



Policy Brief

genderace

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

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Multiple Discrimination: Gathering expert views

Workpackage 7 of the Genderace project provides an overview of the impact of anti-discrimination laws through interviewing experts and stakeholders. The work has been designed to improve the knowledge of the combined effects of racism and gender discrimination and to evaluate the treatment of complaints through an intersectional approach. WP7 is also targeted at the assessment of the effectiveness of existing policies and the provision of the most innovative whilst practical recommendations for best practices in the field.

Methodology

Following the identification of interviewees and the development of a flexible research instrument allowing partners to conduct interviews with a range of experts, the national teams carried out interviews across the six countries. The interviews (7-10 in each partner country) incorporated a range of legal academic and practitioner expertise as well as that of both official and non-governmental bodies and with stakeholders from feminist and anti-racism NGOs.

WP7 fieldwork has been conducted through open-ended, semi-structured

interviews designed around the project guiding themes.

The selection of informants has been crucial for later work as interviewees have been targeted as a key source in making contact with and providing access to claimants/complainants (WP8). Experts' opinions have also played an important part of the development of questions and guiding themes for these interviews.

Initial findings

Based on our analysis thus far, some initial findings reveal:

- ❖ We have found a clear impact of gender on all forms of discrimination
 - ❖ We have found a clear impact of ethnic origin on all forms of discrimination
 - ❖ Although often overlooked, we have found a clear impact of socio-economic status / class on discrimination
 - ❖ Institutional discrimination is a key issue (France, Sweden)
 - ❖ Trade Unions play an important role but are often perceived to support men more than women (Sweden), where women benefit more from use of social services
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and private support from NGOs and schools

- ❖ Differences in use of resources exist according to ethnic background and to gender

Difficulties in making the complaint

We have also identified some significant difficulties around the making of complaints including the following: economic (UK); language barriers; social (according to the social structure of each group in the host country); lack of support from some NGOs and trade unions and lack of class action (for women).

We may denote a lack of sensitivity of key agents in issues of racialised identities rather than gender. Generally, claimants do not object to their cases being dealt with under one or more grounds as long as they feel attended to.

Multiple discrimination

In terms of the processing of cases of multiple discrimination, we may find that:

- ❖ Lawyers and legal advisers play a central role in determining the ground. This is usually related to that which they believe will enable more chance of winning the case or the one they feel is the most important to deal with
- ❖ Many organisations do not treat gender discrimination from the intersectional approach, and they are usually not equipped with sufficient resources to treat both issues (except in Sweden). Also, the juridical system does not adequately treat the issue of sexism, which may be why so few complaints exist when it comes to gender.
- ❖ Organisations tend to identify racism over sexism as the main priority / ground of discrimination, thus reinforcing the issue that they

overlook gender perspectives (France, Spain)

At a policy level, WP7 interviewees have emphasised:

- ❖ How the transposition of the Directive into national laws is carried out via new equality laws and bodies
- ❖ The role of the New Equality Bill in the UK (opinions differ, but there is agreement on the necessity of including multiple grounds), the AGG in Germany, the PDA in Bulgaria
- ❖ Changes in the structure of many official antidiscrimination bodies (which seldom worked together previously) and their merging (UK and Sweden)
- ❖ The creation of HALDE in France, CPD in Bulgaria and the plans to create a new body in Spain

Policy recommendations

Finally, recommendations on the handling of multiple discrimination raised areas of improvement by:

- ❖ The introduction of specific legal provisions within the new Anti-discrimination Directive
- ❖ The creation of dissemination tool-kits to help Member States implement gender mainstreaming in anti-discrimination policies
- ❖ The hosting of seminars on multiple discrimination for practitioners at EU and national level.

Findings achieved from both experts and complainants' interviews will be integrated within the production of Thematic Analysis and Reports (WP9). WP7 experts participated within Workpackage 10 workshops and their attendance and contribution to the Final Report and Conference (WP11) ensures involvement throughout the project.

Promoting dialogue between Research and Policy at the EU level

Workpackage 10 has been designed towards the development of policy recommendations, the involvement of stakeholders and the dissemination of the project's main results. For this, each national team has conducted a workshop (totalling 6 overall) with a representative sample of participants (of which many have taken part in WPs 4 and 7 *see p1-2*). The workshops facilitated discussion around key findings especially those relevant to the national context and have enabled the elaboration of policy recommendations at both national and European levels.

While analysis is currently underway at the national level to inform the WP10 General Report, we have included the key remarks and recommendations from the Brussels workshop below. This included participation of EU stakeholders and policymakers including representatives of the EU lobbies and the European Commission.

1. Which principal areas of need were identified by the EU policymakers and stakeholders ?

- ❖ Links between sociology researchers and lawyers must be strengthened to contribute to mutual understanding of multiple discrimination phenomena. The development of a legally operational definition should be achieved
- ❖ On the basis of this definition, Lawyers should encourage the development of case law based on multiple discrimination
- ❖ More generally, equality policies should include a stronger gender perspective in order to develop

gendered policies after the identification of specific needs.

- ❖ Awareness campaigns on combating discrimination amongst Roma populations [especially women] are needed.

2. How may existing resources be more effectively utilised for victims of discrimination?

- ❖ Social actors, especially women's movements, should mobilise to bring multiple discrimination to the fore by supporting legal actions. There is particular need for women to access support both financially and legally
- ❖ Roma organisations should also mobilise around multiple discrimination and particularly against Roma women

3. How may we improve the handling of multiple discrimination ?

- ❖ At the legal level, it is recommended that an identical level of protection against all grounds of discrimination is ensured
- ❖ The two separate European networks of experts in combating discrimination (gender and other grounds) should forge cooperation. This would allow the development of a joint debate on multiple discrimination and gender.
- ❖ Finally, training for legal experts must be enhanced at national and EU levels (Trier) and should include a specific module on multiple discrimination. The improvement on training on gender issues is also highly recommended.

GendeRace Aims

Focusing specifically on "race", ethnic and gender discrimination, the project's objectives are:

- ❖ To deepen understanding of the impact of gender on the experience of racial/ethnic discrimination;
- ❖ To improve the knowledge of the combined effects of racial/ethnic and gender discrimination in order to reveal the various forms of specific discrimination that women experience;
- ❖ To deepen understanding of the impact of gender on the treatment of complaints;
- ❖ To improve knowledge of the motivations underlying the use of the law and of the expectations of the complainants;
- ❖ To test key theories concerning the

GendeRace project website launched

The GendeRace project has launched its new website at:

<http://genderace.ulb.ac.be>

The site explains the aims of the research and shows the work of the project so far

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ground specific approach to antidiscrimination legislation on the treatment of double discrimination based on "race"/ethnicity and gender;

- ❖ To develop practical tools to assess the effectiveness of policies and practices in the field of antidiscrimination in order to take into account the intersectional dimension of discrimination.

GendeRace Partners

The GendeRace project is being carried out by a partnership of research team in 6 European member states, co-ordinated by the Université Libre de Bruxelles (ULB) and the University of Barcelona (UB).

Contact Details

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The other partners are:

- The Social Policy Research Centre (SPRC) of Middlesex University in the UK;
- The Centre for Technology and Society at the Technical University of Berlin (TUB);
- The Kalmar University in Sweden
- The Centre for Minority Studies and Intercultural Relations (IMIR) in Bulgaria.