



**2021/2243(INI)**

31.5.2022

## **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Women's Rights and Gender Equality

on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle-Eastern, Latin-American and Asian descent

(2021/2243(INI))

Rapporteur for opinion: Sira Rego

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## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Women's Rights and Gender Equality, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas many women in all their diversity, including racialised women, women with disabilities and migrant women, face intersecting inequalities and discrimination in the EU; whereas intersectional discrimination refers to a situation in which several grounds of discrimination, such as gender, race, colour, ethnic or socio-economic status, age, sexual orientation, gender identity and expression, sex characteristics, genetic features, membership of a national minority, religion or belief, nationality, residence status or disability, operate and interact with each other in a negative and inseparable way and produce distinct and specific types of discrimination and disadvantages because of the confluence of different identities; whereas discrimination per se is partially addressed within the EU policy and legal frameworks, but intersectional discrimination continues to be on the margins of both;
- B. whereas intersectional discrimination differs from multiple discrimination, which occurs when each type of discrimination can be proved and treated independently; whereas in the case of intersectional discrimination, the grounds of discrimination are intertwined, which creates a unique type of discrimination; whereas intersectionality allows a perspective that accounts for intersecting grounds without prioritising one over the other; whereas an intersectional approach caters to the multidimensionality of people's experiences and identities and entails a bottom-up approach; whereas using an intersectionality approach in analysis and policies requires thinking differently about identity, equality and power imbalances;
- C. whereas anti-discrimination law's reliance on a single ground and the exhaustive list of grounds in EU anti-discrimination legislation limit the possibility of fully incorporating an intersectional perspective and leaves the problem unaddressed; whereas there has been a lack of common understanding, which has resulted in different approaches to the issue at Member State level; whereas the patchwork of anti-discrimination legislation and a further set of gender equality directives have created gaps and resulted in structural hurdles to tackling intersectionality;
- D. whereas the many women of African, Middle-Eastern, Latin-American and Asian descent in Europe work in precarious and low paid jobs with a higher risk of exploitation and abuse or are disproportionately unemployed; whereas migrant domestic workers are in a particularly precarious situation that renders the intersectionality of race, gender, socio-economic status, migrant status and nationality visible; whereas the dependency of a resident permit on a spouse or an employer increases the person's vulnerability, which exposes migrant women to other risks, such as gender-biased violence and institutional discrimination;
- E. whereas intersectional discrimination is particularly experienced by Roma<sup>1</sup> women

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<sup>1</sup> The word 'Roma' is used as an umbrella term which includes different related groups throughout Europe, whether sedentary or not, such as Roma, Travellers, Sinti, Manouches, Kalés, Romanichels, Boyash, Ashkalis,

Muslim women<sup>2</sup>, trans women, in particular racialised trans women<sup>3</sup>, and women with disabilities<sup>4</sup>, which makes them more vulnerable to social exclusion, poverty and violence;

- F. whereas a horizontal intersectional perspective is essential in any gender equality policy and goes hand in hand with addressing the synergistic threats of discrimination; whereas the intersectionality of different grounds can be a factor that aggravates some cases of gender-based violence;
- G. whereas criminal justice systems and law enforcement should take into account an intersectional approach as a legal concept in their practices and decisions to avoid exacerbating discrimination, poverty and exclusion, which could have a detrimental impact particularly on women in all their diversity from vulnerable groups;
- H. whereas intersecting types of discrimination can have a serious impact on the lives of survivors of gender-based violence, including female genital mutilation, which is an extreme form of violence against women and girls, by, for example, limiting or impeding their access to the prevention, support and protection services they need as a result of a combination of different types of discrimination, inherent underlying racism and cultural and linguistic barriers;
- I. whereas racialised women face obstacles in accessing quality jobs and, as a result, predominantly engage in occupations with a higher risk of developing occupational diseases;
- J. whereas women experiencing intersectional discrimination face problems in accessing the market for decent housing;
- K. whereas racialised women are more likely to have their symptoms dismissed by health providers; whereas medical education in many European countries does not address diseases and symptoms that affect women of African, Middle-Eastern, Latin-American and Asian descent<sup>5</sup>;
- L. whereas social biases and structural inequalities may be integrated into new technologies, including artificial intelligence (AI), and this is a matter of concern;
- M. whereas in some Member States, Roma women still experience ethnic segregation in reproductive health care settings and face exacerbated forms of verbal, physical, and

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Égyptiens, Yéniches, Doms and Loms, that may be diverse in culture and lifestyles. See footnote 8 of Parliament's resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism, OJ C 449, 23.12.2020, p. 2.

<sup>2</sup> European Network Against Racism, 'Forgotten Women: the impact of Islamophobia on Muslim women', 11 February 2016, <https://www.enar-eu.org/forgotten-women-the-impact-of-islamophobia-on-muslim-women/>.

<sup>3</sup> Calderon-Cifuentes, P. A., *Trans Discrimination in Europe. A TGEU analysis of the FRA LGBTI Survey 2019*, TGEU, 2021.

<sup>4</sup> UN Women, 'Take five: An intersectional approach to empowering women and girls with disabilities', 2 December 2020, <https://www.unwomen.org/en/news/stories/2020/12/take-five-empowering-women-and-girls-with-disabilities>.

<sup>5</sup> European Union Agency for Fundamental Rights, *Inequalities and multiple discrimination in access to and quality of healthcare*, Publications Office of the European Union, Luxembourg, 2013.

psychological violence and harassment during childbirth; whereas Roma women have been subjected to systematic practices of forced and coercive sterilisation in the EU;

- N. whereas women facing intersectional discrimination are at a higher risk of having their children taken into state custody and being denied adequate financial support to raise their children;
- O. whereas lesbophobia must be understood as discrimination at the intersection of homophobia and misogyny and constitutes a type of discrimination with its own roots, patterns, modes and consequences formed by this intersectional experience; whereas one in six (16 %) lesbian or bisexual women have reported instances of discrimination when accessing healthcare or social services<sup>6</sup>;
- P. whereas women with disabilities encounter physical and other barriers in their daily lives, which discriminate against others and therefore do not fully enjoy their rights;
1. Urges the EU institutions to address intersectional forms of discrimination in EU anti-discrimination and gender equality legislation and policies and to apply an intersectional approach in all relevant EU policies and legislation; encourages the Court of Justice of the EU to take an intersectional approach into account in its reasoning, in order to better protect those who are particularly at risk; emphasises that an intersectional perspective helps to uncover the cases of people whose experiences are not fully covered by conventional anti-discrimination frameworks, such as women at the intersections of race, religion, sexual orientation and gender identity, social class, disability, migrant status or age;
  2. Reiterates that the EU anti-discrimination framework is mostly focused on the individual dimension of discrimination, which disregards the broader context, especially the institutional, structural and historical dimensions of discrimination; urges the Commission and the Member States to dedicate more attention to these dimensions of discrimination in policymaking, support research in order to understand it in all its complexity and put in place effective measures to combat it;
  3. Stresses the importance of taking into account the specific experience of women, in all their diversity, who have been victims of intersectional discrimination in the design, implementation and evaluation of asylum, migration and integration policies;
  4. Emphasises the need to ensure meaningful participation of all groups affected by intersectional discrimination at all policy levels, especially racialised groups; calls on the EU's anti-racism Coordinator and other Coordinators active in this field, EU institutions and the Member States to closely cooperate and involve civil society organisations concerned and academia in the design and implementation of an intersectionality perspective in policymaking at EU, national and local levels; asks for best practices and specific training in this area to be implemented whenever possible and disseminated in all public and private institutions in order to reach a wider public;
  5. Welcomes the different recent relevant strategies from the Commission, in particular the

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<sup>6</sup> European Union Agency for Fundamental Rights, *A long way to go for LGBTI equality*, Publications Office of the European Union, Luxembourg, 2020.

EU LGBTIQ equality strategy 2020-2025<sup>7</sup> and the EU gender equality strategy 2020-2025<sup>8</sup>, which both include an intersectional approach; calls on the Commission and the Member States to mainstream an intersectionality perspective and ensure that existing policies and legislation do not have any indirect and unintended adverse effects, such as the remarginalisation of certain groups, in particular racialised women; deeply regrets, in this regard, the lack of an intersectional dimension in the new EU's New Pact on Migration and Asylum<sup>9</sup>;

6. Calls on the Member States to apply a comprehensive and intersectional approach to all stages of the criminal justice system and to ensure access to justice for women in all their diversity facing intersectional discrimination, including access to quality legal assistance and in a language that they can understand;
7. Underlines the importance of having disability-sensitive policies that take an intersectional approach;
8. Stresses that migrant women are more vulnerable to physical abuse; recalls that undocumented migrant women or women with a status dependent on their spouse are in an even more vulnerable condition due to their legal status and are less likely to reach out to the police, hospitals or shelters for help; calls on the Member States and social partners to help undocumented women to better exercise their rights;
9. Underlines that the vulnerable conditions to which migrant women workers are exposed, including migrant domestic workers, are accentuated by the multiple intersections of discrimination that they face; recalls that the failure to protect the rights of women migrant workers has profound implications on them, including their ability to access opportunities, resources and jobs under circumstances equal to others; urges the Member States that have not yet done so to ratify International Labour Organization Convention 189;
10. Urges the Commission and the Member States to ensure the enforcement of existing EU anti-discrimination and gender equality legislation and to launch infringement proceedings if Member States do not transpose or fully implement that legislation;
11. Recalls that new technologies, including AI, can exacerbate and compound existing inequalities and discrimination; further recalls the potential risks of these technologies for women in all their diversity facing intersectional discrimination, in particular racialised women; calls on the Commission and the Member States to ensure that AI systems are guided by the principles of transparency, explainability, fairness and accountability and that measures, including audits, are put in place to prevent these systems from exacerbating discrimination, racism, exclusion and poverty;
12. Calls on the EU and its Member States to address the two-way intersectional forces that operate with regard to female genital mutilation, both to end its practice and to tackle

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<sup>7</sup> Commission communication of 12 November 2020 entitled 'Union of Equality: LGBTIQ Equality Strategy 2020-2025' (COM(2020)0698).

<sup>8</sup> Commission communication of 5 March 2020 entitled 'A Union of Equality: Gender Equality Strategy 2020-2025' (COM(2020)0152).

<sup>9</sup> Commission communication of 23 September 2020 on a New Pact on Migration and Asylum (COM(2020)0609).

racial discrimination;

13. Recalls Parliament's long-standing call for the Horizontal Anti-Discrimination Directive, which has been blocked in the Council since 2008, to be adopted to harmonise the scope and the reach of existing anti-discrimination instruments; calls on forthcoming presidencies of the Council to make equal treatment and the fight against discrimination in all its forms a key priority to break the deadlock in the Council; calls for the EU to ensure that its equality legislative framework combats intersectional discrimination, including in its structural and institutional forms, to move away from a single-axis individual approach and to address systemic discrimination without lowering current standards; calls on the Council to establish a Council configuration on Gender Equality and Equality to properly discuss the abovementioned topics in a permanent forum;
14. Stresses that stereotypes and social biases can be a fertile ground for discrimination and gender-based violence; recalls the urgency of addressing all forms of gender-based violence and welcomes, in this regard, the Commission's proposal to combat gender-based violence, which includes provisions on intersectionality; calls on the Member States and EU institutions to implement implicit bias and sensitivity trainings for leaders and employees within its institutions, including in judicial institutions and asylum processing and intake centres, and for police, education and healthcare professionals and other civil servants, and to address the effects of implicit biases on decisions, actions and interactions generated due to persistent stereotypes and the under-representation of certain groups in these areas; further calls on the Commission to prepare guidelines on how to detect and address cases of intersectional discrimination in EU institutions;
15. Calls on the Commission and the Member States to carry out a thorough analysis of EU migration and asylum policies to address the intersectional discrimination experienced by women; recalls the need to provide protection to all women fleeing from abusive situations, irrespective of their status, and calls for an end to the dependency of a resident permit on a spouse or an employer in order to protect women from abuse; calls on the Member States to grant protection to all lesbian, bisexual, trans and intersex women seeking safety in the European Union, as provided for in the EU *acquis*;
16. Encourages the Member States to ensure accessible and transparent legal gender recognition procedures for all persons, based on self-determination and in line with the 11th Revision of the World Health Organization's (WHO) International Classification of Diseases , thus contributing to their depathologisation as established by the WHO; urges the Member States to ban intersex genital mutilation;
17. Underlines that the collection of comparable and robust disaggregated equality data is indispensable to the documentation of discrimination and in tackling inequality holistically; calls on the Commission to develop common standards for recording methods for individual forms of discrimination, including the ability to list more than one ground of discrimination concurrently, with the aim of enabling the capturing of intersectionality in the statistics, especially gender-specific racism; considers that this data should be published in a format that permits the identification and analysis of multiple and intersecting discrimination; stresses that analysing data at subgroup level

allows for a better understanding of multiple and intersecting inequalities;

18. Calls on the Member States to collect equality data disaggregated by gender, racial and ethnic origin, sexual orientation and identity based on voluntary participation, self-identification and informed consent, while protecting anonymity and confidentiality and respecting the key principles of EU data protection legislation, in accordance with the relevant national legal frameworks and fundamental rights; emphasises that the collection of such data should be utilised for the sole purpose of identifying the roots of discrimination in order to inform relevant policymaking; calls on the Commission to develop common methodology in this regard in order to ensure that the data collected is accurate, reliable and comparable across Member States; supports the work of the Fundamental Rights Agency in analysing this data and welcomes further developments in this field, in line with the agency's new mandate;
19. Points out that in recent years, the Court of Justice of the EU case law has reflected an intersectional approach to some extent, based on a capacious interpretation of some of the existing grounds under the EU anti-discrimination legislation drawing on the model of the Convention on the Elimination of Discrimination against Women (CEDAW) and the Convention on the Rights of People with Disabilities (CRPD) which regard women and persons with disabilities respectively as including intersections of disadvantage; fully supports further development and facilitation of such approach where possible, also in light of the flexibilities under Article 21 of the Charter of Fundamental Rights of the European Union;
20. Notes that access to health can be impaired by the compounded effects of intersectional discrimination; calls on the Member States to urgently remove existing barriers that prevent full access to healthcare for all;
21. Urges the Member States to put in place carefully designed implicit bias and anti-discrimination trainings in public institutions and support their implementation in private entities with the aim of mitigating the impacts of such biases on decision-making; urges the Commission and the Member States, with the involvement of civil society organisations and affected groups, to develop and implement public awareness-raising campaigns to counter the stereotypes and biases prevalent among the general population, especially those at the intersection of race and gender.



## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

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| <b>Date adopted</b>                           | 31.5.2022  |
| <b>Result of final vote</b>                   | <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">+:</div> <div>48</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">-:</div> <div>10</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">0:</div> <div>4</div> </div>   |
| <b>Members present for the final vote</b>     | <p>Magdalena Adamowicz, Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Pietro Bartolo, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Anna Júlia Donáth, Lucia Ďuriš Nicholsonová, Laura Ferrara, Jean-Paul Garraud, Maria Grapini, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Peter Kofod, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Hélène Laporte, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Emil Radev, Paulo Rangel, Karlo Ressler, Diana Riba i Giner, Isabel Santos, Birgit Sippel, Sara Skytvedal, Vincenzo Sofo, Tineke Strik, Ramona Strugariu, Tomas Tobé, Yana Toom, Tom Vandendriessche, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos</p> |
| <b>Substitutes present for the final vote</b> | <p>Gwendoline Delbos-Corfield, Sira Rego, Thijs Reuten, Rob Rooken, Domènec Ruiz Devesa, Miguel Urbán Crespo</p>   |

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

| 48        | +   |
|-----------|---|
| PPE       | Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Karolin Braunsberger-Reinhold, Andrzej Halicki, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Emil Radev, Paulo Rangel, Karlo Ressler, Javier Zarzalejos         |
| S&D       | Pietro Bartolo, Caterina Chinnici, Maria Grapini, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Thijs Reuten, Domènec Ruiz Devesa, Isabel Santos, Birgit Sippel, Elena Yoncheva |
| Renew     | Abir Al-Sahlani, Malik Azmani, Anna Júlia Donáth, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Ramona Strugariu, Yana Toom  |
| Verts/ALE | Patrick Breyer, Saskia Briemont, Damien Carême, Gwendoline Delbos-Corfield, Alice Kuhnke, Diana Riba i Giner, Tineke Strik  |
| The Left  | Konstantinos Arvanitis, Clare Daly, Sira Rego, Miguel Urbán Crespo  |
| NI        | Laura Ferrara   |

| 10  | -   |
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| PPE | Nadine Morano   |
| ID  | Jean-Paul Garraud, Marcel de Graaff, Peter Kofod, Hélène Laporte, Tom Vandendriessche |
| ECR | Jorge Buxadé Villalba, Patryk Jaki, Rob Rooker, Vincenzo Sofo                         |

| 4   | 0                                |
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| PPE | Sara Skyttedal, Tomas Tobé       |
| ECR | Assita Kanko, Jadwiga Wiśniewska |

Key to symbols:

+ : in favour

- : against

0 : abstention