup>44</sup>Deliberation No. 2007-162, available at: <http://www.defenseurdesdroits.fr/> (accessed 10 February 2017)

<sup>45</sup>Deliberation No. 2006-20, available at: <http://www.defenseurdesdroits.fr/> (accessed 10 February 2017)

<sup>46</sup>Paris Administrative Court *Saïd v. Greta*, 27 April 2009, No. 0905233.9.

school authorities before the administrative court, which by way of an additional argument, questioned whether her personal education project was serious, because she pregnant and her husband had substantial financial resources. This defence was held to be discriminatory and was dismissed by the court, but did not contribute to the evidence of discrimination per se determining the outcome of the case.

Moreover the government with the law number 2017- 86 of 27 January 2017 relating to Equality and Citizenship intended to pursue a public policy in favour of access to social rights and improve the overall regime of protection against discrimination. In this context, it adopted a number of provisions in various areas<sup>47</sup>.

### 3.5 Netherlands

In the Netherlands central government is the only level of government that passes anti-discrimination or equal treatment legislation. The principles of equality and non-discrimination are covered by various areas of the law. In the Dutch constitution, Article 1 covers non-discrimination: ‘All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, sex or on any other ground shall be prohibited.’ This provision applies to all areas covered by the directives. Its material scope is larger than those of the directives, as there are no boundaries to the personal and material scope of this article, which means that the Constitutional provision applies to everybody in the country and to all fields of social and economic life<sup>48</sup>. The following grounds of discrimination are explicitly prohibited in national law: Sex (including pregnancy), religion, belief, political opinion, race, nationality, hetero- and homosexual orientation, civil (marital) status, employment duration, permanent/fixed-term contracts, age and disability. Article 1 of the Constitution is open-ended.

In the Netherlands prohibition of multiple discrimination is not included in the law. Although the General Equal Treatment Act (GETA) contains a closed list of non-discrimination grounds, parliamentary precedent does not exclude the possibility of a combination of grounds. Moreover, including the prohibition of discrimination based on a combination of grounds seems to be most in line with the legislator’s objectives. In its third five-yearly evaluation report, the then Equal Treatment Commission (ETC) concluded that it may be desirable to include an explicit prohibition of multiple discrimination in the GETA.<sup>49</sup> The Government did not deem such a provision necessary and rejected a suggestion for further research.

---

<sup>47</sup><http://www.equalitylaw.eu/downloads/4021-france-law-n-2017-86-of-27-january-2017-relating-to-equality-and-citizenship-pdf-152-kb>

<sup>48</sup>European Commission, 2016, Country report Non-discrimination Netherlands, Rikki Holtmaat, p.33

<sup>49</sup> Ibid, p.36

In the Netherlands the following case law deals with multiple discrimination: the ETC (now NIHR<sup>50</sup>) followed an intersectional approach in a case where the grounds of disability and race intersected and it acknowledged the combined effect thereof.<sup>51</sup> However, this combined effect did not provide a reason for a different sanction in this case<sup>52</sup>. In its third evaluation report, the (then) ETC acknowledged that there were other cases concerning multiple grounds at the same time<sup>53</sup>. The ETC has showed willingness to apply different grounds of discrimination coherently in some of these other cases (with gender aspects as well), but in each case the claimant failed to substantiate the (alleged) discrimination, as well as the combined effect of the intersection of grounds.<sup>70</sup> One category of cases in which the ETC (now NIHR) could apply this approach would be that concerning Islamic headscarves. Such cases are almost always seen only as direct or indirect discrimination on the ground of religion.

The Dutch government enacted a national anti-discrimination action programme in 2010, which included monitoring, prevention and prosecution measures (for instance to combat discrimination in education), guidelines for website moderators on keeping websites free of discriminatory content that violates the criminal law, and methods for identifying and prosecuting perpetrators of discrimination. This anti-discrimination action programme covered all grounds of discrimination, including racism and racial discrimination. A revised action programme was published in January 2016<sup>54</sup>.

A good practice in the Netherlands concerning education for social justice is the adult training programme. The purpose of this programme is to increase people's understanding of and sensitivity to the mechanisms that perpetuate systems of exclusion, oppression and inequity. The practice promotes the concept that each person must intervene, challenge and counter person and institutional behaviors that perpetuate discrimination. This includes the need to improve cross-cultural communication among different groups, to learn how to build alliances among groups in order to work against injustice and oppression, and to acquire experience in addressing biases and injustices.

---

<sup>50</sup> The Netherlands Institute for Human Rights is the Dutch equality body, is the successor of the Equal Treatment Commission (ETC).

<sup>51</sup> ETC 2006-256, concerning a complaint against an employment office by a blind Turkish woman for not being entitled to an adapted examination. A recent example of a case in which multiple discrimination is at issue is NIHR 2013-33 concerning ethnic origin, age, disability, sex and economic status.

<sup>52</sup> Since the ETC (now NIHR) cannot impose sanctions, this is a somewhat misleading statement. There was the usual conclusion that the defendant had made an unlawful distinction.

<sup>53</sup> ETC (2011), *Third evaluation report (2004-2009)*, pp. 61-62. Apart from the cases mentioned below, the ETC here also mentions Opinion 2008-25 (complaint about season tickets for football stadiums, involving sex and civil status). In Opinion 2011-83, the grounds of sex and age were at issue. Again the ETC did not take this fact explicitly into consideration. See also <http://www.equalitylaw.eu/downloads/3740-2016-nl-country-report-nd>

<sup>54</sup> European Commission, 2016, Country report Non-discrimination Netherlands, Rikki Holtmaat, p. 94

The training emphasizes the importance of examining discriminatory practices from both institutional and interpersonal perspectives. It illustrates a psycho-social approach for educators and other adults to confront sources and consequences of prejudice.

Training consists of two, three-day workshops, with an intervening period of two months during which trainees have the opportunity to implement new practices. Education for Social Justice training is interactive, reflective and experience based. The training promotes different groups coming together for dialogue and to learn from each other.

It uses a three-way approach:

Naming – healing from and dealing with oppression by applying language to experiences

Voicing – speaking out on issues, ideas and feelings

Building alliances

Another important issue in the ground of disability is the case of a hearing-impaired woman who was charged with additional costs by a notary office when she indicated she would bring along a writing interpreter to help her conduct business with the notary. The woman provided for the interpreter herself, but the notary office argued that doing business with her would be more time consuming. The NIHR<sup>55</sup> found that the notary office violated the duty of reasonable accommodation of the DDA,<sup>56</sup> which does not only apply to employment, but was extended to include the field of goods and services in June 2016. It held there was not sufficient evidence that the additional time needed would be so much as to pose a disproportionate burden on the notary office<sup>57</sup>. It is important to be added as current best practice the employers' organisations' promise to employ more disabled workers, as contained in the Social Accord.

### 3.6 Sweden

In Sweden a prohibition of multiple discrimination is not included in the law. There is no statute that deals with it. In Sweden many cases can be said to be dealing with multiple discrimination. There are two types of cases. One type can be exemplified with Labour Court case 2010 No 91.<sup>58</sup> The employer was convicted of both age and sex discrimination. The omission was not to hire and not to call an elderly woman to a job interview. The employer claimed that the woman was not suitable for the job but failed to demonstrate this and thus failed to break both a presumption of age discrimination and sex discrimination. The Labour Court stated that two discriminations, committed by the same omission, was *not* a reason to raise the level of the discrimination award. It

---

<sup>55</sup>The Netherlands Institute for Human Rights (NIHR) is a quasi-judicial body which issues non-binding Opinions. Its opinions are followed by the conventional courts in the majority of cases.

<sup>56</sup>Act on Equal Treatment on the Ground of Disability or Chronic Illness

<sup>57</sup><http://www.equalitylaw.eu/downloads/4020-netherlands-nihr-notary-office-discriminates-by-charging-additional-costs-to-hearing-impaired-client-pdf>

<sup>58</sup>Labour Court 2010 No 91, The Equality Ombudsman v. State Employment Board (judgment 2010-12-15). <http://www.notisum.se/rnp/domar/ad/AD010091.htm>.

was treated as one single offence. The Equality Ombudsman receives around 200 cases attributed to more than one ground.<sup>59</sup> Most of them are of this type when the claimant wants to connect one instance of bad treatment to two or more grounds of discrimination.

The other type of multiple discrimination can be exemplified with Labour Court case 2011 No 13.<sup>60</sup> The case regarded two different alleged instances of harassment, one involving ethnicity and the other involving sex. The rules on burden of proof applied to each of these two offences separately, and the claimant won. The compensation is naturally higher the more offences there are, but the fact that one offence concerned ethnicity and the other sex appears not to have affected the combined level in Labour Court case 2011 No 13. The claimant would probably have got the same amount had both offences related to the same discrimination ground.

There is no case where one action/omission has been held to be more severe because it has violated a person both as a woman and as an immigrant or any other combination of grounds. In that sense there is neither legislation nor case law on multiple discrimination in Sweden and no legislation is being planned in this regard<sup>61</sup>.

In January 2014, the government appointed an inquiry with the task to suggest improvements of the organization of the anti-discrimination work. It was given six concrete problems to work on:

- Review of the role and responsibilities of the Equality Ombudsman.
- Review of the organization of efforts to combat discrimination at regional and local level.
- Analysis of whether a different procedure from the one currently used for monitoring and promoting equal treatment can help to ensure effective action to combat discrimination.
- Analysis of the rules on burden of proof under the Discrimination Act.
- Analysis of who should be responsible for monitoring action to combat discrimination in schools – the Equality Ombudsman or the Swedish Schools Inspectorate.
- Analysis of whether the regulations on protection against discrimination in public sector activities need to be amended.

---

<sup>59</sup>Cf. Equality Ombudsman, Annual Report 2012, p. 13 and 15. The total number of grounds is 1 835 and the total number of cases is 1 559. The number of grounds is thus 276 more than the number of cases. However, there may be three grounds in some cases and parental leave is a ground, so a case concerning both sex discrimination and parental leave discrimination will show up as concerning two grounds. In 2014, 1 611 cases were considered according to the Discrimination Act, and 1 810 grounds were concerned. Equality Ombudsman Annual Report 2014, pp. 45f and 49.

<sup>60</sup>Labour Court 2011 No 13. The Equality Ombudsman v. Municipality of Helsingborg, (Judgment 2011-02-16). <https://www.notisum.se/rnp/domar/ad/AD011027.htm>.

<sup>61</sup>European Commission, 2016, Country report Non-discrimination Sweden, Per Norberg, p.33

The result of this inquiry has been presented on 14 December 2016 in the Government White Paper (SOU) 2016:16. This paper contains only minor suggestions. These suggestions have not been discussed in the main media.

The proposals contain small suggestions on how the Equality Ombudsman should handle individual complaints, how local anti-discrimination bureaus should report back to the government and how the county councils should have a duty to work with antidiscrimination in a general way (but not to deal with individual complaints).

With regard to the burden of proof rule, there is a suggestion of a new wording of Section 6:3 of the Discrimination Act. The suggested amendment would be an improvement to the current wording but would have little practical effect. The section is proposed to be divided into two passages and the first passage ends with the words “if so discrimination shall be presumed”. The second passage deals with the alleged discriminator breaking this presumption. The idea behind the new wording is to emphasize the difference of the two steps, the first being when the claimant shows a case for prima-facie discrimination and the second when the alleged discriminator tries to break the presumption.

The School Inspectorate should be given sole responsibility for bullied pupils, even if all bullying is connected to a discrimination ground. The inquiry suggests legislative changes to make this clear. Currently, the responsibility for dealing with cases of bullying in schools falls upon both authorities (if the case is connected to a discrimination ground). However, informally persons are steered towards the School Inspectorate. The inquiry finds that the protection against discrimination in public sector activities does not need to be changed.

The suggestion that really could change Swedish anti-discrimination practice is the creation of a new Anti-Discrimination Board. However, this suggestion is not backed up by a concrete legislative proposal, as the white paper only describes general principles for the creation of such a Board. Such a board would have the possibility of making judgements (called decisions when made by such a board) and awarding discrimination awards above the threshold of 22.500 SEK (2250 Euro) without the claimant bearing the risk of having to pay the opposite party’s legal costs<sup>62</sup>.

The biggest information dissemination project in 2015 was an analysis of the representation of Muslims in the media.<sup>63</sup> The Equality Ombudsman asked the Centre for Religious and Societal Research at Uppsala University to investigate how Muslims are presented in the media (see Section 8.1 above). This was done at the initiative of the Equality Ombudsman, and it is a highly important subject. If a group of white people act violently, they are described as Nazis or white supremacists, or with similar terms not connected to their ethnicity or religion and separating them from the majority of

---

<sup>62</sup><http://www.equalitylaw.eu/downloads/3991-sweden-new-legislative-proposal-pdf-121-kb>

<sup>63</sup>Equality Ombudsman, Report 2015:1, A Media Analysis of the Representation of Muslims in Swedish News Media.

Swedes. They are never described as just Swedes or Christians. However, the word 'Muslim' is used as group marker in a way that connects the bad behaviour to the religion. For some reason, society does not make a distinction between the decent majority and the problematic minority within that group in the same way as we do for Swedes. Focusing on this important problem, spreading information about it, avoiding simple solutions and engaging in discussion with experts and civil society is wise and fruitful<sup>64</sup>.

### 3.7 Italy

In Italy surveys about perceptions of discrimination are very rare, so it is difficult to provide accurate estimates of the frequency and magnitude of discrimination in all fields – and media reports are often very inaccurate<sup>65</sup>. Certainly, hostile attitudes can be observed towards different groups of people, mostly in relation to the recent waves of immigration. Moreover, hostility against Roma is becoming an increasingly heated issue, with several politicians openly supporting policies of segregation in housing and education. A school dropout rate among Roma pupils is an issue of serious concern. This may be a direct consequence of housing segregation, with camps based far from schools and sudden transfers of people from one camp to another.<sup>66</sup>

In Italy prohibition of multiple discrimination is not included in the law. A very limited exception is the opening provision (Article 1) of Legislative Decree 216/2003 transposing Directive 2000/78/EC, which says that the decree has been adopted 'in a perspective that takes into account the different impact that the same forms of discrimination can have on men and women respectively'. Legislative Decree 215/2003 transposing Directive 2000/43/EC contains the same statement but with the addition of the 'existence of forms of racism of a cultural and religious character'<sup>67</sup>.

An explicit reference to multiple discrimination is provided for in the Programme of action for the integration of people with disabilities, approved in 2013<sup>68</sup>. In this Programme, multiple discrimination is taken into account in order to define new criteria to collect data on the integration of people with disabilities so that it will be possible to verify their effective integration and the other factors which ease or hinder integration.

---

<sup>64</sup>European Commission, 2016, Country report Non-discrimination Sweden, Per Norberg, p.93

<sup>65</sup>Survey on discrimination by gender, sexual orientation and ethnic origin (IST-02258 Indaginesulle discriminazioni in base al genere, all'orientamento sessuale, alla appartenenza etnica), <http://www.istat.it/it/archivio/30726>. Hyperlink last accessed 29 March 2016.

<sup>66</sup>European Commission, 2016, Country report Non-discrimination Italy, Chiara Favilli, p.7, available at: <http://www.equalitylaw.eu/downloads/3736-2016-it-country-report-nd>, accessed 3 April 2017

<sup>67</sup>European Commission, 2016, Country report Non-discrimination Italy, Chiara Favilli, p.35, available at: <http://www.equalitylaw.eu/downloads/3736-2016-it-country-report-nd>, accessed 3 April 2017.

<sup>68</sup>Italy, Biannual programme of action for the integration of people with disabilities, 4 October 2013, available at: <http://www.gazzettaufficiale.it/eli/id/2013/12/28/13A10469/sg>

In the 2013 report by the Office for the promotion of equal treatment and prevention of discrimination on the grounds of race or ethnic origin, the extension of the grounds of discrimination covered by the national equality body (UNAR) is seen as a way to address multiple discrimination.<sup>69</sup>

In Italy there is no significant case law on this point. In a judgment of the Court of Padua of 17 February 2012, for instance, where the victims had been insulted because they were black and trade union activists, the case was handled as one of racial discrimination, without reference to the multiple discrimination at issue.<sup>70</sup>

During 2014, the National Lawyers' Association and the national equality body (UNAR) agreed a Protocol of cooperation aimed at strengthening protection for vulnerable victims. Within this framework they have set up a solidarity fund for access to justice by victims of discrimination for the years 2014-2016. The Fund was created by UNAR in order to facilitate access to justice by victims of discrimination, anticipating the legal costs of actions brought to courts. In the event of a favourable judgment, the legal aid provided must be refunded to UNAR. This financial support aims to facilitate access to justice, since the number of legal actions is still low, compared to the high number of complaints made to UNAR<sup>71</sup>.

As far as sexual orientation is concerned, it is worth mentioning an activity that has been promoted by an NGO, Parks. *Liberi e uguali*<sup>72</sup>, with the cooperation of the National Equality Office – UNAR – and the Italian Association of Human Resources Directors. They have drafted the LGBT Report Index: a Benchmark on policies for employers in Italy. In 2015 the third report was published, listing the companies where the treatment of LGBT employees is particularly good, taking account, for instance, of a diversity policy and granting the extension of benefits to same-sex partners.

### **Best practice: "I Live in a Camp": Stories of Roma children in Milan (Italy)**

Another best practice in education concerning Roma children in Milan is the case of "I live in a Camp". I live in a Camp is a program aimed at Roma and non-Roma children and intends to inform them about discrimination faced by Roma people. The program gives the opportunity to Roma children to explore their own experiences through working with other vulnerable groups and express their needs through drawings. These art activities take place within the School of Peace program. The drawings of children from Roma camps depict the lives of Roma families and the reality of discrimination. In

---

<sup>69</sup>From now on the Office will be referred to as UNAR and with the short denomination National Office Against Discrimination. See UNAR (2013), *Relazione al presidente del consigliodeiministri – Anno 2013* (Report to the President of the Council of Ministers - Year 2013), available at: [www.unar.it/unar/portal/wp-content/uploads/2014/01/RELAZIONE-PCM-2013.pdf](http://www.unar.it/unar/portal/wp-content/uploads/2014/01/RELAZIONE-PCM-2013.pdf), see in particular pp. 9 and 48

<sup>70</sup>[http://www.meltingpot.org/IMG/pdf/trib\\_pd\\_sent\\_206\\_2012\\_17022012.pdf](http://www.meltingpot.org/IMG/pdf/trib_pd_sent_206_2012_17022012.pdf).

<sup>71</sup>European Commission, 2016, Country report Non-discrimination Italy, Chiara Favilli, p.82

<sup>72</sup>[http://www.parksdiversity.eu/parks/wp-content/uploads/2015/11/Index\\_risultati\\_2013.pdf](http://www.parksdiversity.eu/parks/wp-content/uploads/2015/11/Index_risultati_2013.pdf)

viewing of these drawings non-Roma pupils are invited to think about the injustice of discrimination about Roma people.<sup>73</sup>

### 3.8 Spain

In Spain, prohibition of multiple discrimination is not covered in legislation. However, Organic Law 3/2007 on the Effective Equality of Women and Men contains the first reference to multiple discrimination in Spanish law. Article 20 provides that ‘the public authorities shall, in the preparation of studies and statistics, devise and introduce the necessary mechanisms and indicators to show the incidence of other variables whose recurrence generates situations of multiple discrimination in the various spheres of action.’

In Spain, there is no case law dealing with multiple discrimination. Although neither the Constitutional Court nor the Supreme Court has used the term ‘multiple discrimination’, the High Court of Justice of Galicia, in its judgment 3041/2008, confirmed the invalidity of a dismissal of an employee because the company had infringed her right to equal treatment ‘without discrimination on grounds of gender, (...) opinion or any personal or social circumstance’ (Article 14 of the Spanish Constitution), and her right to ‘ideological freedom’ (Article 16 of the Spanish Constitution). The court declared dismissal by discrimination to be null on various grounds, but without being able to specify one of them as more important than the other: the court noted that there was discrimination on several grounds, but at no time used the concept of ‘multiple discrimination’<sup>74</sup>.

Positive actions for Roma (racial or ethnic origin in all fields)

The National Roma Council is a participatory and advisory body on general and specific public policy affecting the integral development of the Roma population in Spain. Its overriding purpose is to promote participation and cooperation by Roma associations in the development of general policy and the promotion of equal opportunities and treatment for the Roma population. Of the 40 members forming the council, half are from central Government and the other half are representatives of Roma associations. The council has been running since 2006. This council has reported on various Government projects, such as the Roma Development Plan.

The Roma Development Plan, which has been adopted each year from 1989, is a programme of action for social development and for the improvement of the quality of life of Spanish Roma. Its objectives are the following: 1) improve the quality of life of the Roma population and implement the principle of equal opportunities in their access to systems of social protection; 2) encourage their participation in public and community life; (3) promote better coexistence among different social and cultural

---

<sup>73</sup> See: [www.santegidio.org](http://www.santegidio.org)

<sup>74</sup> European Commission, 2016, Country report Non-discrimination Spain, , Lorenzo Cachón , p.36

groups; (4) strengthen Roma associations; and (5) combat discrimination and racism towards the Roma

### **3.9 Poland**

The Polish Constitution includes article 32 dealing with non-discrimination. The specific article refers: “(1) All persons shall be equal before the law. All persons shall have the right to equal treatment by the public authorities. (2) No-one shall be discriminated against in political, social or economic life for any reason whatsoever.” These provisions apply to all areas covered by the directives. Their material scope is broader than those of the directives. The principle of equality is referring to all forms of distinction which may arise in political, social or economic life, regardless of the characteristic (criterion) according to which a distinction may occur.

In Poland prohibition of multiple discrimination is not included in the law. However, some Polish laws stipulate that discrimination might occur on the basis of one or more grounds, but do not treat the situation of multiple discrimination differently (the anti-discrimination provisions of the Labour Code, for example, provide definitions of direct and indirect discrimination that refer to ‘one or several grounds’). However, the 2010 Equal Treatment Act does not mention the possibility of ‘several grounds’, listing the grounds of discrimination separately. In recent draft laws (2012) the multiple discrimination concept has been introduced.<sup>75</sup> Moreover a small change to the Act on the Ombud introduced by the new law on the Constitutional Tribunal. According to the changed provision (Article 16.2 p.3) the Ombud may join proceedings before the Constitutional Tribunal started by someone else (since 30 August 2015). Previously, the Ombud could join proceedings started by someone else, but this was limited to cases of individual constitutional complaint only.

In Poland cases of discrimination on more than one ground may be adjudicated under the law in force, despite the lack of a definition of multiple discrimination. However, they are not treated in any special way and, in fact, in most cases it is enough for the court to identify one ground of discrimination. Legislation dealing with multiple discrimination would therefore definitely be useful.

Usually, in cases of discrimination on the ground of gender plus other grounds, courts tend to focus on the gender discrimination and once this has been proved do not devote any attention to other causes of discrimination. A good example to illustrate this issue is discrimination in cases of ‘forced retirement’ when employees are dismissed on reaching retirement age. Since the retirement age for women was for many years lower than for men (as a general rule 60 for women and 65 for men),<sup>80</sup> cases of forced retirement for women were treated by the courts as gender discrimination and the issue of age discrimination never attracted any attention (gender discrimination prevailed over

---

<sup>75</sup>European Commission, 2016, Country report Non-discrimination Poland, Łukasz Bojarski, p.

age discrimination). However, similar cases involving men were treated as age discrimination. Only in 2009 did the Supreme Court state in a resolution that such cases involve two kinds of discrimination – indirect discrimination because of gender and direct discrimination on the ground of age.<sup>81</sup>

Occasionally, cases do occur where more than one ground of discrimination is identified. In one case, for instance, the district and regional courts identified discrimination on the grounds of sexual orientation and of harassment (mainly on the grounds of sexual orientation and obesity).<sup>82</sup>

In 2013 the Commissioner for Civil Rights Protection (Ombud) decided to start a public consultation, including NGOs, regarding subjects for research commissioned by the Ombud. The Ombud asks what subjects should be researched, those who are interested submit proposals and the Ombud makes a final decision. Most of the proposed research subjects come from NGOs and this is a good way of identifying interesting projects. However, the Ombud only selected three or four topics each a year out of perhaps 50-70 proposals. The Ombud has now selected research subjects for the years 2014-2015,<sup>520</sup> and 2016-2017<sup>521</sup> based on these proposals. (See also Section 8.1 above).

Something which is also potentially a good practice (since it is still a new phenomenon) is the fact that the Government Plenipotentiary for Equal Treatment has engaged in popularizing the ‘social contractual clauses’ (*klauzulespoleczne*) and they have already been included in some policy documents, including the National Programme of Activities for Equal Treatment (2013-2016). As a result, more contracts of public institutions based on public procurement law include social clauses<sup>522</sup> and the idea is becoming better known within the administration due to a number of activities.<sup>523</sup>

Within the Programme of the Government Plenipotentiary for Equal Treatment, ‘Equal treatment as a standard of good governance’, continued as the programme ‘Equal treatment as a standard of good governance in the regions’ (see more in Section 7 above), an example of good practice might be the creation of the network of local equal treatment plenipotentiaries, coordinators, based in local government and public institutions

## **Conclusion**

The scope of the existing anti-discrimination legislation does not provide effective protection against Multiple Discrimination in areas outside employment and occupation. EU anti-discrimination and equal treatment legislation should cover age, disability, religion/belief and sexual orientation in the fields of: (a) social protection, including social security and healthcare; (b) social advantages; (c) education; (d) access to and supply of goods and services that are available to the public, including housing. The new legislation must provide provisions to address Multiple Discrimination.

## Bibliography

- Balourdos D., Chrysakis M., Sarris N., Tramountanis A., Tsantila K.,(eds) (2014), *Vulnerable Social Groups and discrimination in the labour market*, Athens, PapazisisPublishers.
- Balourdos, D., Chrysakis, M. (eds.), 2012, *Combating discrimination: Trends, challenges, policies*. Athens: Papazisis Publishers
- EKKE (Kondyli, D., Thanopoulou, M., Mouriki, A., Stratoudaki, C. &M. Tzortzopoulou), (2010), “Research on best practices implemented in Greece and other European countries related to immigrant women and the employment field”. A study conducted for the National Centre for Social Solidarity, within the framework of the European program Progress (in Greek). Available online: <http://www.ekka.org.gr/ereuna.pdf>
- European Commission (2016), *Country Report Non- discrimination France 2016*, Latraverse S.,European network of legal experts in gender equality and non-discrimination, Directorate-General for Justice and Consumers
- European Commission (2016), *Country Report Non- discrimination Germany 2016*, Mahlmann M., European network of legal experts in gender equality and non-discrimination, Directorate-General for Justice and Consumers
- European Commission (2016), *Country Report Non- discrimination Spain 2016*, Cachón L., European network of legal experts in gender equality and non-discrimination, Directorate-General for Justice and Consumers
- European Commission (2016), *Country Report Non- discrimination Poland 2016*,Bojarski L., European network of legal experts in gender equality and non-discrimination, Directorate-General for Justice and Consumers
- European Commission (2016), *Country Report Non- discrimination Greece 2016*, Theodoridis A.,European network of legal experts in gender equality and non-discrimination, Directorate-General for Justice and Consumers
- European Commission (2016), *Country Report Non- discrimination Netherlands 2016*, Holtmaat R., European network of legal experts in gender equality and non-discrimination, Directorate-General for Justice and Consumers
- European Commission (2016), *Country Report Non- discrimination Italy 2016*,Favilli Ch., European network of legal experts in gender equality and non-discrimination, Directorate-General for Justice and Consumers
- European Commission (2016), *Country Report Non- discriminationUnited Kingdom 2016*,Vickers L., European network of legal experts in gender equality and non-discrimination, Directorate-General for Justice and Consumers

- European Commission (2016), *Country Report Non-discrimination Sweden 2016*, Norberg P., European network of legal experts in gender equality and non-discrimination, Directorate-General for Justice and Consumers
- European Commission (2007), *Tackling Multiple Discrimination Practices, policies and laws*, Directorate-General for Employment, Social Affairs and Equal Opportunities
- Hudson M., (2012), *The experience of discrimination on multiple grounds*, Research paper 01/12, Policy Studies Institute, University of Westminster
- Institut for Menneskeretfigheder (2010), *Best practices catalogue for anti-discrimination education*, pdf
- Karantinos D.,-Christophilopoulou S., (2009), *Network of Socioeconomic Experts in the anti-discrimination field – National Report: Greece*, National Centre for Social Research, unpublished report
- Katrougalos G., (2009), *Social Policy Institutions and Social Rights Protection in International and National Levels*, Athens, Nomiki Vivliothiki
- Law 3340/2005 Implementing the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age, sexual orientation, Official Governmental Journal, Vol. 16 A', 27.01.2005.
- Lewis T., (2010), *Multiple Discrimination: A Guide to Law and Evidence*. A Central London Law Centre Publication.
- Sarris N., (2012), "The institutional framework for combating discrimination" at Balourdos D., Mouriki A., eds, *Combating discrimination in Greece: state of art, challenges and policy interventions*, Athens: Papazisis Publishers S.A. & National Centre for Social Research.
- Schiek, D. and Lawson, A., (Eds.), (2013), *European Union Discrimination Law and Intersectionality*, Ashgate Publications

#### WEBLINKS

[http://www.parliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergo?law\\_id=246e2286-a8e1-4283-95c0-a6b901169a95](http://www.parliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergo?law_id=246e2286-a8e1-4283-95c0-a6b901169a95)

[www.santegidio.org](http://www.santegidio.org)

[http://www.parksdiversity.eu/parks/wp-content/uploads/2015/11/Index\\_risultati\\_2013.pdf](http://www.parksdiversity.eu/parks/wp-content/uploads/2015/11/Index_risultati_2013.pdf)

<http://www.equalitylaw.eu/downloads/3736-2016-it-country-report-nd>,

[http://www.meltingpot.org/IMG/pdf/trib\\_pd\\_sent\\_206\\_2012\\_17022012.pdf](http://www.meltingpot.org/IMG/pdf/trib_pd_sent_206_2012_17022012.pdf).

Crenshaw, Kimberlé (1993) “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine” *Feminist Theory and Antiracist Politics* in Weisberg, D. K.(ed) “Feminist Legal Theory: Foundations” Philadelphia



This report has been produced within the framework of the project “Tackling multiple discrimination in Greece: Delivering equality by active exploration and enabling policy interventions”, which is co - funded by the Rights, Equality and Citizenship (REC) Programme of the European Union. Its contents are the sole responsibility of its authors and can in no way be taken to reflect the views of the European Commission.