

ECRI Annual Seminar with equality bodies

26 September 2022

Kick-off questions for Session III

"Expert insights and ways forward"

The objective of the last session is to identify potential avenues for using the intersectionality lens in anti-discrimination law and what specific role equality bodies can play in further developing such a tool. While participants are encouraged to share their insights, the following questions may help the moderator to set the scene and for participants to navigate themselves in addressing the various issues at stake during this last session.

1. How do you use the intersectional lens in your daily work? What difference, if any, does it make?

- Intersectional lens forms the heart of ENAR's advocacy efforts as it highlights both the reality of heterogeneous manifestations of racism and discriminatory outcomes for individuals and groups, but it also underlines the complexity of addressing issues that stem from historic, systemic, and structural origins.

- Intersectionality reminds us to see individuals beyond the tick-box exercise, and beyond the singular identity, it reminds us to see individuals as complex beings who form part of complex communities and systems that cannot be separated one from another. To achieve enduring, lasting change, one must take into account all of these dimensions or risk achieving little change by focusing on just one aspect of the thread.

2. Intersectionality has primarily developed as a critique of equality and anti-discrimination law and aimed at challenging any single-axis logic. Do you think that anti-discrimination law has progressively evolved to addressing intersectional disadvantages?

- In many ways the continued existence of discriminations banned 20 years ago, and the rise of ideologies we thought relegated to the past are indicators that our framework is not fit for purpose.

- Our legal framework has not seen major adjustments or shake-up since the existing framework was put in place really some 20-years ago. The landscape of anti-discrimination itself has radically changed and so have our understanding of the complex nature of racism and how it works.

- We need a new anti-discrimination framework that goes beyond recognizing interpersonal discrimination but looks also at systemic and structural aspects and assigns responsibility and liability.
- We need to also look at the digital society and whether our legal framework is fit for purpose to address the rise of hate online and the anonymity of it
- We need to also identify a stronger role for intermediary bodies that can remove the burden on the victim to report, to seek redress, to relive traumas when seeking justice

3. In your view and experience, what challenges do equality bodies have to deal with cases of intersectional discrimination? What can be done to better equip them in assisting victims and providing redress?

- Legal framework and the ability to account for intersectionality in the work that equality bodies are doing
- Resourcing (both financial and human)
- Trust and confidence from racialised communities themselves
- General societal awareness of their mere existence
- Being able to offer effective measures of redress
- Equality data, reporting, and measurement from an intersectional lens
- Going beyond the law, working in partnership with non-public sector stakeholders