

## **Intersectionality and the Implementation of EU Antidiscrimination Legislation**

**An overview of concepts, Policies and Issues  
identified within the Implementation of Anti-  
Discrimination Legislation within the European  
Union**

December 2008

**By**

Czarina Wilpert

In collaboration with Isabelle Carles and Olga Jubany

**Grant 217237**

**Dissemination: Participants**

**EC Officer: Angela Liberatore**

**Deliverable: D 03**



## Contents

1. Introduction .....	2
1.1 Background of the GendeRace overview with respect to intersectionality in the European context .....	2
1.2 Some trends with respect to anti-discrimination legislation and intersectionality in the GendeRace countries.....	5
1.2.1 Anti-discrimination legislation .....	5
1.2.2 Equality measures with respect to gender .....	6
1.2.3 Intersectional legislation and discrimination .....	8
1.3 Structure of Work Package 3 .....	11
2. Communications and studies commissioned by the EC .....	13
2.1 Communication of renewed commitment to non-discrimination.....	13
2.2 Studies on multiple discrimination, research needs and highlighting good practice funded by the European Commission .....	16
3. European publications on intersectionality: research on the gendered use of anti-discrimination legislation and resources.....	21
3.1 Multidimensional equality law and beyond intersectionality.....	21
3.1.1 From formal to substantive equality law .....	22
3.1.2 Addressing multiple discrimination and intersectionality .....	23
3.2 Weaknesses of EU law confronting cases of multiple discrimination.....	25
3.3 Conceptual and methodological contributions for addressing intersectionality in the application of EU law.....	27
3.3.1 Traversing national boundaries and the historical embedding of group struggles .....	27
3.3.2 Stigma and Intersectionality .....	31
3.4 An empirical study of the use of anti-discrimination legislation in a gendered perspective.....	36
4. Conclusions .....	38
Bibliography.....	43
Appendix 1 .....	74

# 1. Introduction

## 1.1 Background of the GendeRace overview with respect to intersectionality in the European context

An abundance of literature addressing anti-discrimination legislation has been published within the European Union since the implementation of the new EU directives referred to in this overview. There have been a number of official documents and studies commissioned by the EC also publications by researchers, lawyers and other academics as well as the numerous NGOs in the field.<sup>1</sup> Many are addressed the issues of the implementation of the Anti-discrimination laws, the potential for the application potential of the concept of multiple discrimination whether as an additive concept or as a unique group configuration (intersectionality) within these EU laws.

Here it will only be possible to discuss a selection of what should be the most pertinent and latest publications which often build on the classic publications in this area. The GendeRace research overview must be seen in the context of our main research question the impact of gender on the experience, application and uses made of legislation with regard to racial discrimination.<sup>2</sup> GendeRace explores a form of double or multiple discrimination that has been originally identified as intersectionality. The later term has become the most frequently used in English language academic literature to capture the significance of the intersection of these two categories or grounds of discrimination. Nonetheless, official publications within the European Union which address issues that imply some form of intersectionality prefer to use the term multiple discrimination. This is done with reference to the terminology that is found in international human rights documents and a number of legal documents at the European and at times the national level (Cf. Section 2 below).

---

<sup>1</sup> See the appendices for related research that addresses the EU legislation, discrimination and many dimensions of gender/racial/ ethnic intersectionality.

<sup>2</sup> It will also be possible in some instances/ countries to control for the impact of racial/ ethnic origins on the experience and use of legislation concerning gender discrimination in the fields of employment, occupational training and education.

With the implementation of the principle of Equal Treatment Directive the EC has agreed explicitly referred in Recital 14 of the Preamble in accordance with Article 3 (2) of the EC Treaty to the aim “to eliminate inequalities, and to promote equality between men and women, especially since women are often the victims of multiple discrimination.”

As was pointed out in the same text, the EC Framework Directive contains the same reference in Recital 3, but the term ‘multiple discrimination’ does not appear anywhere else in either of these Directives and no definition of it is given. More significantly there is no indication as to how to handle cases of multiple discrimination.

The Action Programme<sup>3</sup> also mentions multiple discrimination a number of times. Firstly, Recital 4 of the Action Programme is similar to Recital 14 of the Race Directive. Secondly, Recital 5 states that ‘the different forms of discrimination cannot be ranked; all are equally intolerable’ and that the programme is intended, among other things, ‘to develop new practice and policy for combating discrimination, including multiple discrimination’.

Finally, Article 2 on the objectives of the Action Programme mentions that ‘the Programme shall support and supplement the efforts at Community level and in the Member States to promote measures to prevent and combat discrimination whether based on one or on multiple factors’. The task of our research will be to investigate how these general intentions are addressed and applied within the various national contexts.

The initiators of the GendeRace research base much of their theoretical and methodological concern about the implications of multiple discrimination in the context of anti-discrimination legislation on the pioneer work of black feminists in the US, especially Kimberly Crenshaw (1989) and the debate that has ensued elsewhere especially in the English language literature also in the aftermath of the post-colonial era that stimulated an awareness and in-depth attention to the implications of intersectionality for specific forms of gender and racial discrimination. This debate, which originated in the late 1980s in light of the North American anti-discrimination

---

<sup>3</sup> Council Decision 2000/750/EC of 27/11/2000 establishing a Community Action Programme to combat Discrimination (2001 to 2006) [2000] OJ L 303/23.

legislation, has become more refined over time and has spread to other parts of the world. It is important to point out that the original contribution made by Kimberly Crenshaw responded directly to the issue of justice with respect to anti-discrimination legislation in the U.S. for black women. As Conaghan (2009)<sup>4</sup> recently references, Crenshaw argued, “that black women were located at the intersection of racism and sexism. Their experiences were thus the product of both and equivalence of neither” (Op cit, 23). Important in this analysis was the ‘reliance of anti-discrimination legislation on a single axis framework, in which separate claims could be made on the basis of race or sex, but not in combination, (it) deprived black women of a legal remedy with respect to their particular experience of discrimination as black women.’

Conaghan continues again with an argument that relates directly to the GendeRace research, “...precisely because that experience was perceived by the courts to be a ‘hybrid’ rather than a ‘pure’ form of race or sex discrimination, it rendered black women ineligible class representatives of women or black people for anti-discrimination law purposes, their intersectional identity seemed to overwhelm the assumed single identities of anti-discrimination complaints”.

Crenshaw’s interventions and further reflections go beyond this immediate concern with remedial gaps pertaining to black women’s experience of discrimination and the inability of this to be given full recognition within the legal process. Crenshaw’s work also has had implications for intersectionality and identity politics, an issue that will not be discussed later.

More important here is, as Conaghan (op cit) insists, that Crenshaw’s “work was strongly embedded in the practical application of feminist theory and politics and her primary concern was to facilitate more strategic engagement with law”. (op cit, 26) Thus, Crenshaw’s historical contribution relates directly to the research at hand and is not primarily an academic debate about shades of difference and anti-essentialism, but it responds directly to the legal context. These issues receive more attention in section 3.

---

<sup>4</sup> Conaghan (2009) was available in 2008 but the impressum states published by Routledge-Cavendish in 2009.

Nonetheless, as argued in the GendeRace research proposal, early feminists theorists were criticized for neglecting the intersectional issues of “race” and class (Williams, 1991; Crenshaw, 1989). This debate opened a second age of *feminist jurisprudence*, arguing that “gender essentialism” (Harris, 1990) did not take into account the specificities of the experience of black women, because the analysis concerns mainly the experience of white middle class women. In section three of this report attention will be given to some of the most important recent developments with respect to the application of the concept of intersectionality in the context of the newly implemented EU anti-discrimination directives in the member states.

## **1.2 Some trends with respect to anti-discrimination legislation and intersectionality in the GendeRace countries**

### **1.2.1 Anti-discrimination legislation**

Much of the state of the art with respect to legislation literature and literature on intersectionality has been addressed in the GendeRace project proposal and in Work Package 2 in the form of several country reports. An overview of the countries participating in the GendeRace study discloses quite a differentiated view of academic attention to multiple discrimination or intersectionality. The debate about discrimination on more than one ground has a longer tradition in the UK, depends on the academic tradition in gender studies as well as the longer experience of the country with legislation either with respect to gender and/ or racial/ ethnic discrimination.

Legislation with respect to the protection of individuals against racial discrimination existed almost two decades previous to the European directives resulting from the Amsterdam Treaty agreements (1999). Also with respect to gender discrimination there has been a longer tradition in the UK. In France, Germany and Sweden there has been a public discourse on gender equality visible in media, politics and academia since the late 1970s or early 1980s. A number of women’s rights were fought for in the field of equal pay and public life.

Compared to other European Union countries, Britain was very early in enacting laws against sex and race discrimination, with the SDA (Sexual Discrimination Act) adopted in 1975 and the RRA (Race Relations Act) in 1976. This means that these Acts have been in force for more than 30 years and thus that there is experience of their effects on race and sex discrimination in practice. However, the British report emphasizes that in the meantime the realisation has been reached that protection anti-discrimination legislation is not sufficient enough to ensure equal treatment of women and men in the labour market. For example, the pay gap between the sexes has not changed significantly over the years. Similarly, in Sweden an ombudsperson for women's issues was established already in 1980. Despite the fact that this function has been active since then, it was in the 1990s that it was successful in winning a number of legal disputes.

### **1.2.2 Equality measures with respect to gender**

Reviewing the countries involved in the GendeRace study we observe that gender discrimination was most commonly addressed within the concept of equality. The motor behind this was the de-facto concept that drawing up plans (i.e. positive measures) to further women's occupational status, promotion and impact on hiring policies may make a greater contribution to equality between women and men than individual efforts to fight discrimination in employment before court. This has also been a major premise in a recent publication (Schiek and Chege 2009) that refers to shortcomings in the enforcement of individual rights with respect to equal treatment. This book theorises the move from formal to substantive equality law and its interrelation to new forms of governance (Cf. Section 3 below).

The first French law to promote professional equality is the Roudy Act of 1983,<sup>5</sup> which introduces the principle of equal rights between women and men in the employment relationship, followed by the Guénisson Act of 2001 on equal treatment between women and men at work. The latter obliges companies to draw up annual plans comparing women and men's positions. In Germany guidelines on women's promotion in government administration entered into force in 1986. These covered specific measures to improve women's recruitment and promotion opportunities and access to further education and training.

---

<sup>5</sup> Law No. 83-635 of 13 July 1983 amending the Labour Code and the Penal Code in respect of equality between men and women in working life.

In 1994 the Women's Promotion Act (Frauenfördergesetz) comes into force which governed the promotion of women's employment in government administration. This Act and the amendment to Article 3 (2) of Germany's Constitution ('men and women shall have equal rights') were two further milestones in employment opportunities, equal representation of women and men in government committees and the protection of women from sexual harassment at the workplace.

In Spain the creation of the Institute of Women's Issues<sup>6</sup> (an autonomous agency responsible for promoting and furthering gender equality in political, cultural, economic and social life at a national level) by the then Socialist government in 1983 broadened the array of instruments available for increasing and implementing women's rights. There is a general awareness that the anti-discrimination movements still have a long way to go and a feeling that widening the scope and complexity of the struggle further at this point might be overly ambitious.

The women's movement is now well provided for in terms of modern and extensive legislation, legislation that appears to reflect a genuine consensus that women's rights and gender equality are an important priority in today's Spain. Despite this consensus discrimination in the domestic and professional sectors is still prevalent and deeply embedded.

After the introduction of Gender Mainstreaming with the Amsterdam Treaty (1999) the German government followed up with a range of measures that had an impact on public administration and organisations receiving subsidies from the government at local and national level. This demonstrates the positive direct impact of Gender Mainstreaming in all EU funded programs. In 2001, the Gender Equality Enforcement Act (BGleiG) in Germany replaced the 1994 Women's Promotion Act in higher government administration.

---

<sup>6</sup> The Institute was placed within the Ministry for Work and Social Affairs (MTAS).

### 1.2.3 Intersectional legislation and discrimination

In addition to the above there have been certain special legislative enactments enforced with special attention to protect foreign women. In the German case this has been done where foreign women have unequal legal status with respect to their spouse in the case of marriage migration where the residential status of a marriage partner joining a legal resident in the country is dependent on the status of their partner. In hardship cases foreign women who suffer domestic violence may be granted their own independent right of residence in Germany. Undocumented foreign women involved in human trafficking may be protected if they are brought to court and are being exploited.

In most of the countries concerned here there a number of empirical studies about the special cases of minorities or immigrants and migrants which document disadvantages with respect to the society as a whole and the discrimination of certain national or ethnic minorities, especially the Roma. With the exception of the UK, there is little indication that visible social movements that have created awareness of the need for specific legislation comparable to the experience of the U.S., Canada. The UK has been the country in Europe with the longest history of legislation that addresses discrimination based on gender and racial/ ethnic origins.

As early as 1992 the discussion about how the law should deal with situations in which both sex and racial discrimination are targeted at the same individuals (black women) was initiated in the United Kingdom (Fredman and Szyszczak). Consequently, the issue of double and/or multiple discrimination and intersectionality became a focus for the academic and public debate. Recently the debates about discrimination have shifted from a focus on formal equality to a focus on a more substantive equality. This shift has been followed to some extent by the legislation establishing the Race, Disability and Gender Equality Duties. It has also led to calls for a more comprehensive and inclusive single equality act to replace the many acts and regulations currently prohibiting discrimination, a call which has now been taken up by the Government and which should result in a Single Equality Bill in the foreseeable future.

Many organisations have also done research into intersectional discrimination such as the EOC (Mirza and Sheridan 2003 (done by the Centre for Racial Equality Studies of Middlesex University and the EOC and EOC 2007)), the Fawcett Society, (Moosa 2008a: this is the report of a project launched by the Fawcett Society to make visible the experiences and priorities of ethnic minority women) and 2008b), PRIAE (Policy Research Institute on Aging and Ethnicity, this organisation has done research on the intersection of ethnicity and age)<sup>7</sup> and trade unions/TUC (TUC 2006). Research has focussed on minority ethnic women. Other research addresses issues of the discriminatory conditions facing women migrants.

Kofman, Lukes, D'Angelo and Montagna (2008) are undertaking a study for the EHRC on the equality implications of being a migrant in Britain, including managed migration scheme. Moon (2007) also underlines the significance of such studies for pointing to multiple or intersectional discrimination. Based on the legal context in the UK Moon argues that the current procedures are not adequate. Moon proposes some possible options for law reform in the UK in order to respect the reality of multiple discrimination in anti-discrimination claims.

In Germany there also has been research on the discriminatory conditions facing migrant women and their female descendants in comparison with German women in education and the labour market. Germany was to some extent also involved in a debate about, differences and overlaps of the categories of sexual and racial/ ethnic discrimination which were evolving, most explicit in the transnational gender research. The above research on gender discrimination of migrant women, however, did not enter the debate about intersectionality that was primarily taking place in a small area of feminist studies.

---

<sup>7</sup> See, for example, Patel, N, *Black and Minority Ethnic Elderly: Perspectives on Long-Term Care* (1999a: PRIAE); Patel, N, *Ageing Matters, Ethnic Concerns* (1999bPRIAE); and, Patel, N. and Traynor, P, *Developing Extra Care Housing for Black and Minority Ethnic Elders: an Overview of the Issues, Examples and Challenges* (2006 PRIAE and Housing Learning and Improvement Network). These reports are not on the Bibliographies, because they do look into the intersection of age and ethnicity, not of gender and ethnicity.

There has been a relatively strong feminist movement in Germany that has been active in feminist studies. This movement faced some confrontation with feminists with a third world background, but the academic debate was separate from a concern for the development of effective legislation that signaled protection to persons of immigrant background or Afro-Germans based on racial/ ethnic discrimination. Awareness about racism and racial/ ethnic discrimination became stronger towards the early 1990s, specifically in relation to the inequalities created by other institutional and structural factors, especially the issue of rights to citizenship for non-German residents and other discrepancies that became more apparent with the issue of German unification. Positive for the potential impact of the concept of multiple discrimination is at least the German decision to draft a single comprehensive bill that goes beyond the EU Directives in the dimension that includes women and all other categories of discriminated groups with respect to goods and services as well as work, occupations, training and education.

Today, intersectionality is a serious topic among feminists in academic law and gender studies. This debate may also be empowered by the implementation of the EU directives in a more comprehensive way than foreseen by the original directives. It will take time to see how this ties in with the intersection of racial/ethnic discrimination and gender discrimination. In France attention to the overlapping of racism and sexism has only recently been addressed (Dorlin 2005; Poiret 2005). It has been argued that this is the result of the dominance of gender and class analysis during the 1970s (Fougeyrollas-Schwebel 2005). But it is also because French feminist scholars, whose education is based on the principles of universalism and egalitarianism, we have tended not to see women as a diverse group.

The author's of the Spanish report emphasize that the discrimination of women continues to affect the Spanish and immigrant population<sup>8</sup> in many different ways that have not yet all been taken into account by the relevant national bodies. The problem of double discrimination appears only to be marginally addressed within agencies at the national level. National women's organizations, for example, do highlight the particular plight of immigrant women workers but do not fully address the intersectional nature of the discrimination suffered.

---

<sup>8</sup> Although the term *Intersectionality*, coined by Crenshaw, is of crucial importance for the study we prefer to develop the concept at a later date since it is more of an analytical than a practical tool.

In Spain and Bulgaria double discrimination and intersectionality are only now emerging as part of the current gender and racial discrimination debate. At present the discussion is restricted to describing what double discrimination and intersectionality are, outlining the potential advantages of this approach over previously adopted analytical frameworks and suggesting possible practical applications for these concepts in the anti-discrimination struggle.

On a whole in the countries concerned research on the issue of double/multiple discrimination and intersectionality are rather new, but have begun to attract the attention of many academics and some NGO activists. This is precisely the main issue that concerns the GendeRace project: To what extent is the antidiscrimination legislation implemented in the countries under study capable of addressing gender and race as a form of multiple and/or intersectional discrimination? At this stage of the research it is our objective to critically view the development of this issue with respect to policies and practices as well as studies at the level of official publications of the European Commission. The initiators of the GendeRace research proposal have already pointed out that the new EU Equality Directives<sup>9</sup> explicitly recognises the possibility of multiple discrimination, where sexual discrimination may be combined with any other form of discrimination covered in the Directives.

### **1.3 Structure of Work Package 3**

In the meantime since the enactment of the Directives the European Commission has supported several important studies as part of the Action Program or in connection with other European Community programs or institutions in order to cast light on a number of problematic issues with respect to the implementation of the anti-discrimination directives addressed here. These include: an overview of equality bodies, a handbook on equality data, two publications on positive action and (of major significance for the GendeRace project) a preliminary study that presents a very pragmatic overview entitled “Tackling Multiple Discrimination”.

---

<sup>9</sup> Directives: 2000/43/EC, 2000/78/EC, 2002/73/EC and 2004/113, respectively.

Work Package 3 has the task of scrutinizing this material and other documents and publications of the European Union with respect to issues related to the implementation of anti-discrimination legislation with special regard to the concept of multiple discrimination within the member states. This includes, as far as possible, special reference to programs and studies funded by the European Union for the clarification of issues directly related to the policies and implementation of anti-discrimination measures.

On the one hand, theoretical literature from feminist and legal studies has contributed to our understanding of a methodological approach to multiple discrimination and in particular the concept of intersectionality has been treated in the GendeRace EU project proposal and in the overviews of the state of the art and background papers of the GendeRace project partners. This document will draw on these, and on more recent publications when possible, for comparative analysis with respect to multiple discrimination and intersectionality when pertinent.

In summary WP 3 addresses the following types of European material:

- Directives and commentaries of the European Union.
- Studies defined and funded by the European Commission to address the issues of comparative implementation of anti-discrimination legislation in the EU (sources of data, research needs with respect to multiple discrimination, good practice, the instruments of implementation (such as equality bodies) etc.)
- Conceptual and methodological advances found in publications that reflect on the applicability of the multiple discrimination and /or intersectionality approach for legal practice or for the purpose of empirical study.

## 2. Communications and studies commissioned by the EC

### 2.1 Communication of renewed commitment to non-discrimination

In early 2008 the European Commission issued a communication to the European parliament, the Council, the European Economic and Social Committee and the Committee of the Regions to underline a renewed commitment to non-discrimination and equal opportunities (European Commission) {SEC (2008) 2172}.<sup>10</sup> This document presents a comprehensive approach to “step up the action against discrimination and promote equal opportunities.” This has also been accompanied by: “a proposal for a new directive prohibiting discrimination on grounds of age, disability, sexual orientation and religion or belief outside the employment sphere.” This short document proposes further actions to give “a new impetus to the dialogue on non-discrimination policy and to make more effective use of the instruments available.”<sup>11</sup>

Particular emphasis is given to implementing the existing legal framework especially through the work of the equality bodies in providing information and guidance in supporting the victims of discrimination. Moreover, the Commission supports the development of the cooperation between and the capacity building of the equality bodies via the Equinet network. In this way the Commission is also examining the effectiveness of national penalties and time limits to bring actions before national courts.

A major section of this document also addresses the further development of the current legal framework for tackling discrimination: The proposal for a new directive “will ensure that in all 27 member states all forms of discrimination, including harassment on the grounds of age, sexual orientation, disability and religion or belief are prohibited and victims have an effective redress. This should “bring to an end the perception of a hierarchy of protection.” On the other hand, the principle of “subsidiary” remains

---

<sup>10</sup> COM (2008) 420 final. Brussels 2.7.2008.

<sup>11</sup> Commission Staff Working Document accompanying the Proposal for a Council Directive, SEC (2008) 2181, Brussels 2.7.2008.

respected. This will leave decisions about selective admissions to schools, the recognition of same sex marriages and the nature of any relationship between organised religion and the state to the member states. This opportunity is also taken to point out the need for positive action, especially in the case of persons with disabilities. In general in this document the Commission makes a solid argument for strengthening policy tools for the active promotion of equal opportunities. These are summarized as awareness raising, mainstreaming, data collection and positive action.

This approach could also be extremely important for issues of multiple discrimination when it is stated in the section on stronger policy tools that “mainstreaming principles should apply across all grounds covered by Article 13 EC. Two of the grounds are already subject of ...a well-developed set of mainstreaming actions”: the Disability Action Plan for 2003-10 and the Roadmap for Equality between women and men for 2006-2010. “The Commission will build on these achievements by promoting the systematic incorporation of non-discrimination and equal opportunity concerns on all Article 13 grounds into all policies...”

This proposed new directive has, however, received a number of criticisms from NGOs at the European level. In particular the European Women’s Lobby (EWL) has initiated a debate on the possibility of a gap between the treatment of racial, religious, disability, age, and sexual orientation and the European gender equality legislation (European Women’s Lobby Briefing 2. July 2008).

The EWL points out that not only does the proposed directive contain a great number of exceptions (11 in number) that leave much room for decisions within the states, but there are also genuine concerns about the adequacy of “the material scope of Directive 2004/113 regarding equal treatment between men and women on access to and supply of goods and services,...social protection including social security and health care and social advantages.” For this reason the EWL urges the EC “to commit to a precise calendar to level up and complement the existing European gender equality legislation by 2010 at the latest.”

EWL addresses a number of concerns raised by other European Networks with different grounds of discrimination that also have either reservations or even criticism of the projected proposal. These refer to “preferential treatment based on age and disability; the exclusion regarding education; the exception on marital and family status and reproductive rights...lack of clarity regarding discrimination based on disability and the notion of “reasonable accommodation”, and difference in treatment based on nationality and legal status of third-country nationals. The proposed directive explicitly states that “The directive (art.3.4) is without prejudice to national legislation promoting equality between men and women.”

Although the Directive proposes that a modification of the legislation on discrimination on the ground of sex could be made in 2010, following the report on the implementation of the 2004/113 Directive, EWL states the concern whether this will be achieved. EWL stresses the need for the EC and Member States to commit to a calendar for this, to ensure that the revision takes place and to secure that sex discrimination legislation is put at the same level as the other discrimination grounds addressed by EC legislation.

Bells (2008) Report for the Ad Hoc Expert Group of the European Network Against Racism (ENAR) has made a number of recommendations for the proposed Directive to extend EU anti-discrimination law. One of the main points that this group identifies that has to do with multiple discrimination is: 1) the need to ensure effective protection from discrimination for all persons in all areas of life. “This requires the same level of protection with no hierarchy of rights between different grounds, including gender, race or ethnic origin, religion or belief, age, disability or sexual orientation.” 2) “The Directive should explicitly prohibit discrimination on more than one ground (multiple discrimination) and should require specific measures to ensure that this is dealt with effectively by national law ( e.g. in relation to equality bodies and legal procedures): 3) “No exception for difference of treatment based on discrimination status or nationality should be included in the directive.” 4) “The definitions of discrimination (...) should be consistent with that already existing in the Racial Equality Directive and the Directives on gender equality. 5) The directive should include measures designed to promote equality (positive measures, mainstreaming).

In addition, important recommendations with respect to financial compensation, the value of equality bodies and their independent legal standing, as well as the prohibition of discrimination by association with persons of a certain religion, belief disability, age or sexual orientation.

The Commission has also undertaken first study on data availability and needs has been contracted and published about the current state of the art and further needs.<sup>12</sup> This document also stresses the low level of knowledge concerning the new anti-discrimination legislation among the population and that even with a good system of protection from outright discrimination this may not result in formal equality; thus more emphasis is being given to positive action.<sup>13</sup>

## **2.2 Studies on multiple discrimination, research needs and highlighting good practice funded by the European Commission**

“Tackling Multiple Discrimination” is perhaps the most pertinent EC publication for the GendeRace study. This study was commissioned by the EC to bring clarity to the concept of multiple discrimination, to learn about good practice from experts in the field (from the EU and especially from countries such as Australia, Canada and the US that have a greater experience in anti-discrimination legislation) and to demand more attention for multiple discrimination. This publication reiterates the concern of the EU with the addition of new grounds of discrimination (“race”/ethnic origin, age, disability, religion or belief and sexual orientation) to gender equality, adding that “the concept of Multiple Discrimination has grown in importance.” This statement is made with reference to the Communication of the EC adopted in June 2005 on “Non-Discrimination and Equal Opportunities – A Framework Strategy.” This Communication “recognised that the implementation and enforcement of anti-discrimination legislation on an individual level is not enough to tackle the multifaceted and deep-rooted patterns of inequality experienced by some groups. Despite [this]..., Multiple Discrimination as a phenomenon remains to be explored.”

---

<sup>12</sup> See the European Handbook on Equality Data (2007) and Measuring discrimination: Data Collection and EU Equality Law. European network of legal experts in the non-discrimination field, Feb. 2007.

<sup>13</sup> See Beyond Formal Equality: Positive Action under Directives 200/43/EC und 2000/78/EC, EC 2007.

The authors made the decision to work with the term multiple discrimination. “For the purposes of this report, Multiple Discrimination [is]... understood as consisting in any combination of discrimination on the grounds of gender, racial or ethnic origin, religion or belief disability, age or sexual orientation.” The communication also stresses that “Although it is recognized that grounds such as class or socio-economic status have a significant impact on an individual’s vulnerability to discrimination only the six grounds mentioned above will be explored in this study.” Class and socio-economic status are clearly excluded as grounds for anti-discrimination.<sup>14</sup> Moreover, the authors concur that Multiple Discrimination will be the umbrella term to be used throughout this publication, since this is the more common terminology in European as well as human rights discourse.

“Tackling Multiple Discrimination” fills a knowledge gap with respect to supplying an overview that includes the theory and practice of employing two or more grounds with this kind of legal framework. This is a pioneering document of about 70 pages based on literature and a variety of empirical methods. It attempts to identify Multiple Discrimination cases, how the actors involved in anti-discrimination work to tackle the issue, highlight good practice and to make recommendations about how situations of Multiple Discrimination could best be addressed.

Generally, the document concludes that the EU anti-discrimination legislation recognizes that different protected grounds can intersect, “but there is no explicit prohibition of Multiple Discrimination. Specific prohibition of Multiple Discrimination would create a greater awareness of the problem... in turn providing more effective protection for individuals and groups experiencing Multiple Discrimination.” Currently the concept seems somewhat obscure and there is the general impression that “minority women seem to be the most vulnerable.” But the authors also warn that there is a lack of research, of registered complaints and cross sectional data, which contribute to the continued invisibility of other disadvantaged groups as well, for instance: “older ethnic minorities, black persons with a disability, etc.”

---

<sup>14</sup> This does not necessarily exclude their use as indicators when relevant for indirect discrimination of persons belonging to groups overrepresented in the lower sectors of the socio-economic hierarchy. This is not immediately relevant, however for this review.

With respect to the EU countries it can be concluded that not only is there no explicit prohibition of Multiple Discrimination, but that even the assumption that ethnic minority women /and black women may be the most vulnerable is not currently effectively addressed due to the common practice of single ground proof of discrimination. Theoretically, multiple grounds for all the six grounds indicated might be possible to claim in the area of employment, but practice demonstrates that these grounds, in most cases, will be argued separately. This means that the combined experience/weight of discrimination risks being neglected.

As the authors conclude, there is a need for further research...”in order to determine how to process intersectional cases, how to carry out a comparison in cases of Multiple Discrimination and how awards of damages should be assessed” (OpCit, p.28).

The study also concludes that only in Canada have “courts, tribunals and commissions” been instrumental in fostering the judicial system’s recognition of intersectional discrimination.”

Finally, “Tackling Multiple Discrimination” recommends action to increase the capacity to recognize and identify occurrences of Multiple Discrimination and awareness of the need to combat them as such. It is pointed out that the literature on this issue makes clear how important it is to contextualize, i.e. to examine the context in which discrimination takes place. Contextualizing sheds light on the historical, social, cultural, and political processes and developments which have significance for discrimination and which may be very specific for one society. Thus, the specific combinations of Multiple Discrimination may differ from one society to another. Nonetheless, this does not deny or neglect the observation that Multiple Discrimination is likely to be found in most societies. The “stakeholders” involved in the consultation for this study were able to identify several themes that could be applied to help contextualise Multiple Discrimination (p. 31).

Some of the themes are the relationship of multiple discrimination to the history of anti-discrimination work in the country and the felt need by countries only now beginning in this area to understand and work with the single ground anti-discrimination legislation. Others identified great challenges in their society to social inequality in general and the

link between poverty and unemployment and the experience of discrimination. The authors point out that the experience of legal experts in the field, e.g. in the case of Britain, emphasize that they view work in the field of combating discrimination “as an evolutionary cycle that leads to a dynamic understanding” of discrimination and eventually of multiple discrimination.

Another point made by the stakeholders consulted was to suggest the giving of attention to the role of civil society and how well established and experienced the NGOs are in this context. Generally, the more involved the NGO community seemed to be, the more awareness on discrimination issues could be identified. Also the more cooperation across the board -with respect to the different kinds of discrimination, “the more developed was the understanding of Multiple Discrimination” (Op Cit. p.32).

In the end this report puts forth a number of recommendations for advancing the knowledge and the implementation of the concept of Multiple Discrimination and the work in this field, in order “to monitor and track the unique ways in which people experience Multiple Discrimination through numerous tools and strategies”. These include: 1) research, 2) legislation, 3) awareness raising, 4) collection and dissemination of good practice 5) data collection, 6) training and education, and 7) the promotion of multiple-ground NGOs (Op Cit, p.7).

Several of these items have obviously direct relevance for the GendeRace research. Others relate to specific studies, either completed or underway, that the EC has commissioned and deserve at least some brief attention in this overview. Obviously a number of research needs are clear; this is an area where the GenderRace study can make a contribution. But the whole area of the data collection process also deserves attention. Both of these areas are addressed in the European Handbook on Equality Data sent out previous to this report. In the Appendix can also be found a set of references made to other EC funded research that may contribute to an understanding of the intersectionality issue with respect to GendeRace.

In addition to the specificity of intersectionality and Multiple Discrimination, the EC has commissioned other studies that do not address directly this issue, but which should be very helpful to enhance the creation of an anti-discrimination culture in the countries

of the European Union. Some of the areas recommended in “Tackling Multiple Discrimination” have already received the attention of studies promoted by the EC, for instance, point 4), promoting good practice refers to case studies of good practice in employment and service provision. Definitely falling within this category are two EC commissioned publications (*Beyond Formal Equality*<sup>15</sup> and *Putting Equality into Practice*<sup>16</sup>) that were published in 2007 addressing the issue of positive measures / positive action. This is an area that could have direct relevance for cases of Multiple Discrimination and indirect discrimination. For instance, in the course of identifying subgroups that may particularly suffer from Multiple Discrimination within the various national contexts an excellent measure might be the establishment of positive measures for these groups of persons.

Moreover, in 2006 the EC published a study on the equality bodies, “Catalysts for Change?” written by Rikki Holtmaat<sup>17</sup> from the European Network of Legal Experts in the non-discrimination field. This is both an overview of the few experienced National Equality Bodies at that time, before all the member states had passed legislation or instituted such bodies, and also a discussion of a study of the potential of a good functioning National Equality Body. Moreover, for the work of the GendeRace project, it also could provide a good working document for the kinds of expectations and questions researchers could raise vis-à-vis the experts in the National Equality Bodies that the GendeRace research teams will be interviewing.

---

<sup>15</sup> De Vos, M. *Beyond Formal Equality: Positive Action under Directives 2000/43/EC and 2000/78/EC*, DG for Employment, Social Affairs and Equal Opportunities, Unit G2, June 2007.

<sup>16</sup> European Commission, DG for Employment, Social Affairs and Equal Opportunities, Unit G4, March 2007, as part of the Community Action Programme, *For Diversity Against Discrimination*, ISBN 978-92-79-04965-1

<sup>17</sup> Holtmaat, R. *Catalysts for Change? Equality Bodies according to Directive 2000/43/EC – existence, independence and effectiveness*, European Commission, DG for Employment, Social Affairs and Equal Opportunities, Unit G2, March 2006.

### **3. European publications on intersectionality: research on the gendered use of anti-discrimination legislation and resources.**

#### **3.1 Multidimensional equality law and beyond intersectionality**

The enactment of anti-discrimination legislation in the countries of the European Union has stimulated a vast array of publications and work by feminists and experts in legal studies to address the theoretical and practical levels of the debate within Europe at times in a comparative perspective. Two extraordinary edited volumes have become available in 2008 (Grabham, et al and Schiek and Chege). Both publications are particularly significant for the issue of intersectionality and the implementation of anti-discrimination legislation within the member states of the European Union. Schiek and Chege emphasize multidimensionality in the specific context of the development of the legal perspective of European Union discrimination law. Grabham et al (2008) address issues not only theoretical approaches beyond intersectionality, but also beyond a legal framework. Because of their broad overview and depth of inquiry the following section focuses on a pertinent selection of the issues that are raised in chapters in these two volumes.

Schiek begins with the view that EU Equality Law is multidimensional, based on different rationales and concepts. “Multidimensionality is meant to capture both the present state of EU non-discrimination law and the perspectives of developing it towards a body of equality law that will meet the challenges ahead.” Schiek finds particularly critical that the concept of discrimination has become fragmented due to the splitting up of the directives. She points out Directive (2000/43/EC) addressing racial/ethnic discrimination is more comprehensive, “elevating non-discrimination law to a policy in its own right”. Where as the Framework or Employment Directive (2000/78/EC) is restricted to employment, “at the exclusion of social security which had always been covered by Community gender equality legislation.”

Nonetheless, this directive has “more daringly” expanded the number of grounds to religion and belief, sexual orientation, disability and age. Schiek also points out that the new Council Directive 2004/11/EC provides a narrower scope with respect to gender discrimination than the non-employment’ provisions in the racial and ethnic discrimination (Directive 2000/43/EC).

### **3.1.1 From formal to substantive equality law**

Extremely insightful is the contribution of this publication to the reflections on the historical move from formal to substantive equality law and its interrelation to new forms of governance, demonstrating the specific combination of non-discrimination law with welfare state models. A major premise the authors put forth argues that as a result of gender equality law, a debate was activated that highlighted the tension between formal and substantive equality. This refers, for example to short comings in the enforcement of individual rights to equal treatment, that lead to demands for effective remedies, institutional support and the encouragement of associations. According to Schiek the European Court of Justice had already taken steps in developing the principle of “effective remedies, acknowledging pregnancy discrimination as sex discrimination, allowing for some positive action and to the implementation of a ‘gender mainstreaming clause’ into the EC Treaty.

The discussion in the UK has been very important for the furtherance of a discussion on how to overcome complaints-based approaches in favour of positive obligations for institutions. Schiek mentions the potential of a fourth generation of Equality law with the main feature of improvement to be a “group social justice model” that creates positive obligations (for primarily public actors) to establish institutional preconditions for equality in social reality.” This is to date not foreseen in Community law. A major theme of this publication is the vision that there is a much needed move from the complaint based approach of non-discrimination to a positive approach of equality and “new governance or “mainstreaming” in some cases gender mainstreaming. Fredman (2009) takes these observations a bit further in her chapter on “Positive Rights and Positive Duties” and the contribution of new policies protecting from multiple discrimination.

### 3.1.2 Addressing multiple discrimination and intersectionality

The EC Directives in themselves raise the additional central theme of multiplying grounds of discrimination and the implications this has for the intersection of two or more grounds. For Schiek intersectional discrimination is a process that occurs whenever different exclusionary mechanisms are at work. Grabham (2008) has a slightly different interpretation of intersectionality seen as a method of interrogating the institutional reproduction of inequality (state, family, legal structures, professions, educations). This dual function of intersectionality, comes fore continuously. In one case, as the introduction of a added value in understanding identifications of unique combinations of group characteristics that contribute to substantially different discrimination processes. In the second case it is seen as a sociological analytical method for interrogating the institutional reproduction of inequality. These are not contradictory interpretations but rather approaches that serve slightly different purposes. The first purpose could be more practical if there would be the proper conditions in legal procedures that would allow for this to be useful. The conditions that will need to be met are proposed by some of the contributors in the Schieck volume and the Bell (2008) ENAR paper.

With respect to intersectionality, Schiek criticizes the latest EU funded publication on multidimensional equality (Cf. Section 2) that claims a simple answer to the question “who is vulnerable to multiple discrimination?” that “all individuals are potentially vulnerable”. Schiek finds this response much too simple. Each single ground delimits individuals who are potentially vulnerable. Each delimitation allows for another category of person who may not be categorized on that ground. For example, ethnic minorities vs. ethnic majorities, women as opposed to men, lesbians/ or gays as opposed to heterosexual persons. These may be further complicated by persons suffering discrimination in one area but profiting from more opportunities in another area.

Nielsen (2009) discusses whether EU equality law is capable of addressing multiple and intersectional discrimination? This chapter suggests that in the legal literature the term multiple discrimination usually covers both compounded discrimination (additive) and intersectional cases. The latter is also interpreted to be where the “combination of

discrimination on various grounds produces something distinct from any one form of discrimination. Nielsen further on cites the definition of intersectional discrimination according to the Ontario Human Rights Commission (2001):

“...intersectional oppression (that) arises out of the combination of various oppressions which, together, produce something unique and distinct from any one form of discrimination standing alone.”

Fredman, a professor of law, (Fredman and Szyszczak 1992) was one of the first to argue for recognising multiple discrimination in the UK referring to the case of black women who have been targeted for sex and racial discrimination. Fredman (2005) believes that it is “well known” that the most advantaged of disadvantaged groups may make best use or even capture the benefits of positive measures. If, however, groups suffering multiple discrimination would be identified and recognized on that basis, these would “by definition comprise the least advantaged in each of the relevant groups”.

Addressing intersectionality Fredman (2009) pursues how and why we identify group inequalities. She examines the relationship between the definition of group identities and the conceptualisation of the goals and meanings of equality.

It is not just gender, racial or other status of a group that is at stake, but the ways in which “these status markers create or perpetuate disadvantage or power imbalances, obstruct participation, and undermine dignity and mutual respect”. She also believes that groups should be defined not only in relationship to their status markers, but also with respect to the aims of equality. This is logically the basis for her objective to find satisfying remedies for cases of multiple discrimination that to date prove more difficult to achieve through individual complaints.

### **3.2 Weaknesses of EU law confronting cases of multiple discrimination**

For the purpose of the GendeRace study special attention should also be given to three chapters that focus on the application of intersectionality within European Union Law. Fredmann addresses intersectionality in the context of positive rights and duties. Vieten addresses research strategies with respect to intersectionality and social complexity as well as the meaning of social categories and the re-emergence of social class. Solanke proposes a new approach to intersectionality via the concept of stigma. The added value of this chapter is the focus on the deliberating questions that have influenced court decisions in the U.S. These questions are then applied to a case.

Despite the reference of EC Directives in Preambles and other documents Fredman sees shortcomings with respect to the recognition of multiple discrimination inherent in EU Law. The EU Directives accordingly privilege single source identity theory. This is reflected in EU Law which has first privileged gender identity and since 2002 race and ethnic origin are privileged over gender, this privileged over age, disability, sexual orientation and religion or belief. As a result the single identity approach implemented through the EU Directives is inadequate.

#### **Critique of single identity approach**

- Ignores issue of multiple identities
- Assumes that groups are internally homogeneous
- Ignores the role of power in structuring group relations

#### **Discrimination is not symmetrical (Asymmetrical)**

- Power relations can operate both vertically and diagonally
- Power operates at a fundamental level i.e. to construct identity categories
- Race is a social construct a marker for oppression / ethnicity is also framed by power relations e.g. case of black women in U.S: application of employer's seniority system – “last to come first to go” (indirect discrimination / multiple discrimination)

This example applies equally to migrant women in Europe: (Cf. intersectional discrimination in the Spanish and German cases Sec.) gendered occupational structures, women's work situated at the lower levels in production, automation, and the reduction of hundreds of jobs for those considered semi or unskilled. Moreover, even in vocational training in the German case when the descendants of immigrant women achieve equal secondary school certificates, they are less likely to enter the gendered vocational training schools because limited number of places (Wilpert 2005). Fredman also adds "women bear the brunt of cuts in public services and welfare, but this burden is disproportionately born by immigrant, minority, disabled and indigenous women."

Another dimension of gender discrimination is the additional burden of internal discrimination of migrant women in cases of domestic violence and patriarchy that "could be seen in terms of the synergetic impact of gender combined with racial or religious discrimination. Many black and minority women find it difficult to speak out against domestic violence, for fear of direct racism by police, or they are concerned to reinforcing negative stereotypes exposing their own communities to racist treatment, including deportation or injury. "Migrant women whose status depends on marriage are particularly vulnerable, since they face deportation if they leave an abusive relationship...." This vulnerability is compounded by language difficulties, lack of knowledge of sources of protection, difficulties of finding work or income to support themselves and their children. She refers as well to the particular case of Roma and Sinti women, a group who may be among the most discriminated but the women and girls more so than the males due to abandonment of school and early marriages and the resulting child care and employment problems. Available training projects often do not service this group. Single dimensional grounds based either on gender, racial/ethnic or religious discrimination all fail to meet the needs of those in the "complex confluence" of intersectional discriminatory currents (Fredman 2009:76).

Fredman cites the difficulty of framing policy and law in such a way to capture the synergistic nature of multiple discrimination. The US examples demonstrate the problem. In the case cited previously black women could not be recognized as being disadvantaged as women, since other (white women) were not effected or as black people, since black men were not laid off. At that time the US Federal Court of Appeals categorically refused to accept that black women formed a separate category, arguing

that this would give than a “super remedy” “greater standing” than black men or white women. Finally other US courts recognized that discrimination against black women can exist even in the absence of discrimination against black men or white women. This led to the arguments that multiple discrimination should be restricted to a combination of only two of the grounds.” To date the impact of the other grounds for discrimination have been ignored. “The result is both artificial and paradoxical. The more a person differs from the norm, the more likely is she to experience multiple discrimination, the less likely is she to gain protection.” (Fredmann 2009:77)

### **3.3 Conceptual and methodological contributions for addressing intersectionality in the application of EU law**

#### **3.3.1 Traversing national boundaries and the historical embedding of group struggles**

Vieten’s (2009) chapter is important for the GendeRace study because it addresses precisely the scope of intersectionality and multi-dimensional equality within the European Union and makes some observations that could have direct implications for the transnational methodology of the research process and implications for later interpretations of the findings.

Within this framework, Vieten raises the problem of traversing national boundaries of inequality with a purist view of Multiple Discrimination. Vieten points out the tension between the analytical approach to intersectionality (that argues against an essentialist view) and a more pragmatic approach defining discrimination according to certain group characteristics. She points out the difference between research that challenges any fixity of classification and more strategic (political) approaches relying on defined categories that are based on historically constructed group hierarchies.

Vieten argues that intersectionality provides a tool for identifying analytically complex layers of individual subordination. She asks how the most can be made of an analytical understanding of overlapping social categories while still keeping a “political eye” on the balance between individual subjectivity and social groupings? (Vieten2009:93).

This author points out the reason why we have this “political” eye: there is an explicit political dimension to public dispute and collective struggle. “It stresses that legal, social and cultural spaces in which group representations can be articulated are contingent and open to contestation....this historical embedding of group struggles, are at the core of feminist debates how the concept of intersectionality engenders meaning.” (Vieten 2009) She underlines the difference between the academic subfields where conceptualising and theorising social divisions evolve and the legal arena where the concrete cases of injustice and discrimination try to find remedies.

Vieten begins with the arguments put forth by Leslie McCall (2005) who underlines the need to be clear about the purpose of the specific knowledge research needs to obtain. The approach to intersectionality will depend on our purpose. McCall emphasizes the salience of social class for mapping the impact of group subordination and individual discrimination. Vieten clusters the three main intersectionality approaches identified by McCall (1) anti-categorical (3) inter-categorical and (2) intra-categorical complexity approach in an attempt to mediate the deconstruction of the classic “holistic” groups such as class, gender and “race” while insisting on political strategies. As a result Vieten finds that in McCall’s research, “the inter-categorical complexity” approach, “focus[es] on structural relationships that reflect social positions as an outcome of group hierarchies across different categories”.

Scope/intersecitonality	Anti-categorical complexity	Intra- categorical complexity	Inter-categorical complexity
Characteristics	Deconstruction of ‘master categories’: argues against fixed ascriptions: this approach is often linked to (white) postmodern feminism	Analysis of narratives or ‘single case studies’, focuses on particularly neglected intersections i.e. race, gender and class. Supported by (black ) feminism.	Focus on relationally MacCall favours this approach looking at the relationships and tensions of existing social categories
Problematic aspects	This approach creates and multiples categories: for example ‘trans-gender’, ‘bisexual’, ‘multiracial’ identities though rejecting ‘stable categories	This approach works on and accepts ‘relatively stable social categories’ while interrogating boundary making and condemning explicit definitions.	This approach requires provisional definitions of analytical categories in order to denounce group relationships. It contains the danger of re-essentialising group belonging.
Scope of knowledge	Its anti-essentialism fosters a permanent re-drafting of group categories and boundaries	Its middle way approach announces a political challenge to specific hegemonic group hierarchies	Its insistence on hierarchical meaning of social categories asks for an evaluation of concrete dimensions. This approach could be applied to comparative multi-group studies.

This approach supports the notion that “meaningful inequalities” matter and should be measured quantitatively”. She raises the question of how to gather data to catch multidimensional layers of social locations supporting distributive justice that prioritize, group compensation strategies.

Vieten reflects very specifically the ongoing discussion about the continued relevance of social class for social categorizations and the interactions of these. Looking at the disappearance and re-emergence of social class, Vieten stresses with the objective of intersectionality in mind there is good reason “to look at the *becoming* of social categories as well as at the *becoming* of social identities.” (Vieten 104) There is a brief overview of some contemporary reflections on the interaction between class and other relevant social categories in particular Yuval Davis, Anthias and Yuval Davis’s reflections on gender, ethnicity and class as operating and constructed in distinctive realms, as well as Verloo arguing for structural and political dimensions of individual discrimination. These are confronted with Walby’s more system oriented analysis of interwoven institutional layers. Vieten also recognizes the contribution of instances of historical disadvantages and privileges (Amoah), where colour and class play a role in oppression and reminds us of the need to re-politicise “the historically specific embeddings of group recognitions and group exclusions.” (p.106).

Makkonen (2002) has gone into depth in an analysis of intersectionality particularly about the complexity of the self, not alone with respect to suffering from multiple systems of oppression. But also what he called traits to help define who we are. But he did not focus on this aspect of belongingness. Problematic, however, is the focus on the “sense of self” and identity that often appears as a state of being where we have a variety of choices. Discrimination is a state of being where the person due to their group membership has few choices. On the other hand, Makkonen’s contribution to a comprehensive analysis of the historical development and construction of group memberships in the civil rights struggles. Civil rights struggles in their first steps had to do with the basics between larger collectives, e.g. colonized and colonizer, blacks and whites as belonging to the oppressed and dominant master “race”. These were the larger struggles.

Makkonen refers to this in this historical development in his paper as single issue movements: anti-racist and feminist movements. Makkonen interprets this as a “narrow and essentialist understanding of group formation and group interest”. Makkonen gives the example of feminist theorists that felt that they could “isolate” the variable of sexism from the variable of racism and so better understand it. This has led to the critique of “multiracial” feminism. On the other hand from the perspective of racialized lives in the U.S. “race” is often the predominating factor as an explanation of inequalities. Makkonen cites that this “generalized particularized experience is that of young African American men. He cites Cohen, who interprets this as the group from whom the whole black American community is judged. This refers specifically to the crime and imprisonment rates of young African American males. Makkonen’s interpretation and the development of his argument varies substantially from Solanke, who might identify this sub-group among the most disadvantaged for whom equality measures need to be developed.

In the end Vieten’s response is that historical processes have created a situation that nation-state legacies in the different European Union countries “confront us with specific forms of prejudices, varying standards of equity and, consequently, uneven terms of (minority) recognition and rights.” But, on the other hand, “the overall framework to harmonise different legal standards also give way to new intersecting social and political identities that are going to boost equality efforts transcending the yet (to be)<sup>18</sup> achieved EU framework. Most important of all, Vieten has a political message: to learn from history, to advance the contemporary debate on intersectionality and multiple equality law while re-politicising the historically specific embeddings of group recognition and encouraging those who are disadvantaged to air their voices, collectively.

---

<sup>18</sup> Comments in brackets are authors’ own additions.

### 3.3.2 Stigma and Intersectionality

In this same publication Solanke (2009) addresses the study race, gender, and age discrimination in the UK using the concept of stigma. According to Solanke intersectionality is limited because the language of grounds rests on the logic of immutability. Immutability creates limited categories. It entails the concept of the permanence or inability to change the trait which causes or is the basis for discrimination, e.g. skin colour, sex, disabilities...age...

Instead Solanke suggests stigma, because stigma draws on a spectrum of characteristics, only one of which is immutability. Crenshaw has already noted that legal prohibition by itself does not remove stigma or undermine the underlying assumptions. This contribution is especially valuable because as a lawyer Solanke has researched and found the indicators and questions that have been applied especially in the U.S. with respect to Supreme Court Decisions involving intersectionality and racial discrimination. It is her hypothesis that the concept of stigma could be a significant intervening variable in the elaboration of the likelihood of intersectional discrimination.

“ Stigma sticks in spite of anti-discrimination law, because it rests upon ‘assumptions so entrenched and so necessary to the maintenance of interlocking, interdependent structures of domination that their mythological bases and political functions have become invisible.’”

Solanke discusses a UK case about school exclusion and young black men. She indicates that a set of negative stigmas attached to this specific social group which are historical, social and political and have a long term economic impact. She argues that it also operates at the international level, i.e. African American men. Solanke demonstrates, that it is not just race, but the combination of race, age and gender that makes young black men subject to unique treatment. She points out in this case, that if the courts had used the concepts of stigma they may have reached a different conclusion.

Immutability is the most relevant criteria for making decisions in British and American law. The original argument was that the law should ‘protect those attacked for what they are, not for what they may believe or do.’ For this reason religious groups per se were not included.<sup>19</sup>

To determine whether a classification is “suspect” and subject to a strict rather than standard level of scrutiny depends on a number of factors. Court asks whether the group so defined has suffered a history of purposeful discrimination, whether it lacks political power to redress, and whether the discrimination constitutes a level of unfairness invidious to the ideal of equal protection”. This final characteristic is determined by immutability. Immutability also applies to gender and national origins all characteristics over which a person has little control.

According to Solanke, if we start with stigma, we end up with a spectrum of characteristics which also include immutability rather than a list of grounds determined by immutability.

“Stigma brings into focus the complex forms of discrimination which blight individual lives and social cohesion. It can travel alone or in packs: black women are burdened by the stigma of race and sex; black women can be disabled; the disabled may also suffer from the stigma attached to sexual orientation and/ or age. It is this interaction between various forms of stigma to which multiple consciousness points.”

What is stigma? Stigma does not refer to individual attitudes but focuses on negative meanings which are socially inscribed on arbitrary attributes, such as skin colour, sexual orientation, gender, pregnancy, disability or age. Stigmas have different kinds of characteristics and consequences, some permanent (immutable) others temporary.

Stigmas can be racial, physical, behavioural or biographical, acquired or inherited, or in-born. They can change from place to place and can operate at local, national, regional and international levels. e.g. the stigma attached to being a Dalit may be poignant only in Asia, but the stigma attached to black skin operates at a global level.

---

<sup>19</sup> Race would be considered an inherent attribute and religion seen as chosen.

Stigma goes beyond name calling. Stigma is never neutral – it is used for a reason – for social structure and for social control. Tells you your place and tells you to stay in your place”. Stigmas develop over time: most are crystallised taboos and myths “long in the making and difficult to acknowledge and confront. They are myths and stereotypes that do their damages subconsciously. Insidious...the dehumanisation of an individual is the key to the operation of stigma. Stigma provides a reason to withhold the presumption of equal humanity that underpins discrimination. Stigma provides the social context and justification for doubting the person’s worthiness.”

Stigma always excludes, but does not always result in political powerlessness, social and economic degradation. Not all warrant a legal remedy. Solanke suggests that in order to ascertain the merits of a complaint, a legal analysis would proceed by a general examination of the social, political and economic consequences of the stigmas involved. The questions raised would be similar to those raised by the U.S, Supreme Court in relation to the 14<sup>th</sup> Amendment, such as:

- Has the so defined group suffered a history of purposeful discrimination?
- Does it lack political power to obtain redress?
- Does the discrimination constitute a level of unfairness invidious to the ideal of equal protection?

In a stigma led analysis it would be necessary to ascertain the stigmas attached to the group. More specific questions could be asked about the specific stigma. “What do they target? What are their characteristics? Can the group that these stigmas relate to be described as, discrete, insular and powerless? Second, the consequences of these stigmas would need to be clarified. Does anyone or combination of them, result in social, political or economic degradation? Third, a causal relationship would need to be identified. Is there any indication that these stigmas have contributed to the treatment complained of? (Solanke 2009: 122)

This approach is certainly innovative and deserves some attention. One has to view the concept of stigma at the intersection of gender and racial discrimination. Behind stigmas that may be identified are prejudices and stereotypes, beliefs and judgements about the so identified groups. Solanke believes that the stigma approach facilitates a broader and deeper identification of discrimination. It also requires a more thorough

examination of the role that stigma and stereotypes play in society. “This is important because society is complicit in discrimination – social mores are a repository of stigma providing justification for everyday discriminatory actions and decision making.”

Solanke proceeds to analyze a case study involving two black teenagers discriminated against on the specific combination of race, gender and age discrimination. The case involved the exclusion of the two black teenagers who became involved in a fight with two white boys from school. The conclusion is reached that young black boys as a group need protection of the discrimination law because they are stigmatised in society in general, and the school educational system in particular.

In conclusion Solanke goes so far as to argue that a single ground focus is no longer adequate for anti-discrimination law. There are a number of groups in society that are among the most subject to discrimination based on the constellation of categories that make them a unique Group. The logic of a single category being the object of discrimination (e.g. women or black people) is not sufficient to reach the most discriminated constellations. Also the logic of immutability at the basis of anti-discrimination law is not adequate to reflect the complex reality of discrimination. The author suggests incorporating immutability into a spectrum of stigmatised characteristics that are related to the multiple categories that make up the entity of the stigmatized discriminated group, for instance, black, adolescent, males. Solanke argues that in the case at hand these young men are as well a discrete, insular and powerless group.

Unfortunately in the U.K. this confluence of race, gender and age cannot be recognized as creating a discriminated group, a claim with this configuration could not be brought. The choice would be between the gender claim under the discrimination due to sex law or a claim based on racialized group membership under the race relations act. Since the case does not fall into the employment area, age could not be a ground for a claim. (Age would not differentiate them anyway from the white boys, who were not excluded.) It is only the combination of association as a black (racialized) membership with a male gender and adolescence (age) that creates the unity of black young men who are violent / dangerous, etc.

As a legal scholar Solanke argues that in this case the opportunity was missed to challenge the social stigmas which blight these young men. The court disregarded the empirical data on rates of exclusion of black boys from school as well as the evasive response to a questionnaire required for such procedures. Solanke's argument is that together these factors would have been sufficient to shift the burden of proof to the school authorities and may have led to saving the exclusion of the boys from the school.

Behind this approach is the clear idea that the justification for discrimination of persons belonging to groups that are among the most disadvantages stems from their multiple stigmatized group belongingness. This is why multiple discrimination in the sense of a configuration of group memberships/ belongings can more easily identify the most discriminated groups.

The Schiek and Chege volume devotes as well four chapters to the headscarf as a symbol of intersectionality in legal discourse. One chapter looks directly at the intersectionality of sex, religion and ethnic (race) discrimination with respect to the European Convention of Human Rights and the EC Equality Law. The last two chapters focus on the Danish (Roseberry) and the German case (Sacksofsky) in detail.

The authors of these two different cases and approaches in the end concurring conclusions, that "the reluctance to accept headscarves worn by Muslim women, by feminists and others, amounts to a new recourse of 'white womanism'. (op cit p363) Based on the German case the author points out that gender discrimination may take different forms, with respect to religious Muslim women, "they are believed to have a 'false consciousness'<sup>20</sup>...their discrimination as Muslim women ignored."

---

<sup>20</sup> The assumption is that to wear a headscarf is a political decision and in that sense anti-democratic / authoritarian, or patriarchal.

### **3.4 An empirical study of the use of anti-discrimination legislation in a gendered perspective**

Carles (2008) has published the first research concerning the issue of the use of Anti-Discrimination Laws with respect to the intersection between “race” (or ethnic origins) and gender (Carles 2008).<sup>21</sup> This study examines the use of Anti-Discrimination Laws grounded in “race” or ethnic origins from a gender perspective. This study is based on the hypothesis that men and women experience different kinds of discrimination and react in different ways to the phenomenon. Furthermore, it suggests, the institutional framework provides different responses according to gender, in terms of action and conflict resolution.

After a short review of those dimensions of feminist theory found to be applicable to this research, in addition to recognition of the multi-level analysis of Yuval-Davis (2006), Carles gives attention to the debate existing within French feminist literature. Starting with the universalism of the French feminist perspective that originally viewed little diversity among women, Carles goes on to discuss the more recent view (Delphy 2006) that racism in France reflects a more “value cultural comparison” between men and women, that is often used to legitimise the differential treatment of “black” and “white” members of the population. This compounded legislation in France with respect to the law on Secularism relating to the wearing of the veil that “was justified in part by the need to protect Muslim women’s rights against their men, who were seen to be more violent and sexist than white men.” An additional dimension is brought out that argues that the culture transmitted to young French women of a North African background is largely dependent on social relationships generated by sexism and racism in a French social context rather than being a direct heritage from their parents and communities (Hamel 2005).

---

<sup>21</sup>This article is based on research of the evaluation of the anti-discrimination laws in Belgium. The project has been funded by the EU’s 5<sup>th</sup> Framework Programme (Marie Curie Mobility Action n MEIF-CT 2005-024890).

This background debate could be considered relevant not only for this study but also for much of the debate addressing the gendered aspects of behaviour, discrimination and sexism in countries of immigration vis-à-vis a number of immigrant groups from Muslim backgrounds. Mohanty (1988) has argued that Western feminists have created the category of the “third world woman” vis-à-vis the Western model of woman seen as the primary, and supposedly superior, point of reference. Carles continues with a discussion of the gender pluralist approach to the concept of citizenship (Mouffe 1992): She finds that the advantage of this approach is that “it makes visible the range of social divisions such as race, gender and class, which intersect with gender to shape the citizenship of women and men” (Lister 2003).

Without detailing here the methods employed in Carles’ study, attention should be given to the most important findings that can have a role in the current research of the GendeRace Project. These findings stem primarily from studying cases of complaints brought to the Belgium Centre for Equal Opportunities and the Fight against Racism which has long standing experience with anti-discrimination based around race and ethnicity.

Generally, the study found that gendered differences could be observed with respect to how both men and women react when they face discrimination. Discrimination was found in this study to be differently constructed by men and women. Men perceive and respond more often to ascriptive racism, verbal and physical violence. “Women encounter more difficulties in their day to day life, in their interaction with people.” Based on this study, Carles concludes that discrimination is not only a result of the adding together of two sources of discrimination, but that it is also multi-layered. This applies to both sexes, each in a different way, and to different experiences of discrimination. Carles stresses that this is not necessarily hierarchical.

The findings also conclude that men and women also use resources, including legal ones, differently. Although in this case study women made more complaints than men, the study finds that they use resources more effectively than men do. This has to do with their “attitude toward the legal framework” as well as to “the protection from

which they benefit". Reference is made to both private individuals and public services, perhaps because they are seen as victims to be protected.<sup>22</sup>

This could be a subject for further research, whether certain groups of immigrant women have, de facto, not only better involvement in their own organisations but also more often have ties to larger women's networks for support. Finally, Carles points out that a Centre such as the one studied in Brussels is reached by only the tip of the iceberg and that this research says nothing about persons who experience gender/race based discrimination but are not aware of their rights and do not have access to protection. "It is now necessary to go deeper: interviews of both lawyers and victims will help to discover the importance of the representation of law and institutions and how they can determine the use or not of the legal system."

## 4. Conclusions

→ **New Norms: Official recognition via anti-discrimination law sets new norms with respect to the major grounds for discrimination of categories of persons due to gender, racial/ethnic origins, religion/ beliefs, sexual orientation, age.**

The fact that the EU has recognized anti-discrimination law with Article 13 of the Amsterdam Treaty as a field in its own right especially with respect to the racial and ethnic discrimination and the employment directives is itself a norm setting event worth recognition. The majority of the 25 EU countries did not have effective legislation in these areas. In addition these directives have in connection with the extended protection against discrimination thus widened the variety of groups<sup>23</sup> that may make claims in employment.

---

<sup>22</sup> At an earlier point the author pointed out the greater embeddings of minority women in supportive social networks than men more often referred to the perhaps less reliable organisations of shop-floor bodies /unions.

<sup>23</sup> These include other potentially discriminated categories of persons beyond sex and racial discrimination to include age, disability, religion and beliefs, and sexual orientation.

→ **Multiple Discrimination receives greater recognition through the new EU directives; need to eliminate hierarchies of discrimination**

This also signals a potential for the interaction of categories and for recognition of multiple discrimination within the application of EU law. Multiple discrimination is mentioned as pointed out in a variety of scattered provisions and preambles in EU laws, but it is not defined in binding legal texts at the EU level. One of the main findings of this overview, however, is that with the exception of the UK the European Union member states have little experience with the application of multiple discrimination claims or intersectionality in the practice of anti-discrimination legislation within the EU. And, even in the UK multiple discrimination remains more alive in theory than in praxis. This has to do with the practice of legal procedures that rely primarily on one ground of discrimination on the basis of gender or racial or ethnic ascriptions.

→ **The references to multiple discrimination are not adequate enough. There is a need for binding regulations to put multiple discrimination in practice**

One of the most important finding in this selected overview is the general consensus in all papers that although multiple discrimination in the majority of cases is impossible to implement, it remains an essential element for successful protection of the most discriminated in society. The methodological studies of multiple discrimination and intersectionality enlighten our insights about how these groups may be constructed and identified. The solutions to implementation within anti-discrimination-proceedings requires explicit and binding regulations in the legal system that would make application feasible (Nielsen, Solanke, Vieten).

→ **Difficulties exist in the implementation of the enforcement of individual rights to equal treatment, thus, a need for equality goals and mainstreaming**

Other authors particularly in the Schiek and Chege volume visualize a move from formal to substantial equality law and in the design of new forms of governance. This stems from especially the UK and the German experience (with respect to gender) with

the shortcomings experienced in the enforcement of individual rights to equal treatment that lead to demands for effective remedies and institutional support. Gender mainstreaming is undoubtedly an important concept in this direction. In the UK they speak about the fourth generation of equality law with the main improvement to be a “group social justice model” (Schiek 2009). This requires positive obligations, for primarily public actors, to establish institutional preconditions for equality. Fredman (2009) takes up this line of thought up in her piece on “Positive Rights and Positive Duties: Addressing Intersectionality”. She suggests that the implementation of intersectionality can best be achieved not through individual complaints of discrimination, but much more effectively through planning and setting equality goals.

→ **Intersectionality is a conceptual tool for grasping the impact of multiple memberships in discriminated groups on formation of unique lived locations in social space.**

The concept of intersectionality is a useful tool for grasping how to understand because it attempts to locate persons where they meet on an interaction of discriminating factors with respect to their situated belongingness to multiple groups. In this process they form a new configuration and reflect very specific needs. Intersectionality is a tool that when properly studied and evaluated helps to understand the impact and significance of multiple discrimination. This creates a new unique case. The examples of special groups given in the publications at hand who exemplify intersectionality are special who are identified with overlapping forms of discrimination are the following:

- **External multiple discrimination.** Categories of gender and race: women with racialized collective identities (migrant women and ethnic minority women) more than men belonging to racialized collective with respect to legal rights as individuals or within their membership group: (undocumented women / no legal status / marriage migrants / involvement in human trafficking, Muslim women, Roma women).

- **Internal discrimination.** Categories of gender and race who are excluded due to ethnic membership, discriminated because of gender, and may be further discriminated within their own group because of cultural or religious values and the social controls that emanate from that.

→ **Intersectionality as an analytical tool enables us to grasp the most discriminated groups**

The term multiple discrimination, however, is the more general expression that is used in the international legal texts where reference is made to multiple discrimination. Simply says there can be groups whose lives are impinged on by different forms of discrimination and exclusion.

In the sense of a configuration of group memberships/ belongings to identify a unique case can more easily serve the most discriminated groups. Behind this approach is the clear idea that the justification for discrimination of persons belonging to groups that are among the most disadvantages stems from their multiple stigmatized group belongingness (Solanke 2009).

→ **The criteria whereupon the decisions about the extent of discrimination articulated in the grounds need to be clearly established**

This will be dependent on historical experience. Solanke demonstrates how the minute study of discrimination decisions and the steps involved can be useful for creating a systematic approach. Solanke refers to questions applied in the U.S. Supreme Court deliberations to judge the extent of discrimination facing the complainants.

→ **All studies of multiple discrimination need to be grounded in the local reality, contextualized and firmed with historical knowledge**

Vieten's work reminds us of the need for contextualisation and historical knowledge of the very specific groups that may be facing intersectional and or multilayered discrimination with different dimensions and significance in each country.

→ **Women and men ethnic minority background experience different form of discrimination and they respond differently to immigration.**

Carles's work indicates that in the Belgium case, not only do women and men experience different forms of discrimination, but they also respond differently to discrimination. In the study of the Belgium case there are also indications that the institutions and / or legal counsellors may also respond differently to the forms of discrimination that female and male ethnic/ racialized minorities receive.

These finding with respect to research, methods and findings bring us to the next step in the GendeRace study, the identification of variables and indicators for fieldwork.

## Bibliography

Abeyesekera S. (2001), Are you Proud of Being You? A Discussion on Racism, Prejudice and Women, 2 *Women in Action*, [www.isiwomen.org/wia/wiawcar/proud.htm](http://www.isiwomen.org/wia/wiawcar/proud.htm)

Andersen (1993), From the Editor, 7 *Gender and Society*, 157-161.

Anthias (2001), The Material and the Symbolic in the Theorising Social Stratification: Issues of Gender, Ethnicity and Class, 52 *British Journal of Sociology*, 367-390 3.

Anywar M., Roach P., and Sondhi R. (2000), *From Legislation to Integration? Race Relations in Britain*, Basingstoke/London: Macmillan Press.

Arnall A., and Wincott D. (2002), *Accountability and Legitimacy in the European Union*, Oxford University Press.

Ballard R. (1996), Negotiating Race: a 1991 Census, *Patterns of Prejudice*, 3-33.

Bamforth N. (2004), Conceptions of Anti-Discrimination Law, *Oxford Journal of Legal Studies*, 693-716.

Banton M. (1994), *Discrimination*, Buckingham: Open University Press.

Barnes L. (2003), Promoting Diversity and the Definition of Direct Discrimination, *Industrial Law Journal*, 200-13.

Barnes L., and Ashtiany S. (2003), The Diversity Approaches to Achieving Equality: Potential Pitfalls, *Industrial Law Journal*, 274-96.

Bernard C. (1999), Article 13: Through the Looking Glass of Union Citizenship, *Legal Issues of the Amsterdam Treaty*, 373-95.

Barnard C. (2001), The Changing Scope of the Fundamental Principle of Equality, *McGill Law Journal*, 956-77.

<http://openurl.ingenta.com/content?genre=article&issn=0305-9332&volume=32&issue=4&spage=274&epage=296>

Bernard C. (2004), The Future of Equality Law: Equality and Beyond, *The Future of Labour Law Liber Amicorum Bob Hepple QC*, 214-28.

Bernard C. (1998), The Principle of Equality in the Community Context, *Cambridge Law Journal*, 352-73.

Barnett B. (2007), Theories and Research on the Intersections of Race, Gender, and Class Inequalities From Lenski's Status Inconsistency to Collins' Matrix of Domination and Beyond 1954-2004, *Paper submitted for presentation at the annual meeting of the American Sociological Association*.

[http://www.allacademic.com/meta/p\\_mla\\_apr\\_research\\_citation/1/8/5/0/8/pages185083/p185083-1.php](http://www.allacademic.com/meta/p_mla_apr_research_citation/1/8/5/0/8/pages185083/p185083-1.php)

Barret, and Gavin (1997), *Justice Cooperation in the European Union*, Dublin, *Institute of European Affairs*.

Bell A., Bryson C., Barnes M., and O'Shea R. (2005), *Use of Childcare Among Families from Minority Ethnic Background*, National Centre for Social Research, [http://www.surestart.gov.uk/\\_doc/P0001514.pdf](http://www.surestart.gov.uk/_doc/P0001514.pdf)

Bell, and Waddington (2003), Reflecting on Inequalities in European Equality Law, *European Law Review*, 350-358.

Bell J., and Kilpatrick C. (2005), *Cambridge Yearbook of European Legal Studies 2003-2004*, Hart Publishing: Oxford/Portland.

Bell M. (2004), A Patchwork of Protection: The New Anti-discrimination Law Framework, *Modern Law Review*, 465-77.

Bell M. (2002), *Anti-Discrimination Law and the European Union*.

Bell M. (2002), Beyond European Labour Law? Reflections on the EU Racial Equality Directive, *European Law Journal*, 384-99.

Bell M. (2005), Combating Racial Discrimination through the European Employment Strategy, *Cambridge Yearbook of European Legal studies 2003-2004*, [http://www.surestart.gov.uk/\\_doc/P0001514.pdf](http://www.surestart.gov.uk/_doc/P0001514.pdf).

Bell M. (2000), Equality and Diversity: Anti-Discrimination Law after Amsterdam, *Social Law and Policy in an Evolving European Union*, 157-70.

Bell M. (2008), Extending EU Anti-Discrimination Law: Report of an ENAR Ad Hoc Expert Group on Anti-Discrimination Law, European Network Against Racism, Brussels.

Bell M., and Cormack J. (2005), *Developing Anti-Discrimination Law in Europe, the 25 EU Member States Compared*, [http://www.migpolgroup.com/multiattachments/3948/DocumentName/AntiDis\\_Eur\\_0707\\_EN.pdf](http://www.migpolgroup.com/multiattachments/3948/DocumentName/AntiDis_Eur_0707_EN.pdf)

Bell M. (2005), Walking in the Same Direction? The Contribution of the European Social Charter and the European Union to Combating Discrimination, *Social Rights in Europe*.

Bhabha J., and Shutter S. (1994), *Women's Movement. Women Under Immigration, Nationality and Refuge Law*, Trentham Books.

Bhavani R., Mirza H., and Meeto V. (2005), *Tackling the Roots of Racism Lessons for Success*, Joseph Rowntree Foundation: Bristol, Policy Pres.

Bitu N. (2007), Romani Women's Access to Health – A Basic Human Right, Equal Voices.

Blackstone T., Parekh B., and Snaders P. (1998), *Race Relations in Britain: A Developing Agenda*, London/New York: Routledge.

Bradley H., Healey G., Fordon C., and Kaul P. (2007), *Workplace Cultures: What Does and Does Not Work*, EOC.

Brah P., Phoenix A. (2004), Aint I A Woman? Revisiting Intersectionality, *Journal of International Women's Studies*, 75-86, [http://www.migpolgroup.com/multiattachments/3948/DocumentName/AntiDis\\_Eur\\_0707\\_EN.pdf](http://www.migpolgroup.com/multiattachments/3948/DocumentName/AntiDis_Eur_0707_EN.pdf)

Bredstrom A. (2006), Intersectionality: A Challenge for Feminist HIV/AIDS Research?, *European Journal of Women's Studies*, 229-243.

Brennan F. (2002), The Race Directive: Recycling Racial Inequality, *Cambridge Yearbook of European Legal Studies*, 311-31.

Brittain E., Dustin H., Pearce C., Rake K., Siyunyi-Siluwe M., and Sullivan F. (2005), *Black and Minority Women in the UK*, Fawcett Society.

Brown A., Erskine A., and Little John D. (2006), *Review of Judgments in Race Discrimination Employment Cases*, Department of Trade and Industry, Employment Research Series No. 64.

Brown C. (2002), The Race Directive: Towards Equality for All the Peoples of Europe, *Yearbook of European Law*, 195-227.

Bryan, I. (2002), Equality and Freedom from Discrimination: Article 13 EC Treaty, *Journal of Social Welfare and Family Law*, 223-38, <http://www.informaworld.com/smpp/content?content=10.1080/09649060210136193>

Buitelaar M. (2006), I am the Ultimate Challenge: Accounts of Intersectionality in the Life Story of a Well-Known Daughter of Moroccan Migrant Workers in the Netherlands, *European Journal of Women's Studies*, 259-276.

Bulmer, and Solomos (1998), Introduction: Rethinking Ethnic and Racial Studies, *Ethnic and Racial Studies*, <http://www.informaworld.com/smpp/content~content=a713766278~db=all~order=page>

Burca G., and Witte B. (2005), *Social Rights in Europe*, Oxford: Oxford University University Press.

Burri S., and Prechal S. (2009), Comparative Approaches to Gender Equality and Non-Discrimination within Europe, *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law*.

Butler J. (1990), Gender Trouble, *Feminism and the Subversion of Identity*, New York: Routledge.

Byrne R., and Duncan W. (1997), *Development in Discrimination Law in Ireland and Europe*, Dublin: Irish Center for European Law.

Cahn C. (2005), Towards Realising a Right to Positive Action for Roma in Europe: Connors v. UK, *Roma Rights Quarterly*, [www.errc.org/cikk.php?cikk=2160](http://www.errc.org/cikk.php?cikk=2160)

Carles I. (2008), Citizenship and Rights: the Use of Racial Anti-Discrimination Laws in a Gender Perspective, in E. H. Olesky, A. Petö, B. Waaldijk (eds), *Gender and Citizenship in a Multicultural Context*”, Peter Lang, Frankfurt am Main, 2008.

Caruso D. (2003), Limits of the Classic Method: Positive Action in the European Union after the New Equality Directives, *Harvard International Law Journal*, 331-86, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=437202](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=437202)

Chege V., Multidimensional Discrimination in EU Law and in a Comparative Perspective: EU Equality Law and Interactions of Gender and Race Discrimination in the Lives of Ethnic Minority Women, Department of Law University of Oldenburg.

Chopin I. (1999), *Campaigning Against Racism and Xenophobia: From a Legislative Perspective at European Level*, Brussels, European Network Against Racism.

Chopin I. (1999), *Article 13: A New Challenge for European Institutions*, Brussels, Migration Policy Group.

Chopin I. (2000), Possible Harmonisation of Anti-Discrimination Legislation in the European Union: European and Non-Governmental Proposals, *European Journal of Migration and Law*, 413-30.

Chopin I., and Niessen J. (2002), *Combating Racial and Ethnic Discrimination: Taking the European Legislation Further*, Brussels, Migration Policy Group, Commission for racial Equality.

Chopin I., and Niessen J. (1998), *Proposals for Legislative Measures to Combat Racism and to Promote Equal Rights in the European Union*, London: Belmont Press.

Chopin I., and Niessen J. (2001), *The Starting Line and the Incorporation of the Racial Equality Directive into the National Laws of the EU Members States and Accession States*, Migration Policy Group, Commission for racial Equality.

Clarke B., (2003), *Challenging Racism Using the Human Rights Act*, London, Lawrence and Wishart.

Cohen B. (2005), Positive Obligations: Shifting the Burden in Order to Achieve Equality, *Roma Rights Quarterly*, [www.errc.org/cikk.php?cikk=2161](http://www.errc.org/cikk.php?cikk=2161).

Collins H. (2003), Discrimination, Equality, and Social Inclusion, *Modern Law Review*, 16-53.

Collins, P. (1990), *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment*, Boston, Unwin Hyman.

Conaghan J. (2009), Intersectionality and the Feminist Project in :Graham,E, Cooper,D., Krishnadas, J. and Herman, D.(eds), Law, *Intersectionality and Beyond: Law, Power and the Politics of Location*.

Connolly M. (2006), *Discrimination Law*, London, Sweet and Maxwell Ltd.

Costello C., and Barry E. (2003), *Equality in Diversity: The New Equality Directives*, Irish Centre for European Law, Irish Equality Authority, Ashfield Publishing.

Coussey M. (2002), *Tackling Racial Equality: International Comparisons*, Home Office Research Study 238, Office Research Development and Statistics Directorate, [www.homeoffice.gov.uk/rds/hors2002.html](http://www.homeoffice.gov.uk/rds/hors2002.html).

Crenshaw K. (1998), A Black Feminist Critique of Antidiscrimination Law and Politics, *The Politics of Law: A Progressive Critique* , 356-380.

Crenshaw K. (1989), Demarginalising the Intersection of Race and Sex: a Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics, *University of Chicago Legal Forum*.

Crenshaw K. (1995), Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color, *Critical Race Theory: The Ke writings that Formed the Movement*, New York, The New Press.

Dale A., Lindley J, and Dex S. (2005), *A Life Stage Perspective on Ethnic Differences in Women's Economic Activity in Britain*.

Dasvarma A., and Loh E. (2002), *Intersectional Discrimination*, paper prepared for the Beyond Tolerance National Conference on Racism, Human Rights and Equal Opportunities Commission, Australia.

[www.humanrights.gov.au/racial\\_discrimination/conferences/beyond\\_tolerance/speeches/dasvarma.html](http://www.humanrights.gov.au/racial_discrimination/conferences/beyond_tolerance/speeches/dasvarma.html)

Davies G. (2005), Should Diagonal Discrimination Claims be Allowed? *Legal Studies*, Vol. 25, No. 2,

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=680510](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=680510)

Davis (2008), Intersectionality as Buzzword: A Sociology of Science Perspective on What Makes a feminist Theory Successful, *I Feminist Theory*, 67-85.

De Vos M. (2007), Beyond Formal Equality: Positive Action under Directives 2000/43/EC and 2000/78/EC, European Commission, DG for Employment, Social Affairs and Equal Opportunities.

Delphy C. (2001), *L'ennemi principal II. Penser le genre*. Paris Editions Syllepse.

Delphy C. (2006), Antisexisme ou antiracisme? Un faux dilemme, *Nouvelles Questions féministes*.

Dine J., and Watt B. (1996), *Discriminatory Law: Concepts, Limitations and Justifications*, London, Longman.

Dorlin (2005), De l'usage épistémologique et politique des catégories de 'sexe' et de race dans les études sur le genre, *Cahiers du genre*, 83-105.

Duclos (1993), Disappearing Women: Racial Minority Women in Human Rights Cases, *6 Revue Femmes et Droit*, 25-31.

Dummett A. (1998), British Race Relations in a European Context, *Race Relations in Britain: A Developing Agenda*, 204-20.

Duncant W. (1997), Racism and Xenophobia in Europe, *Justice Cooperation in the European Union*, 183-94.

Dworkin R (1978), Reverse Discrimination, *Taking Rights Seriously*, Duckworth, 22-39.

Ellis E. (2002), *The Principle of Non-Discrimination in the Post-Nice Era, Accountability and Legitimacy in the European Union*, 291-305.

Ellis E. (2005), *EU Anti-Discrimination Law*, Oxford University Press.

*Employment Tribunal and EAT Statistics (GB) 1 April 2006 to March 2007*, <http://83.137.212.42/sitearchive/eoc/Default08e9.html?page=17927>

Equal Opportunities Commission (2006), *Moving On Up? Bangladeshi, Pakistani and Black Caribbean Women and Work. Early Findings from the EO's Investigation in England*, Manchester, Equal Opportunities Commission.

Equal Opportunities Commission Scotland (2006), *Moving On Up? Visible Minority Ethnic Women at Work*, Glasgow, Equal Opportunities Commission.

Equal Opportunities Commission (2007), *Moving On Up? The Way Forward*, Report of the EOC's Investigation into Bangladeshi, Pakistani and Black Caribbean Woman and Work, [http://www.equalityhumanrights.com/Documents/Gender/Employment/bme\\_final\\_report2007.pdf](http://www.equalityhumanrights.com/Documents/Gender/Employment/bme_final_report2007.pdf)

Equal Opportunities Commission (2007), *Gender Equality Index Completing the Revolution: The Leading Indicators*, [http://83.137.212.42/sitearchive/eoc/pdf/Gender\\_Equality\\_Index\\_GB\\_web.pdf?page=20553](http://83.137.212.42/sitearchive/eoc/pdf/Gender_Equality_Index_GB_web.pdf?page=20553)

Equality Rights Trust (2008), Interview with Barbara Cohen and John Wadham, *Equality Review 1*.

Essed P. (1990), *Everyday Racism: Reports from Women in Two Cultures*, Amsterdam, Hunter House.

Essed P., *Towards a Methodology to Identify Converging Forms of Everyday Discrimination*, <http://www.un.org/womenwatch/daw/csw/essed45.htm>

Equal Voices (2007), A Gender Perspective on Discrimination, Equal Voices Interview with Louise Arbour.

Equal Voices (2007), The Dilemma of Black Women, Equal Voices Interview with Beatrice Achaleke.

European Commission (2007), Putting Equality into Practice: What role for Positive Action?, DG for Employment, Social Affairs and Equal Opportunities.

European Commission, Tackling Multiple Discrimination Practices, Policies and Laws, DG for Employment, Social Affairs and Equal Opportunities.

European Women's Lobby (2008), European Women's Lobby Briefing about the proposal for a new Anti-Discrimination directive made by the European Commission on 2 July 2008.

European Women's Lobby (2008), Letter to President Barroso - Upcoming new European anti-discrimination legislation.

Fekete L. (2005), *The Deportation Machine: Europe, Asylum and Human Rights*, London, Institute of Race Relations.

Felter (2007), Employment Obstacles for Black and Immigrant Women. A Case Study from the Netherlands, 22 *Equal Voices*, [http://eumc.europa.eu/eumc/index.php?fuseaction=content.dsp\\_cat\\_content&catid=476bbe34e6f40&contentid=478387340b0d8](http://eumc.europa.eu/eumc/index.php?fuseaction=content.dsp_cat_content&catid=476bbe34e6f40&contentid=478387340b0d8)

Fottrell D. (1999), Ever Decreasing Circles: Affirmative Action and Special Measures under International Law, *Minority and Group Rights in the New Millennium*, 183-203.

Fougeyrollas-Schwebel (2005), Controverses et anathèmes au sein du féminisme des années 1970", 39 *Cahiers du genre*, 13-26.

Fraser (2005), Multiculturalisme, anti-essentialisme et démocratie radicale. Genèse de l'impasse actuelle de la théorie féministe", 39 *Cahiers du genre*, 27-50.

Fredman S. (2005), Changing the Norm: Positive Duties in Equal Treatment Legislation, *Maastricht Journal of European and Comparative Law*, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=893943](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=893943).

Fredman S. (2001), *Discrimination and Human Rights: The Case of Racism*, Oxford University Press.

Fredman S. (2002), *Discrimination Law*, Oxford University Press.

Fredman S. (2005), Double Trouble: Multiple Discrimination and EU Law, *European Anti-Discrimination Law Review*, 13-18.

Fredman S. (2001), Equality: A New Generation?, *Industrial Law Journal*, 145-68.

Fredman S. (2002), *The Future of Equality in Britain*, Equal Opportunitéis Commission Working Paper Series No. 5, [www.eoc.org.uk/pdf/a\\_future\\_of\\_equality\\_in\\_britain.pdf](http://www.eoc.org.uk/pdf/a_future_of_equality_in_britain.pdf)

Fredman S., and Szyszczak E. (1992), The Interaction of Race and Gender, *Discrimination: The Limits of Law*, 214-226.

George S. (2001), Why Intersectionality Works, 2 *Women in Action*, [www.isiwomen.org/wia/wiawcar/proud.htm](http://www.isiwomen.org/wia/wiawcar/proud.htm)

Goldberg S. (2009), Intersectionality in Theory and Practice, *Intersectionality and Beyond: Law, Power and the Politics of Location*.

Goodwin M. (2009), Multidimensional Exclusion, *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law*.

Government Equalities Office (2008), *Ethnic Minority Women Factsheet*.

Grabham E., Cooper D., Krishnades J., and Herman D. (2009), *Intersectionality and Beyond: Law, Power and the Politics of Location*.

Grabham E. (2006), Taxonomies of Inequality: Lawyers, Maps, and the Challenge of Hybridity, *Social and Legal Studies*, 5-23.

Gregory J. (1987), *Sex, Race and the Law: Legislating for Equality*, London, Sage.

Griffiths L. (2006), Positive Duties to Promote Equality, *Strategic Enforcement Powers and Competences of Equality Bodies*, Report by Equinet Working Group 2 on Strategic Enforcement, [www.migpolgroup.com](http://www.migpolgroup.com).

Guenif-Soulimas N. (2000), *Des beurettes beurettes aux descendantes nord-africaines*, Paris Grasset- Le Monde.

Guillaumin C. (1992), *Sexe, race et pratique du pouvoir. L'idée de nature*, Paris, Côté-Femmes.

Hall K., Bance J., and Denton N. (2004)., The Role of Childcare in Women's Labour Market Participation: A Study of Minority Ethnic Mothers, *Directions Resesarch*.

Hall S. (1999), From Scarman to Stephen Lawrence, *History Workshop Journal*, 187-97, <http://hwj.oxfordjournals.org/cgi/content/citation/1999/48/187>

Hamel C. (2005), De la racialisation du sexisme au sexisme identitaire, *Migrations Société*, 91-104.

Hannett S. (2003), Equality at the Intersections: The Legislative and Judicial Failure to Tackle Multiple Discrimination, *Oxford Journal of Legal Studies*, 65-86.

Harris, A. (1990) 'Race and Essentialism in Feminist Legal Theory', *Stanford Law Review*, 42.

Hepple B., and Szyszczak E. (1992), *Discrimination: The Limits of Law*, London, Mansell.

Hepple B., Lord A., Ellis E., Rose D., and Singh R. (1997), *Improving Equality Law: The Options*, London.

Hepple B., Coussey M., and Choudbury T. (2000), *Equality: A New Framework*, Report of the Independent Review of the Enforcement of UK and Anti-Discrimination Legislation, Hart Publishing.

Hepple B. (2004), Race and Law in Fortress Europe, *Modern Law Review*, 1-15.

Hervey T. (1999), Putting Europe's House in Order: Racism, Race Discrimination and Xenophobia after the Treaty of Amsterdam, *Legal Issues of the Amsterdam Treaty*.

Holtmaat R. (2006), Catalysts for Change? Equality bodies according to Directive 2000/43/EC – existence, independence and effectiveness, European Commission, DG for Employment, Social Affairs and Equal Opportunities.

Home Office (2006), *A Points-Based System: Making Migration Work for Britain*, Cm 6741.

Hooks B. (1981), *Ain't I a Woman? Black Women and Feminism*, Boston, South End Press.

Howard E. (2005), Anti Race Discrimination Measures in Europe: An Attack on Two Fronts, *European Law Journal*, 468-86.

Howard E. (2008), Race and Racism: Why Does European Law have Difficulties with Definitions?, *International Journal of Comparative Labour Law and Industrial Relations*, 5-30.

Howard E. (2006), The Case for a Considered Hierarchy of Discrimination Grounds in EU Law, *Maastricht Journal of European and Comparative Law*, 443-68.

Howard E. (2004), The EU Race Directive: Its Symbolic Value – Its Only Value?, *International Journal of Discrimination and the Law*, 141-63.

Howard E. (2006), The European Union Agency for Fundamental Rights, *European Human Rights Law Review*, 445-55.

Howard E. (2007), The EU Race Directive: Time for Change?, *International Journal of Discrimination and the Law*, 237-261.

Independent Expert on Minority Issues of the United Nations Commission on Human Rights (2006), *Hidden Victims of Multiple Discrimination: UN Expert on Minority Issues Calls for 'Gender Lens' to Focus on Minority Women*, <http://www.unhcr.ch/hurricane/hurricane.nsf/0/C08BCCCC8F7C3C471C125712A0059F2C7?opendocument>

Integration of Female Immigrants in Labour Market and Society: Policy Assessment and Policy Recommendations (2003), No.4, <http://www.ist-world.org/ProjectDetails.aspx?ProjectId=9561fb53763f4b00ba0ac7238eb780e1&SourceDatabaseId=7cff9226e582440894200b751bab883f>

International Women's Rights Action Watch Asia Pacific (2003), *Guidelines for Addressing Intersectional Discrimination*, <http://www.iwraw-ap.org/aboutus/paper11.htm>

Intersectionality Scope and Multidimensional Equality within the European Union: Traversing National Boundaries of Inequality? (2008), *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law..*

Institute for Employment Studies (2007), *Pakistani and Bangladeshi Women's Attitudes to Work and Family*, DWP.

Jones R., and Welhengama G. (2000), *Ethnic Minorities in English Law*, Trentham Books Limited.

Jones T. (2003), The Race Directive: Redefining Protection from Discrimination in EU Law, *European Human Rights Law Review*, 515-26.

Knudsen S. (2007), Intersectionality – A Theoretical Inspiration in the Analysis of Minority Cultures and Identities and Textbooks, Caught in th web or Lost in the Textbook.

Kofman E. (2007), Gendered Immigrations, Policies and Rights in the UK, *Social Policy Review*, 265-91.

Kofman E., Lukes S., D'Angelo A., and Montagna N. (2008), *The Equality Implications of Being a Migrant in Britain*, Equality and Human Rights Commission.

Kofman E., Raghuram P., and Merefield M. (2005), *Gendered Migrations: Toward Gender Sensitive Polices in the UK*, Ippr. Asylum and Migration working Paper, London.

Kofman E., Ryan L., and Aaron P. (2008), *Bangladeshi Women into Employment and Training*, Community Aid Ponders End.

Kontos M., Haferburg U., and Sacaliuc A. (2006), Mapping of Policies Affecting female Migrants and Policy Analysis: the German Case, Integration of Female Immigrants in Labour Market and Society.

Lacey N. (1987), Legislation Against Sex Discrimination: Questions from a Feminist Perspective, *Journal of Law and Society*, 411-21, <http://eprints.lse.ac.uk/5680/>

Lanquetin M.T. (2004), La double discrimination à raison du sexe et de la race ou de l'origine ethnique, *Migrations Etudes*, No. 126.

Lanquetin M.T. (2005), Discrimination, *Femmes, Genre et société. L'état des savoirs*, Paris La Découverte, 85-93.

Lester, Lord A. (2001), Equality and United Kingdom Law: Past Present and Future, *Public Law*, 77-96.

Lester, Lord A. (1997), Making Discrimination Law Effective: Old Barriers and New Frontiers, *International Journal of Discrimination and the Law*, 167-81.

Lester, Lord A. (2000), New European Equality Measures, *Public Law*, 562-7.

Lester T. (2002), *Gender, Non-Conformity, Race and Sexuality Charting the Connections*, Wisconsin, University of Wisconsin Press.

Lester T. (2002), Race, Sexuality, and the Question of Multiple, Marginalized Identities in US and European Discrimination Law, *Gender, Non-Conformity, Race and Sexuality Charting the Connections*.

Loenen T. (2009), The Headscarf Debate, *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law*.

Loenen T., and Rodrigues P. (1999), *Non-Discrimination Law: Comparative Perspectives*, The Hague, Kluwer.

Ludvig A. (2006), Intersecting Voices in a Female Narrative, *European Journal of Women's Studies*, 245-258,  
<http://ejw.sagepub.com/cgi/content/abstract/13/3/245>

Lustgarten L. (1986), Racial Inequality and the Limits of Law, *Modern Law Review*, 68-85.

MacEwan M. (1997), *Anti-Discrimination Law Enforcement: A Comparative Perspective*, Aldershot, Avebury.

MacEwan M. (1995), *Tackling Racism in Europe: An Examination of Anti-Discrimination Law in Practice*, Oxford/Washington, 1-88 and 174-200.

MacIntosh B. (2005), Ethnocentrism and Socialist-Feminist Theory, *Feminist Review*, 64-86.

MacKinnon C. (1993), *Only Words*, Harvard University Press.

Makkonen T. (2006), European Handbook on Equality Data, European Commission, DG for Employment, Social Affairs and Equal Opportunities.

Makkonen T. (2002), Multiple, Compound and Intersectional Discrimination: Bringing the Experiences of the Most Marginalized to the Fore, Institute for Human Rights, <http://www.abo.fi/instut/imr/norfa/timo.pdf>

Marchetti E. (2008), Intersectional Race and Gender Analyses: Why Legal Processes Just Don't Get It?, *Social and Legal Studies*, 155-174.

Mason D. (1995), *Race and Ethnicity in Modern Britain*, Oxford: Oxford University Press.

Matsuda M. (1989), When the First Quails Calls: Multiple Consciousness as Jurisprudential Method, *Women's Rights Law Rep.*, 7-11.

McCall L. (2003), Managing the Complexity of Intersectionality, *Signs: Journal of Women in Culture and Society*, <http://www.rci.rutgers.edu/~lmccall/signs1f-ext.pdf>

McCall L. (2005), The Complexity of Intersectionality, *Journal of Women in Culture and Society*, <http://www.journals.uchicago.edu/SIGNS/journal/issues/v30n3/300303/300303.html>

McColgan A. (2005), *Discrimination Law: Text, Cases and Materials*, Oxford/Portland, Hart Publishing, 32-37.

McColgan A. (2003), Principles of Equality and Protection from Discrimination in International Human Rights Law, *European Human Rights Law Review*, 157-75.

McCrudden C. (2003), The New Concept of Equality, *Fight Against discrimination: The Race and Framework Employment Directives*, Academy of European Law Congress, [www.era.int/web/en/resources/5\\_2341\\_679\\_file\\_en.796.pdf](http://www.era.int/web/en/resources/5_2341_679_file_en.796.pdf)

McInerney S. (2000), Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin: A Comment, *Euroepan Law Review*, 317-23.

McInerney S. (2002), Bases for Action Against Race Discrimination in EU Law, *European Law Review*, 72-9.

Meenan H. (2007), *Equality Law in an Enlarged Union Understanding the Article 13 Directives*, Cmabridge University Press.

Melchior S., and Delorme C. (2007), Addressing the Challenges Faced by Migrant and Minority Women in the EU, Equal Voices, European Women's Lobby.

Miles R. (1994), Explaining Racism in Contemporary Europe, *Racism, Modernity and Identity on the western Front*, Oxford, Policy Press, 189-221.

Miles R. (1989), *Racism*, London/New York, Routhledge.

Mirza H., and Sheridan A. (2003), *Mulitple Identities and Access to Health – The Experience of Black and Ethnic Minority Women*, Working Paper Series No 10, Equal Opportunities Commission and centre for Racial Equality Studies, Middlesex University,  
[http://www.equalityhumanrights.com/Documents/EOC/PDF/Research/multiple\\_identity.pdf](http://www.equalityhumanrights.com/Documents/EOC/PDF/Research/multiple_identity.pdf)

Mohanty C. (1988), Under Western Eyes: Feminist Scholarship and Colonial Discourses, *Feminist Review*, 65-88.

Moon G. (2007), Multiple Discrimination: How Real are the Problems and What are the Solutions?, *Discrimination Law Association Briefings*, 433, 3-7.

Moon G. (2006), Multiple Discrimination – Problems Compounded or Solutions Found?, <http://www.justice.org.uk/images/pdfs/multiplerediscrimination.pdf>

Moon G. (2003), New Regulations on Religion and Belief and Sexual Orientation Discrimination, *Discrimination Law Association Briefings*, 7-11.

Moon G. (2004), *Race and Employment Directives: Remedies*, Academy of European Law Seminar Paper, [www.era.int/web/en/resources/5\\_2341\\_835\\_file\\_en.1050.pdf](http://www.era.int/web/en/resources/5_2341_835_file_en.1050.pdf)

Moon G. (2000), *Race Discrimination – Developing and Using a New Legal Framework*, Oxford/Portland, Hart Publishing.

Moosa Z. (2008), *Ethnic Minority Women: Routes to Power*, Government Equalities Office, Fawcett Society and Ethnos, [www.fawcettsociety.org.uk/index.asp?PageID=628](http://www.fawcettsociety.org.uk/index.asp?PageID=628)

Moosa Z. (2008), *Seeing Double Race and Gender in Ethnic Minority Women's Lives*, [www.fawcettsociety.org.uk/index.asp?PageID=628](http://www.fawcettsociety.org.uk/index.asp?PageID=628)

Morokvasic M., and Catarino C. (2006), Mapping of Policies Affecting Female Migrants and Policy Analysis: the French Case, Integration of Female Immigrants in Labour Market and Society.

Nielsen (2006), Law and Multiple Discrimination, CBS Law Studies, Copenhagen Business School, <http://ir.lib.cbs.dk/download/ISBN/8791759013.pdf>

Nielson R. (2009), Is European Union Equality Law Capable of Addressing Multiple and Intersectional Discrimination Yet?, *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law*.

Niessen J., and Chopin I. (2004), *The Development of Legal Instruments to Combat Racism in a Diverse Europe*, Lieden/Boston, Martinus Nijhoff Publishers.

Oakley A. (1972), *Towards a New Society: Sex, Gender and Society*.

Obuta S., and Palmer F. (2006), *Strategic Enforcement Powers and Competences of Equality Bodies*, Report by Equinet Working Group 2 on Strategic Enforcement, Brussels, Equinet.

O’Cinneide C. (2001), The Race Relations (Amendment) Act 2000, *Public Law*, 220-32.

O’Donovan K., and Szyszczak E. (1988), *Equality and Sex Discrimination Law*, Oxford, Basil Blackwell.

O’Hare U. (2001), Enhancing European Equality Rights: A New Regional Framework, *Maastricht Journal of European and Comparative Law*, 133-65.

O’Hare U. (2000), Equality and Affirmative Action in International Human Rights Law and its Relevance to the European Union, *International Journal of Discrimination and the Law*, 3-45.

Okin S.M. (1979), *Women in Western Political Thought*, Princeton University Press.

Ontario Human Rights Commission, An Intersectional Approach to Discrimination: Addressing Multiple Grounds Human Rights Claims, [http://www.ohrc.on.ca/en/resources/discussion\\_consultation/DissIntersectionalityFtnts/pdf](http://www.ohrc.on.ca/en/resources/discussion_consultation/DissIntersectionalityFtnts/pdf)

Orton M., and Ratcliffe P. (2009), From Single to Multidimensional Policy Approaches to Equalities, *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law*.

Ouali N. (2008), Genre et Migration: les enjeux Contemporains en Belgique et en Europe, *Femmes et Mobilités*, Marcinelle Edition Context.

Parekh B. (2000), Defining British National Identity, *Political Quarterly*, 4-14.

Parkeh B. (2000), *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, Basingstoke/New York, Palgrave.

Parekh B. (2000), *The Future of Multi-Ethnic Britain*, Report of the Runnymede Trust Commission, London, Profile Books.

Parkeh B., Blackstone T., and Sanders P. (1998), *Race Relations in Britain: A Developing Agenda*, London, Routledge.

Patel (2007), The Invisibility of Visible Ethnic Elder Women Across Europe, *22 Equal Voices*.

Patel N. (2007), The Invisibility of Visible Ethnic Elder Women Across Europe, *Equal Voices*.

Patel P. (2001), *An urgent Need to Integrate an Intersectional Perspective to the Examination and Developments of Policies, Strategies and Remedies for Gender and Racial Equality*, Presentation to the UN Commission on the Status of Women, [www.euowrc.org/13.institutions/5.un/un-en/12.un\\_en.htm](http://www.euowrc.org/13.institutions/5.un/un-en/12.un_en.htm)

Paterman C. (1988), *The Sexual Contract*, Cambridge and Stansford University Press.

Phillips A. (1991), *Engendering Democracy*, London, Polity Press.

Phoenix A., and Pattynama P. (2006), Intersectionality, *Euroepan Journal of Women's Studies*, 187-192.

Pitt G. (2007), *Employment Law*, 6<sup>th</sup> Edition, Thomson/Sweet and Maxwell.

Pothier D. (2001), Connecting Grounds of Discrimination to Real Peoples' Real Experiences, *Canadian Journal of Women and the Law*.

Poulter S. (1998), *Ethnicity, Law and Human Rights: The English Experience*, Oxford, Clarendon Press.

Prechal S. (2004), Equality of Treatment, Non-Discrimination and Social Policy: Achievements in Three Themes, *Common Market Law Review*, 533-51.

Primon J.L., and Frickey A. (2004), L'insertion professionnelle après des études supérieures des femmes issues des familles d'immigrés des pays du Maghreb : une inégalité redoublée, *Marché du travail et genre Maghreb Europe*, Bruxelles, Editions du DULBEA, 167-182.

Prins B. (2006), Narrative Accounts of Origins: A Blind Spot in the Intersectional Approach?, *European Journal of Women's Studies*, 277-290, <http://ejw.sagepub.com/cgi/content/short/13/3/277>

Reaume D. (2002), Of Pigeonholes and Principles: A Reconsideration of Discrimination Law, *Osgoode Hall Law Journal*, 113-143, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1137653](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1137653)

Reynoso J. (2004), Perspectives on Intersections of Race, Ethnicity, Gender, and Other Grounds: Latinas at the Margins, *Harvard Latino Law Review*.

Rex J. (1986), *Race and Ethnicity*, Milton Keynes: Open University Press.

Rhode D.L. (1999), *The Limits of Employment Discrimination Law in the United States and the European Community*, Copenhagen, 331-338.

Rouleau-Berger L., and Ould-Mebarek M. (2001), *Insertions segmentées et discriminations des femmes immigrées et des jeunes femmes d'origine étrangère dans l'accès à l'emploi*, Groupe de Recherche sur la Socialisation, Paris FASILD.

Ruwanpura K. (2005), *Exploring the Links of Multi Discrimination: Considering Britain and India*, International Institute for Labour Studies.

Sacksofsky U. (2009), Religion and Equality in Germany, *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law*.

Salt J. (2007), *International Migration – Report of the United Kingdom SOPEMI Correspondent to the OECD*, [http://www.geog.ucl.ac.uk/research/mobility-identity-and-security/migration-research-unit/pdfs/Sop07\\_20080131.pdf](http://www.geog.ucl.ac.uk/research/mobility-identity-and-security/migration-research-unit/pdfs/Sop07_20080131.pdf)

Salway S. (2007), Economic Activity Among UK Bangladeshi and Pakistani Women in the 1990s: Evidence for Continuity or Change in the Family Resources Survey, *Journal of Ethnic and Migration Studies*.

Satterthwaite M. (2004), Intersecting Protections, Migrating Women: Using Human Rights Law to Empower Women Migrant Workers, *Working Paper – Marginalization, Discrimination and Equality Series*, Center for Human Rights and Global Justice, <http://www.chrgi.org/publications/docs/wp/Satterthwaite%20Intersecting%20Protections%20Migrating%20Women.pdf>

Schiek D. (2002), A New Framework on Equal Treatment of Persons in EC Law?, *European Law Journal*, 290-314.

Schiek D. (2005), Broadening the Scope and Norms of EU Gender Equality Law: Towards a Multi-Dimensional Conception of Equality Law, *Maastricht Journal of European and Comparative Law*, 427-466.

Schiek D., and Chege V. (2009), *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law*.

Schiek D. (2007), First European Conference on Multidimensional Equality Law in the EU – Developing Interdisciplinary Perspectives.

Schiek D., Waddington L., and Bell M. (2007), *Cases, Materials and Text on National, Supranational and International Non-Discrimination Law*, Commune Casebooks for the common Law of Europe, Oxford, Hart Publishing.

Scot J.W. (1986), Gender: A Useful Category for Historical Analysis, *American Historical Review*, 1053-75, <http://www.german.leeds.ac.uk/Gender%20and%20Germany/Campus/joan%20scott%20gender%20a%20useful%20category.pdf>

Shaw J. (2000), *Social Law and Policy in an Evolving European Union*, Oxford: Hart Publishing.

Shoben E. (1980), Compound Discrimination: The Interaction of Race and Sex in Employment Discrimination, *NYUL Review*, 793-835.

Singh R. (2004), Equality: The Neglected Virtue, *European Human Rights Law Review*, 141-57.

Skidmore P. (2001), EC Framework Directive on Equal Treatment in Employment: Towards a Comprehensive Community Anti-Discrimination Policy?, *Industrial Law Journal*, 126-32.

Smith O. (2005), Ireland's Multiple Ground Anti-Discrimination Framework – Extending the Limitations?" *International Journal of Discrimination and the Law*, <http://direct.bl.uk/bld/PlaceOrder.do?UIN=179198460&ETOC=RN&from=searchengine>

Solanke I. (2009), Stigma: A limiting principle allowing multiple-consciousness in anti-discrimination law?, *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law*.

Solomos J. (1993), *Race and Racism in Britain*, Basingstoke: McMillan.

Spencer M. (1995), Racism, Discrimination and Social Rights, *States of Justice: A Guide to Human Rights and Civil Liberties in the Euroepan Union*, London/Boulder, Pluto Press.

Steinbugler A., Press J., and Dias J. (2006), Gender, Race, and Affirmative Action, *Gender and Society*, Vol. 20, No. 6.

*The Stephen Lawrence Inquiry* (1999), Report of an Inquiry by Sir William MacPherson of Cluny, Cm 4262.

Symington A. (2004), Intersectionality: A Tool for Gender and Economic Justice, *Women's Rights and Economic Change*, [http://www.awid.org/publications/primers/intersectionality\\_en.pdf](http://www.awid.org/publications/primers/intersectionality_en.pdf)

Tabet P. (1998), *La construction sociale de l'inégalité de sexe. Des outils et des corps*, Paris-Montréal, L'Harmattan.

Tackey, N. (2006), *Moving on Up. Ethnic Minority Women and Work*, DWP Research Report.

Taub S. (1982), Perspectives on Women's Subordination and the Role of Law, *The Politics of Law: A Progressive Critique*, 117-139, [http://works.bepress.com/elizabeth\\_schneider/20/](http://works.bepress.com/elizabeth_schneider/20/)

Thorvaldsdottir T. (2007), Equal Opportunities for All – Intersectionality as a Theoretical Tool to Move Equality Policies Forward.

Toggenburg G. (2001), The Race Directive: A New Dimension in the Fight Against Ethnic Discrimination in Europe, *European Yearbook of Minority Issues*, 231-44.

Trade Union Congress (2006), *Black Women in Employment*, ESAD/EERD, [www.tuc.org.uk/extras/bwae.pdf](http://www.tuc.org.uk/extras/bwae.pdf)

Tsaklanganos (2001), Women at the Intersection of Race, Class and Gender, *Social and Economic Justice*, [http://www.wedo.org/files/2001\\_jul\\_newsltr.htm#\\_Women\\_at\\_the\\_1](http://www.wedo.org/files/2001_jul_newsltr.htm#_Women_at_the_1)

Tyson A. (2001), The Negotiation of the European Community Directive on Racial Discrimination, *European Journal of Migration and Law*, 199-229, <http://www.ingentaconnect.com/content/mnp/emil/2001/00000003/00000002/00350688;jsessionid=imav2qe030aw.alice?format=print>

United Nations of the High Commission for Human Rights (2001), *Gender Dimensions of Racial Discrimination*, [www.unhcr.ch/pdf/wcargender.pdf](http://www.unhcr.ch/pdf/wcargender.pdf)

Urbanek D. (2007), LARG – State of the Art and Mapping of Competencies Report: Germany, European Commission, Sixth Framework Programme (2002-2006).

Verloo M. (2006), Multiple Inequalities, Intersectionality and the European Union, *European Journal of Women's studies*, 211-228, <http://ejw.sagepub.com/cgi/content/abstract/13/3/211>

Waddington L. (2000), Article 13 EC: Setting Priorities in the Proposal for a Horizontal Employment Directive, *Industrial Law Journal*, 176-81.

Waddington L. (2004), Taking Stock and Looking Forward: The Commission Green Paper on Equality and Non-Discrimination in an Enlarged European Union, *Industrial Law Journal*, 367-73, <http://ilj.oxfordjournals.org/cgi/content/citation/33/4/367>

Waddington L. (1999), Testing the Limits of the EC Treaty Article on Non-Discrimination, *Industrial Law Journal*, 133-51.

Waddington L. (2003), The Expanding Role of the Equality Principle in European Union Law, Policy Paper, European University Institute, Robert Schuman Centre of Advanced Studies, <[www.iue.it/RSCAS?e-texts/CR2003-04.pdf](http://www.iue.it/RSCAS?e-texts/CR2003-04.pdf)

Waddington L., and Bell M. (2001), More Equal than Others: Distinguishing European Union Equality Directives, *Common Market Law Review*, 587-611.

Walby S. (2007), Complexity Theory, Systems Theory, and Multiple Intersecting Social Inequalities, *Philosophy of the Social Sciences*, 449-470, <http://pos.sagepub.com/cgi/content/abstract/37/4/449?rss=1>

Williams P.J. (1991), *The Alchemy of Race and Rights: Diary of a Law Professor*, Massachusetts, Harvard University.

Williams T. (2009), Intersectionality Analysis in the sentencing of Aboriginal Women in Canada, *Intersectionality and Beyond: Law, Power and the Politics of Location*.

Wilpert C., and Layton-Henry Z. (2003), *Challenging Racism and Discrimination in Britain and Germany*, Palgrave/Macmillan.

Wintermute R. (1997), Time for a Single Anti-Discrimination Act (and Commission)?, *Industrial Law Journal*, 259-62.

World Conference Against Racism, Press Kit: Issues – Gender and Racial Discrimination, *At the Crossroads of Gender and Racial Discrimination*, <http://www.un.org/WCAR/e-kit/gender.htm>

Young I. (2009), Structural Injustice and the Politics of Indifference, *Intersectionality and Beyond: Law, Power and the Politics of Location*.

Yuval-Davis N., Human Security and the Gendered Politics of Belonging, Centre for the Study of Women and Gender.

Yuval-Davis N. (2006), Intersectionality and Feminist Politics, *European Journal of Women's Studies*, 193-209.

## **Bulletins and Newsletters**

ENAR (European Network Against Racism)

Fekete L. (2002), Racism: The Hidden Cost of September 11, *European Race Bulletin*, London, Institute of Race Relations.

Raxen Bulletin (May – July 2008), Germany.

## **EU and International Sources**

**Publications produced or commissioned by the European Commission or European Networks working in cooperation with the European Union (e.g. European Network Against Racism, European Network of Legal Experts for Non-Discrimination).**

*Beyond Formal Equality: Positive Action Under Directive 200/43/EC and 2000/78/EC* (2007), European Commission.

Carles I. (2007), The Use of Racial Anti-Discrimination Laws in Belgium: A Gender Perspective, Final Report, Universite Libre de Bruxelles, <http://www.ulb.ac.be/is/gem>

CEDAW/C/2001/I/CRP.3/Add.9 (2001), Contribution of the Committee on the Elimination of Discrimination Against Women to the Preparatory Process and the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

<http://www.unhcr.ch/tbs/doc.nsf/0/f5285ba2fdb6101bc1256a5d00378b26?Opendocument>

CERD General Recommendation NO. 25: *Gender Related Dimensions of Racial Discrimination* (2000),

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/76a293e49a88bd23802568bd00538d83?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/76a293e49a88bd23802568bd00538d83?Opendocument)

COM (2008), 420 Final, Brussels.

Commission for Racial Equality (2006), *Common Ground – Equality, Good Race Relations and Sites for Gypsies and Irish Travelers –Report of a CRE Inquiry in England and Wales*, <http://www.equalityhumanrights.com/Documents/Race/Services/Common%20ground%20full%20report.pdf>

Commission for Racial Equality (2007), *Changes to the Highly Skilled Migrants Programme*, Letter to Lin Homer BIA.

Commission Staff Working Document accompanying the Proposal for a Council Directive (2008), SEC 2181, Brussels 2.7.2008.

Council Decision 2000/750/EC of 27/11/2000 establishing a Community Action Programme to combat Discrimination (2001 to 2006) [2000] OJ L 303/23.

De Vos M. (2007), *Beyond Formal Equality: Positive Action under Directives, 2000/43/EC and 2000/78/EC*, DG for Employment, Social Affairs and Equal Opportunities, Unit G2.

Ethnic Minority Employment Task Force (2004), *Equality, Opportunity, Success – Year 1 Progress Report*, London, Department for work and Pensions, <http://www.emetaskforce.gov.uk/pdf/EMETF.pdf>

Equality Rights Trust (2007), *UK Country Report*, <http://www.equalrightstrust.org/document-search/index.htm?csearch>

European Action Program to Netherlands Platform Older People and Europe (2005), *Old Migrant Women, Facts, Figures, Personal Stories. An Inventory in Five EU Countries*.

European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities (2007), *Tackling Multiple Discrimination Practices, Policies and Laws*, Luxembourg: Office of Official Publications of the European Communities.

European Commission (2007), DG for Employment, Social Affairs and Equal Opportunities, Unit G4, as part of the Community Action Programme, For Diversity Against Discrimination, ISBN 978-92-79-04965-1.

European Handbook on Equality Data (2007), *Measuring Discrimination: Data Collection and EU Equality Law*, European Network of Legal Experts in the Non-Discrimination field.

European Monitoring Centre on Racism and Xenophobia (2003), *Migrants, Minorities, and Employment: Exclusion, Discrimination and antidiscrimination in 15 Members states of the European Union*.

European Network Against Racism (2007), Fact Sheet 33, *Multiple Discrimination*, [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)

O’Cinneide C. (2007), European Network of Legal Experts in the Non-Discrimination Field, *Country Report on Measures to Combat Discrimination Directives 2000/43/EC and 2000/78/EC, Country Report United Kingdom State of Affairs up to January 2007*, [http://europe.eu.int/comm/employment\\_social/fundamental\\_rights/policy/aneval/mon\\_en.htm](http://europe.eu.int/comm/employment_social/fundamental_rights/policy/aneval/mon_en.htm)

European Union Agency for Fundamental Rights (2007), *22 Equal Voices*.

Holtmaat R. (2006) *Catalysts for Change? Equality Bodies according to Directive 2000/43/EC – existence, independence and effectiveness*, European Commission, DG for Employment, Social Affairs and Equal Opportunities, Unit G2.

Latraverse S. (2007), *Report on measures to combat discrimination Directives 200/43 and 2000/78 EC Country Report, France*,

[http://europa.eu.int/comm/employment\\_social/fundamental\\_rights/policy/aneval/mon\\_en.htm](http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/mon_en.htm)

McColgan A., Niessen J., and Palmer F. (2006), *Comparative Analyses on National Measures to combat Discrimination outside Employment and Occupation. A Mapping Study on Existing National Legislative Measures – and their Impact in – Tackling Discrimination outside the Field of Employment and Occupation on the Grounds of Sex, Religion or Belief, Disability, Age and Sexual Orientation*, Human European Consultancy /Migration Policy Group), Strand 1, 8 and 57, and Strand 2 (entitled Comparative Analysis of Existing Impact Assessments of Anti-Discrimination Legislation),

[http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/pubst/stud/mapstrand2\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/stud/mapstrand2_en.pdf)

Shaw J. (2004), *Mainstreaming Equality in European Union Law and Policymaking*, Brussels, European Network Against Racism.

Shaw J. (2005), *The EU Constitution and Racism: New Legal Tools*, Brussels, European Network Against Racism.

## Appendix 1

### Annotated EU Supported Studies on Migration/Race and Gender

#### ETHNOGENERATION

##### *The Chances of the Second Generation in Families of Ethnic Entrepreneurs, Intergenerational and Gender Aspects of Quality of Life*

*Objective:* ETHNOGENERATION studied ways of improving the quality of work, ways to establish a balanced combination of working and private life, as well as the well-being of the younger generation, especially in families of ethnic entrepreneurs. It delves into the quality of life in ethnic businesses and the chances of the next generation to accumulate educational and cultural resources in order to fully integrate into that particular society. It also deals with a range of issues including family, children, migration, employment, gender, social policy, youth and education.

*Dates:* 12/01/2002 to 11/30/2005

*Countries:* Denmark, France, Germany, Greece, and the UK.

#### FEMAGE

##### *Needs for Female Immigrants and their Integration in Ageing Societies*

*Objective:* to understand the needs and obstacles female immigrants face in terms of economic and social integration while also identifying requirements for integrative interaction between immigrants and national populations of a specified host country. With this knowledge, FEMAGE seeks to develop recommendations, support policies and services for key policy stakeholders. The project addresses directly women third-country nationals residing in the participating EU countries.

*Countries:* Germany, Hungary, Belgium, Poland, Czech Republic, Slovenia, Finland, Estonia, Austria

**FEMCIT*****Gendered Citizenship in Multicultural Europe***

*Objective:* FEMCIT seeks to explore how citizenship is gendered, and how women, as ordinary citizens and activists, have been involved in challenging and changing inequalities and injustices across Europe. It seeks to provide policy makers, academics, social actors, and decision makers with evidence of the complex dynamics of gendered citizenship in a multicultural context.

*Website:* <http://www.femcit.org/>

*Dates:* February 1, 2007 to January 31, 2011

*Partners:* University of Bergen  
University of Oslo  
Nordic Gender Institute  
Carlos III University of Madrid  
University of Warsaw  
Academy of Science of the Czech Republic  
University of Loughborough  
University of Stockholm  
Leiden University  
University of Toulouse-Le Mirail  
Nordland Research Institute  
Sodertorn University College  
University of Copenhagen  
University of Vienna  
University of London

**FEMIPOL*****Integration of Female Immigrants in Labour Market and Society***

*Objective:* to explore and analyse the impact of integration policies on the position of migrant women with EU countries as a basis for the development of recommendations for appropriate integration policies. The analysis of integration processes focuses not only on barriers that block social integration and on their removal, but also on the strategies and life plans of the female migrants. The project will formulate recommendations for better policies both on the national and the EU level, aimed at the integration of female migrants.

*Countries:* Cyprus, France, Germany, Greece, Italy, Poland, Portugal, Slovenia, Spain, Sweden, and the UK.

*Dates:* 02/2006 to 01/2008

*Website:* <http://www.femipol.uni-frankfurt.de/>

**GEMIC*****Gender Migration and Intercultural Interactions in the Mediterranean and South East Europe***

*Objective:* GEMIC seeks to identify links between migration, gender and intercultural interactions, with the understanding that it is the meeting place of these three dimensions that some of the most important cultural developments in Europe take place. In approaching this topic, GEMIC will emphasize the impact of migrant mobility and cultural diversity on gender relations in host, transit and sending societies.

*Dates:* 02/2008 to 01-2011

*Website:* <http://www.gemic.eu/>

**GEMMA*****Enhancing Evidence based Policy-making in Gender and Migration***

*Objective:* to contribute to improve coordination between researchers, policy-makers and civil society organisations in the field of Gender and Migration, and in particular, to improve access to synthesized EC-funded Gender and Migration research results and related policy recommendations for policy-makers and civil society organisations at national level in the five participating countries.

*Countries:* Italy, Hungary, Austria, France, UK

*Dates:* 04/2008 to 07/2010

*Website:* <http://www.gemmaproject.eu/home.aspx>

**GRINE*****Gender Relationships in Europe at the Turn of the Millennium:  
Women as Subjects in Migration and Marriage***

*Objective:* The study will focus on two crucial fields within women's lives – East-West migration and marriage. GRINE seeks to understand recent and undergoing changes in women's life strategies, their worldviews and their imaginaries (subjectivity) as well as in relationships between women (inter-subjectivity) in a European context. Moreover, the study seeks to highlight the changing relations between gender and cultural and legal norms in Europe today. It collected 110 oral history testimonies from pre and post 1989 migrant women from Bulgaria and Hungary, and native women from the Netherlands and Italy.

*Dates:* 10/01/2001 to 3/31/2004

*Gender:* “Gender is one of the central categories of analysis of the project, in (at least) three ways: 1. Women are the central subjects of the project. This choice is connected to the contemporary phenomenon of the feminisation of migration as well as to follow the research teams' interest in how women as subjects are produced; 2. Gender is constitutive of the subject. It is through the categories of gender that we make sense of ourselves, that we both renegotiate and are subject to its hegemonic meanings. These processes operate in interactions such that gender is performed in ways that entrench and challenge it; and they operate through institutions that normalise modes of being ‘men’ and ‘women’. 3. Gender is a fundamental tool to understand social and cultural dynamics at the symbolic level.”

**NEWS*****Network on Ethnicity and Women Scientists***

*Objective:* It aims at investigating the situation of foreign women scientists and those from foreign origin pursuing scientific careers in the EU and at highlighting similarities and differences in their position in terms of equal opportunities. More specifically, by investigating gender and ethnic diversity in 8 European countries, NEWS hopes to mobilise foreign women scientists and improve working conditions, ensure equal opportunities and increase participation in the sciences.

*Dates:* 01/2006 to 01/2008

*Countries:* Belgium, France, Germany, Italy, Portugal, the Netherlands, United Kingdom, Bulgaria

## QUING

### *Quality in Gender & Gender Equality Policies*

*Objective:* QUING aims to compare gender equality policies across Europe. It seeks to ask the questions of what are actually gender policies in the practice of national and European policy making, what does gender equality mean in these policies, and what are they trying to do? Under the umbrella of gender equality policies are three categories – gender based violence, intimate citizenship and non-employment. By comparing the different countries, the study hopes to find similarities and differences in the quality of gender equality policies with the result of creating new typologies that will be relevant to all of Europe.

*Website:* <http://www.quing.eu/index.php>

*Partners:* Netherlands, Belgium, Croatia, Germany, Greece, Hungary, Spain, Slovenia Sweden, Turkey, United Kingdom

*Dates:* 2006 – 2011 (56 months)

#### *Gender Training:*

With “gender training” we mean the training planned, organized or/and commissioned by public institutions and targeted at politicians, civil servants and public administrators. The focus is “gender training” aimed at facilitating the incorporation of “a gender equality perspective in all policies and at all levels and at all stages of the policy-making process.” ‘Training’ may take different forms: courses, classes, sessions, workshops, etc. and can be either face-to-face or online. The measures we are interested in do not need to be called ‘training’ but can be competence-oriented activities, which target gender equality.  
<<http://www.quing.eu/files/opera/survey.pdf>>

***The GENDERACE Team is responsible for the content of the report which does not necessarily reflect the view of the Commission, nor can the Commission accept responsibility for the accuracy or completeness of information it contains***