

ECRI Annual Seminar with Equality Bodies
***Prohibition of discrimination: can a focus on intersectionality
contribute to effective equality?***
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Opening remarks by Jeroen Schokkenbroek

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Dear Madam Chair, dear Commissioner Dalli, dear General Rapporteur Bayr, distinguished participants and friends,

When Maria Ruotanen, the Council of Europe's new Director General of Democracy and Human Dignity, asked me to come before you today, not only as Director of Anti-discrimination but also on her behalf, I remembered an article written by Kimberlé Crenshaw in the Washington Post with the headline: "Why intersectionality can't wait?". And I said to myself: what a well-chosen topic for a timely discussion. A timely discussion for equality bodies of course, together with ECRI and Equinet. A timely discussion for many other sectors of the Council of Europe as well.

The issue of intersectionality is indeed central to the work of the Council of Europe, especially in the fields of equality and human dignity. It permeates a wide range of our thematic areas, from anti-discrimination and children's rights to gender equality and violence against women.

ECRI has had a key role in materialising the concept in its operational work. ECRI's revised General Policy Recommendation No. 5 on preventing and combating anti-Muslim racism and discrimination is an excellent illustration of this. So is revised General Policy Recommendation No. 9 on preventing and combating antisemitism, which is also worth mentioning today when Jewish communities celebrate Rosh Hashanah, the Jewish New Year.

EU/Council of Europe joint cooperation activities aimed at combating hate speech and discrimination have recently been developed with a particular emphasis being placed on intersectionality. That is the case, for instance, of the WECAN4HR project. This project has notably dealt with anti-Muslim hate speech targeting young Muslim women. Special mention should also be made of training activities for equality body staff on how to handle discrimination cases where two or more discrimination grounds appear to be involved, such as discrimination in employment on grounds of age, ethnic origin and gender identity.

I know that ECRI is now working hard on a 17th General Policy Recommendation on **LGBTI** issues. I think it is important to recall that there is no one-size-fits-all approach to LGBTI equality. The different experiences and lived realities of all identities within the broader LGBTI community should be recognized. It is also vital to use an intersectional lens, taking into consideration other characteristics, such as ethnic or religious background, migrant background or gender. Very often, individuals who find themselves “at the intersections” also face specific forms of discrimination due to their various identities or elements of how they identify themselves: look at LGBTI refugees, LGBTI Roma, LGBTI Black people or Lesbian women experiencing specific forms of discrimination or violence.

It is good to see that monitoring bodies like ECRI as well as equality bodies are trying to take an intersectional approach in their work. Alongside ECRI, another key monitoring body of the Council of Europe, the **Advisory Committee on the Framework Convention for the Protection of National Minorities**, is developing its thematic work to deal increasingly with gender equality, issues facing national minority youth, and religious rights. This is now feeding into the Advisory Committee’s findings on States Parties to the Framework Convention, bringing an intersectional approach directly into the country monitoring work of the Committee.

Speaking of major Council of Europe treaties and monitoring mechanisms, Article 4, paragraph 3 of the Convention on Preventing and Combating of Violence against Women and Domestic Violence (better known as the **Istanbul Convention**) requires access to equal protection and support for all women without discrimination, including with respect to their association with a national minority, migrant or refugee status, gender identity or sexual orientation, age, disability or marital status.

Progress in the implementation of the Convention has been identified through the ongoing baseline evaluation of GREVIO, the Council of Europe's expert monitoring group set up by the Convention. However, effective measures addressing the needs of women and girls who are or may be at risk of intersectional discrimination are still few and far between. In this context, the Council of Europe has published, in March 2022, [a very interesting paper that provides an examination of the scope of obligations contained in Article 4, paragraph 3](#). This paper clearly shows how the Istanbul Convention and GREVIO have moved away from single-ground understandings of discrimination, promoting instead an intersectional approach to the prevention, protection of victims, and prosecution of violence against women.

This brings me to speak in greater detail about **Roma and Traveller women and girls**, who remain particularly exposed to multiple and intersectional discrimination.

One of the darkest chapters in history, as far as they are concerned, is surely the forced sterilisation of many Roma women in some parts of Europe. The current and former Commissioners for Human Rights of the Council of Europe and ECRI have pushed for the setting-up of mechanisms to ensure effective access to reparations for victims.

The Council of Europe also contributes to the mainstreaming of Roma and Traveller gender equality issues within the framework of the Strategic Action Plan on Roma and Traveller Inclusion (2020-2025). The International Roma Women Conferences provide a recurrent forum for talking about problems experienced by them.

I am very pleased that the Committee of Ministers of the Council of Europe has requested the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and the Committee of Experts on Roma and Travellers Issues (ADI-ROM) to work on new standards on equality for Roma and Traveller women and girls. A draft Recommendation is scheduled to be presented to the Committee of Ministers, for adoption, by the end of 2023.

In this connection, let me say a few words about the Council of Europe's work on **gender equality**. The Organisation's Gender Equality Strategy (2018-2023) and the trainings organised by the Gender Equality Division include intersectional issues. The activities of the Gender Equality Commission (GEC) have also taken an intersectional approach. This was the case, for instance, when drawing up a new recommendation on protecting the rights of migrant, refugee and asylum-seeking women and girls. This major set of standards was adopted by the Committee of Ministers earlier this year, in May.

The Council of Europe's Strategy for the **Rights of the Child** (2022-2027), which was also recently adopted by the Committee of Ministers, tries to adopt a holistic approach and explicitly addresses situations of intersectional discrimination, for example by children in migration, children belonging to national minorities, including Roma and Traveller children, or LGBTI children.

Let me end this general overview with **sport**. The Enlarged Partial Agreement on Sport is already mainstreaming gender equality. More attention will certainly be paid to intersectionality when dealing with inclusion issues. The upcoming 17th Council of Europe's Conference of Ministers responsible for Sport, which will take place in Antalya in a month, will deal with inclusion. This is promising.

To conclude, I would like to stress that intersectionality may offer new ways of reflecting the complexities of multiple social identities. It is an eye opener to better see the realities of inequality. As such, it is a necessary part of efforts to achieve effective equality. This requires collective thinking as to how to use it, including here at today's seminar.

I'd like to quote former Judge Pinto, who was joined by Judge Vehabović, in a separate opinion in a 2017 judgment of the European Court of Human Rights, in the case of *Garib v. the Netherlands*: *the concept of 'intersectional discrimination' represents a reality that has been virtually disregarded to date by the European system, whereas it has been increasingly acknowledged in international law. It is now indispensable to take this phenomenon into consideration in order to reach a global and comprehensive understanding of the various discrimination situations and thus guarantee the effectiveness of the Convention rights.*

I thank you for your attention.