

4. There is a need for standardised statistics on (multiple) discrimination:

- At the European level

The adoption of the same criteria and indices for data collection, data recording and public availability by national equality bodies. This should permit comparative analyses at the EU level, including the possibility of registering multiple grounds - thus multiple discrimination.

The publication of cross sections of data on gender and other social categories by EU agencies addressing information on the situation of groups subject to discrimination.

- At the national level

The adoption by organisations and institutions of common methods of collection at national and local level to allow national overviews.

The introduction in registration systems of socio-demographic data on complainants to identify discriminated sub-groups. This would enable anti-discrimination policies to be better focused and would enhance the design of positive action and equality programs.

A special national regulation on access and use of data, respecting the following principles:

To avoid undesirable categorisation systems, the method of freedom of choice and self identification with respect to nationality, mother tongue, religion, ethnic group or other "racialising categories" should be employed.

Anonymity of personal files should be secured and the importance of data for combating discrimination should be emphasised.

Data must be encoded in order to render impossible the identification of complainants' origins.

Access to anonymised individual cases should only be made available for research purposes to those academics meeting the necessary ethical procedures.

For detailed information <http://genderace.ulb.ac.be>



GENDERACE

The use of racial anti-discrimination laws.
Gender and citizenship in a multicultural context

KEY FINDINGS

Racialised discriminations are often gendered:

Both women and men face intersectional discrimination. However, the majority of victims are unaware of subjection to gendered racialisation processes.

The gendered racialisation process of discrimination is strongly associated with prevalent gendered stereotypes concerning racialised men and women.

Women appear more conscious of experiencing racial discrimination than gender discrimination, even when confronted with multiple discrimination.

Women are more often the victims of harassment within the work environment and in their neighbourhoods with men most commonly facing discrimination in places of recreation or leisure.

The pervasiveness of discrimination experienced in a lifetime leaves many victims doubtful that reporting discrimination will effect any positive changes in the future.

Gendered differences exist around access to and use of resources

Individuals perceive many barriers when it comes to reporting their experiences of discrimination. This is especially the case for women fulfilling the 'double burden' of domestic and economic responsibility.

Men lodge complaints more frequently as well as pursue cases further than women.

Those resorting to legal remedy when exposed to discrimination are primarily citizens of foreign origin with higher education and in steady employment.

We find a clear lack of empowerment amongst the most vulnerable

Cases of multiple discrimination are not identified and treated as such

Whilst there is a tendency towards the creation of single laws and equality bodies in the six countries, the multiple ground approach remains by and large overlooked by formal and informal bodies.

Data on multiple discrimination is scarce and is not coordinated in a meaningful sense at national and local levels.

Complainants exhibit difficulties in identifying their experiences as multiple.

RECOMMENDATIONS

1. To improve the treatment of multiple discrimination:

• At the European level

For explicit reference to be made to multiple discrimination as an especially vulnerable form of discrimination within the new European Directive. This would enlarge the scope of protection against discrimination.

For the development of an operational definition of multiple discrimination that meets the standards set out in the European Union's 'Charter of Fundamental Rights', Article 21.

For the inclusion of a clause allowing complainants to lodge a complaint on several grounds within the framework of a single legal proceeding.

• At the national level

To implement a specific legal methodological framework incorporating sociological and socio-historical contexts.

That civil society (trade unions, women's ethnic minority and professional organisations) in cooperation with lawyers and experts develops litigation strategies and class action as a method to bring gendered and racialised discrimination to the fore.

To involve legal experts in the development of case law so that the implementation of cases based on multiple discrimination may impact the legal framework.

To implement awareness-raising and professional training on anti-discrimination laws for legal advisors and counsellors, paying special attention to cases of intersectional discrimination.

To inform victims of the existence of multiple grounds of discrimination.

2. To enhance recognition and empowerment of substantive citizenship, there is a need to promote the exercise of rights through:

Additional awareness campaigns to inform leadership at the community level and informal organisations/networks of the most vulnerable communities (migrant women, Roma, Muslims) of the importance of legal proceedings

The increase of public offices (either smaller advisory organisations targeting particular groups or departments within equality bodies) assisting victims of discrimination to ensure access to services for the most vulnerable and marginalised groups most effectively at local levels and throughout the country. That cooperation be fostered between small organisations targeting particular groups and equality bodies for multi-ground dialogue and operational understandings of intersectionality.

Increased financial support to cover the costs of legal proceedings for those organisations in charge of assisting victims.

3. We recommend the extension of the grounds for gender-specific discrimination

• At the European level

Harmonisation of the EU Equal Treatment Directives of the protection against discrimination on the gender ground to the level of protection currently afforded the 'race' ground.

Enhancement of the Equal Treatment Directives provisions via development of positive measures, such as the positive duties on UK public bodies to promote equality and challenge structural, institutional and systemic discrimination.

• At the national level

The adoption of positive action taking into consideration the intersectional impact of racialised/ethnicised discrimination.

A focus on the role of equality bodies on setting, enforcing and monitoring standards for gender mainstreaming, using methodologies based on intersectionality and focusing on the specific needs of different groups of men and women.

Improvement of the visibility of gender differences on the experience of discrimination via equality bodies' production and publication of gendered statistics.