

A word cloud consisting of numerous overlapping circles in various colors (blue, green, yellow, orange, pink, purple, teal). Each circle contains a text label representing a different aspect of identity or social structure. The labels include: ability, mental health, race, gender identity, personality, gender expression, appearance, fertility, age, nationality, culture, language, political affiliation, sexual orientation, hobbies, physical health, occupation, education, ethnicity, religion, class, location, marital status, and ethnicity. The word 'ethnicity' appears in two separate circles.

Intersectionality and discrimination

Prof JosAnn Cutajar
Chair Gender Equality and Sexual Diversity Committee
University of Malta

Intersectionality is about fighting discrimination *within* discrimination, tackling inequalities *within* inequalities, and protecting minorities *within* minorities.

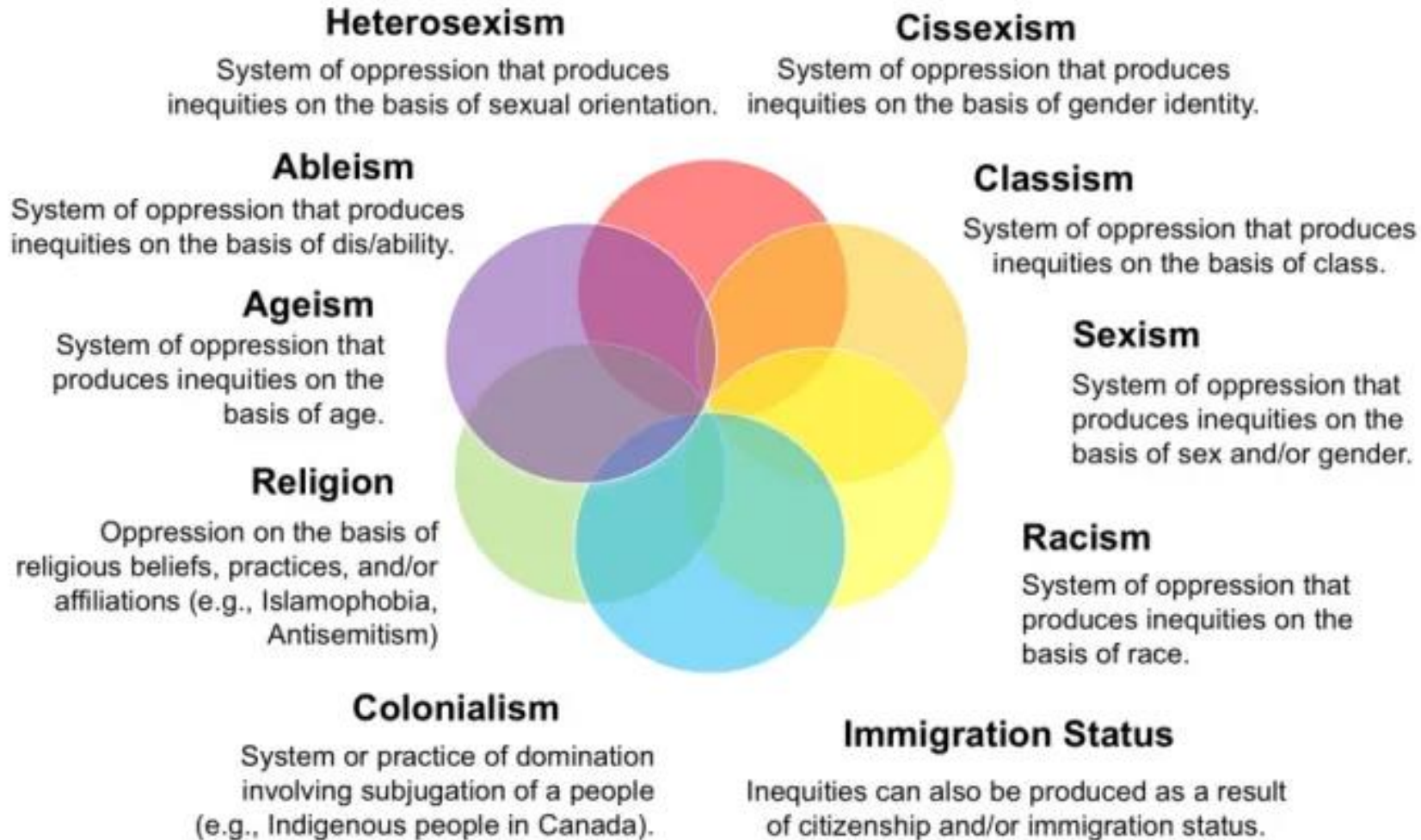


Privileged Groups



Privileged Groups

Intersecting Forms of Oppression



Types of discrimination



- **Direct discrimination** - the intent to treat less favourably a person or a group.
- **Indirect discrimination** - *neutral provisions or practices* affect members (or perceived members) of a particular group in a less favourable ways.
- **Structural discrimination** - how our societies function, and operate through norms, routines, patterns of attitudes and behaviour that create obstacles in achieving equal opportunities and real equality.
- **Intersectionality** - *“mutually constitutive inequalities that produce an effect which is different from what each of their dimensions would produce separately, and also different from the addition of their separate parts together”* (EQUINET 2016).

Intersectional discrimination unfolds at a ...

- **Structural** level– hidden effects of supposedly neutral laws and policies
- **Institutional** level – unintended or no action
- **Historical** dimension of discrimination
- **Individual** dimension



History of intersectionality

Debate has shifted over time from a focus on

- Multiple discrimination
- To multiple identities
- To intersectionality
- People live at the intersections of grounds rather than being confined within single grounds (CIJ 2021)

*"THIS IDEA THAT **WE ALL HAVE THE SAME LIFE** IS FALSE. RACE, CLASS, GENDER COME TOGETHER TO SHAPE THE LIFE CHANCES OF PEOPLE IN **VERY DIFFERENT WAYS.**"*

—Kimberlé Crenshaw



Sandra Fredman (2016) proposes three main ways in which discrimination on more than 1 ground can be conceptualised

1. **Sequential multiple discrimination** – when a person suffers discrimination on different grounds on separate occasions.
2. For example, a woman with a disability might suffer discrimination
 - A. because of her gender
 - B. because of her disability.

This type of discrimination is the easiest to deal with, because each incident can be assessed individually.



Sandra Fredman 2

2. **Additive multiple discrimination** – when a person is discriminated on the same occasion but in two different ways
3. For example a gay woman is harassed because she is a **woman** and is **gay**.
4. This type of discrimination is additive, because each of the grounds can be identified independently.

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TIMES MALTA 🏠 Latest **National** World Opinion Community Sport Motoring Business Entertai

'Hugs from Malta'; Minister assures UK singer homophobic abuse 'isolated'


UK X Factor singer shares stories of sexual harassment while on holiday

National LGBTQI Civil society Social media

October 22, 2021 | Claire Farrugia | 19

📱 3 min read

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Sandra Fredman (2016)

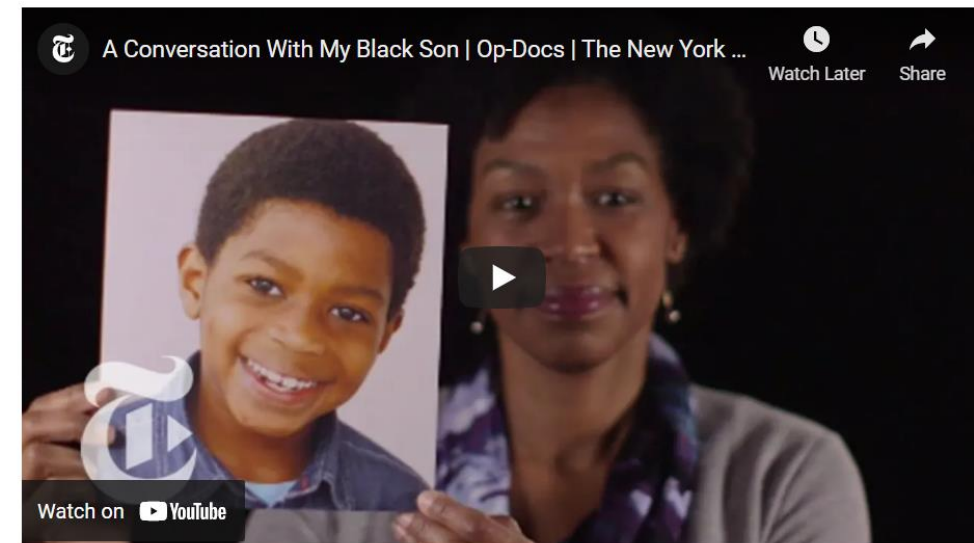
3. Intersectional discrimination – when discrimination does not simply consist of two or more sources of discrimination, and the result is qualitatively different

- Characteristics/identities interact with each other so as to be inseparable

Black parents describe “The Talk” they give to their children about police

By German Lopez | @germanlopez | german.lopez@vox.com | Aug 8, 2016, 11:40am EDT

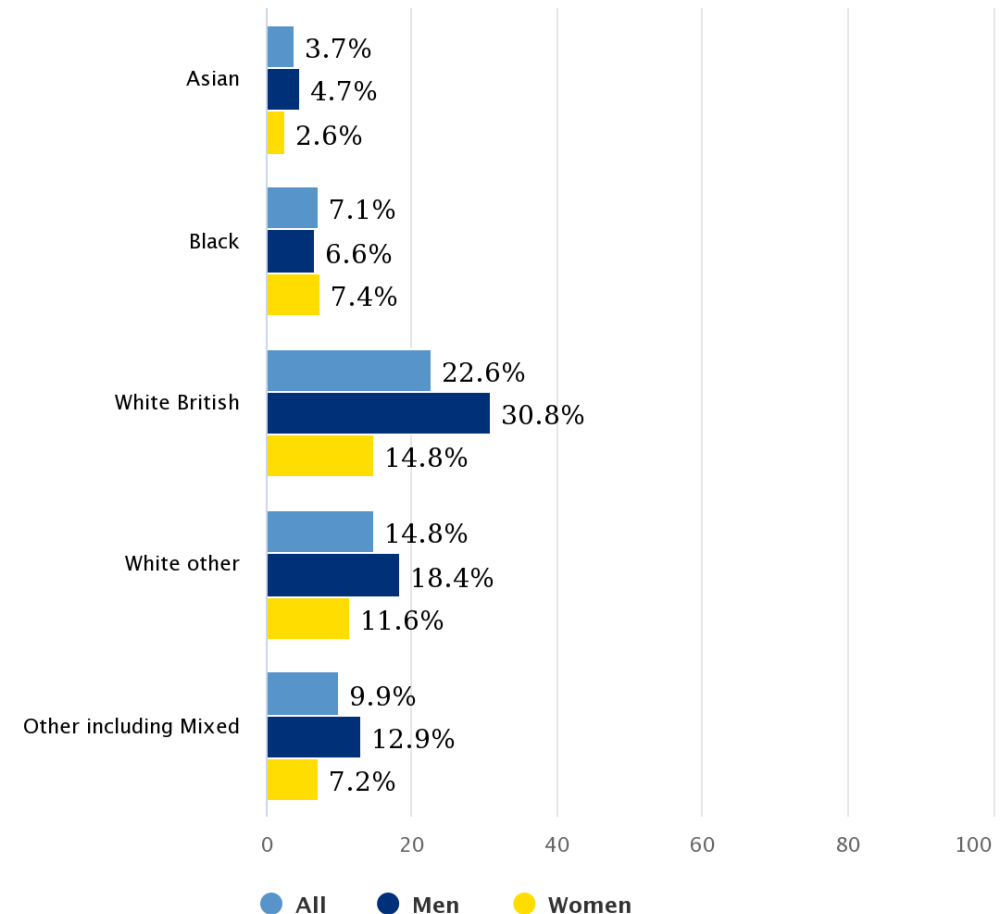
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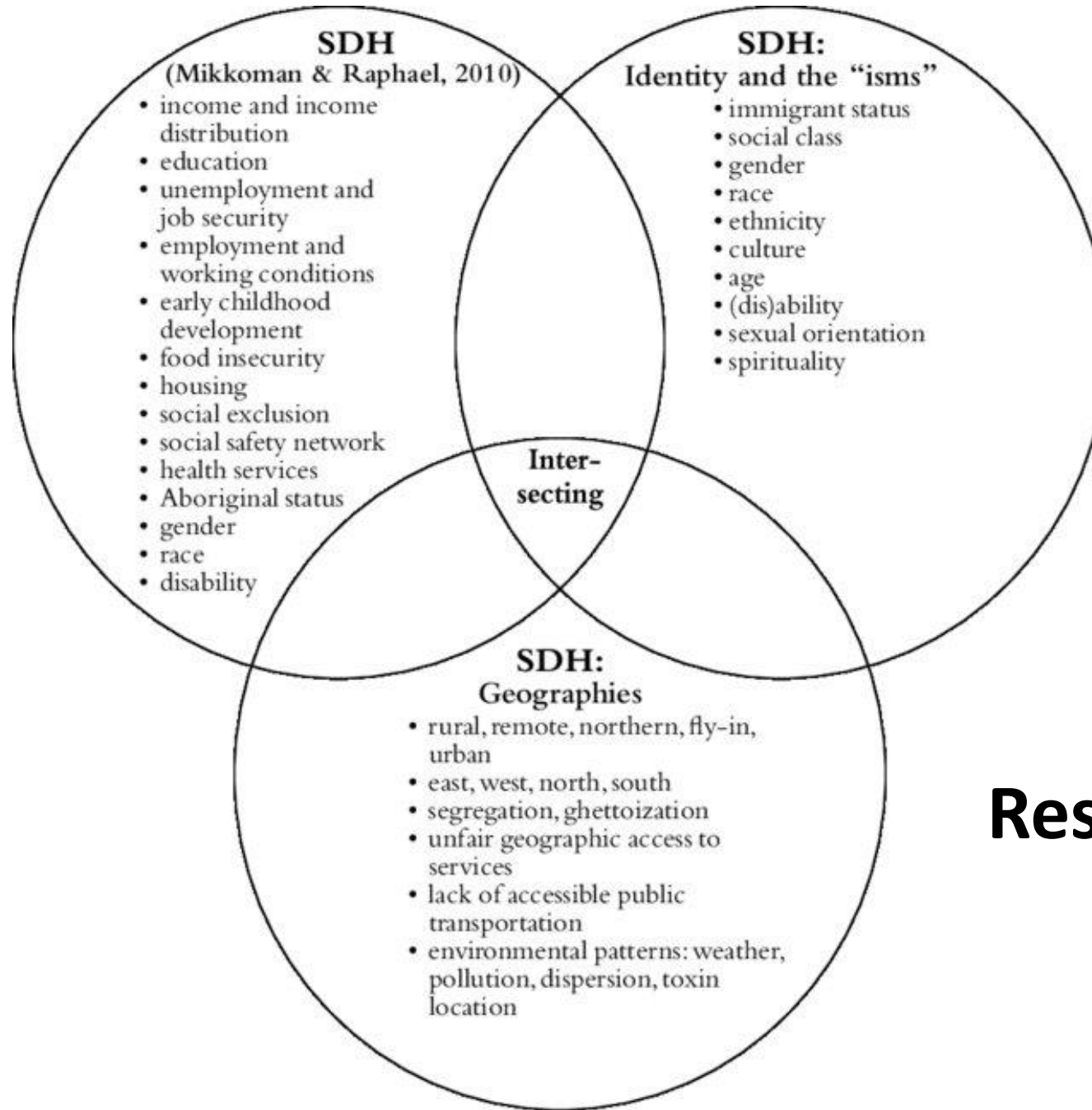
An intersectional approach to discrimination

- Applying an intersectional framework of **analysis within research and teaching**;
- Developing intersectionality as a **theory and methodology**;
- Employing an intersectional lens to **inform political interventions and advocacy work from NGOs and other organisations**.

Title: Percentage of people aged 16 years and over drinking at hazardous, harmful or dependent levels by ethnicity and sex. Location: England. Time period: 2014. Source: Adult Psychiatric Morbidity Survey: Survey of Mental Health and Wellbeing, England, 2014 | Ethnicity Facts and Figures GOV.UK



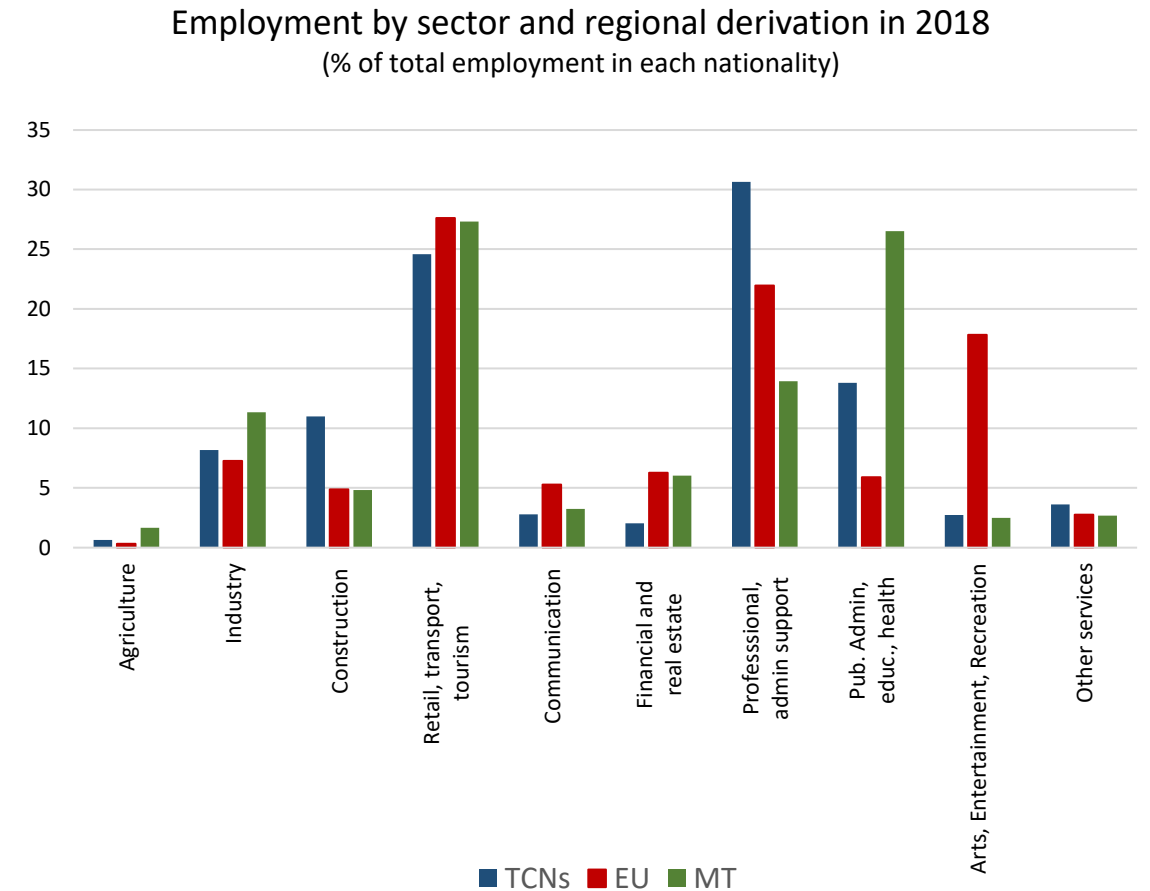
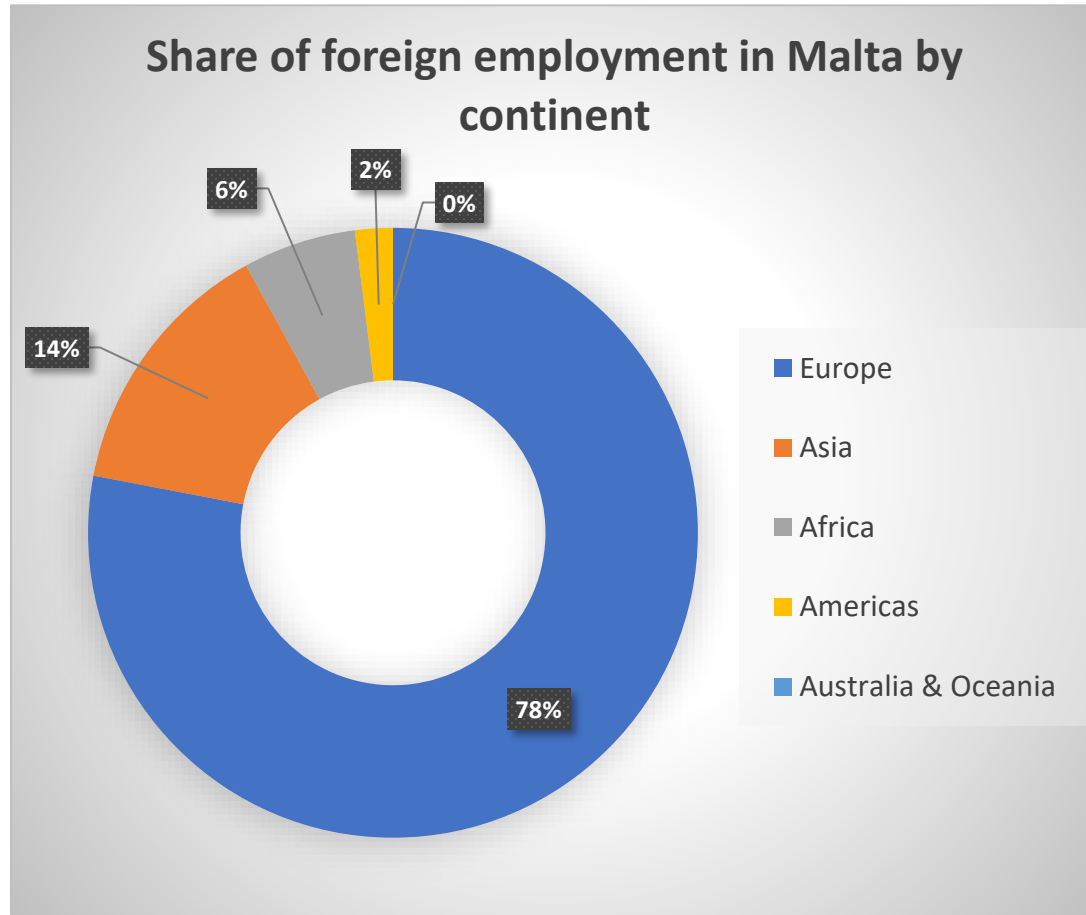
Social Determinants of Health



Research

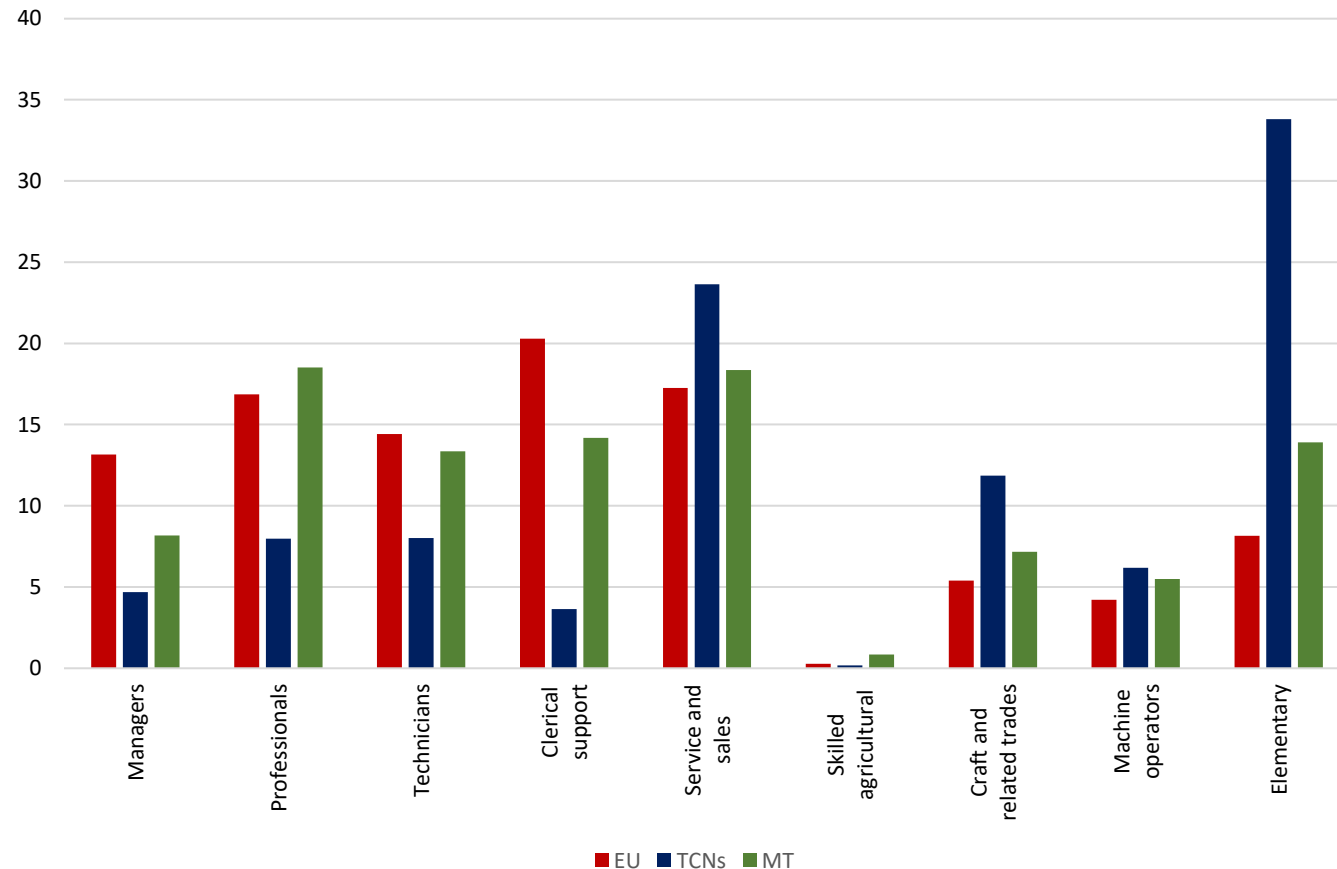
Research

Cutajar (2021) The Imbrication of Gender and Nationality Where the Pay Gap Is Concerned



Cutajar, 2021.

Figure 3 – Employment by occupation and regional derivation in 2018
(% of total employment in each regional derivation)



	Native born	EU born	Non-EU born
Women	17,577	19,919	17,633
Men	18,395	21,597	16,799
<i>Mean equivalized net income in euros – data derived from EU SILC</i>			



Gaynor Mercieca (2012) – studied Somali and Eritrean women – gender, race and ethnicity in employment, place they face racialisation



- An intersectional analysis is a useful **tool for challenging the way that discrimination** is perceived by society and at a legal level.
- It is primarily an analysis of the **structures of power operating in context specific situations,**
- Serves the purpose of **making visible experiences of discrimination that would otherwise be lost within a single grounds analysis.**

Intersectional studies study stereotypes:



- The [story](#) of Darlene Johnson, a **Black single mother** of four, is a testament to the [history](#) of [reproductive control](#) exerted by the criminal legal system. After pleading guilty to three counts of felony child abuse in 1991, Johnson was given a fraught proposition: a choice between a seven-year prison sentence or only one year in prison and three years on probation, with the condition that she get a Norplant birth control device implanted into her arm for three years. Howard Broadman, a California Superior Court judge, imposed the discriminatory judicial decision after noting that Johnson might become pregnant again while receiving welfare assistance, feeding the false narratives of the “[welfare queen](#).” This infamous myth about Black, single mothers remains an enduring image of deviance—one that serves to justify the criminalization of Black womanhood and motherhood by state agents, politicians, lawyers, and staff of jails and prisons.

50% Local: A Breakdown Of The 68 Nationalities Found In Malta's Prison



By **Johnathan Cilla**

September 23, 2020 at 5:15 pm

Share:



There are currently 357 Maltese prisoners, the most common nationality.

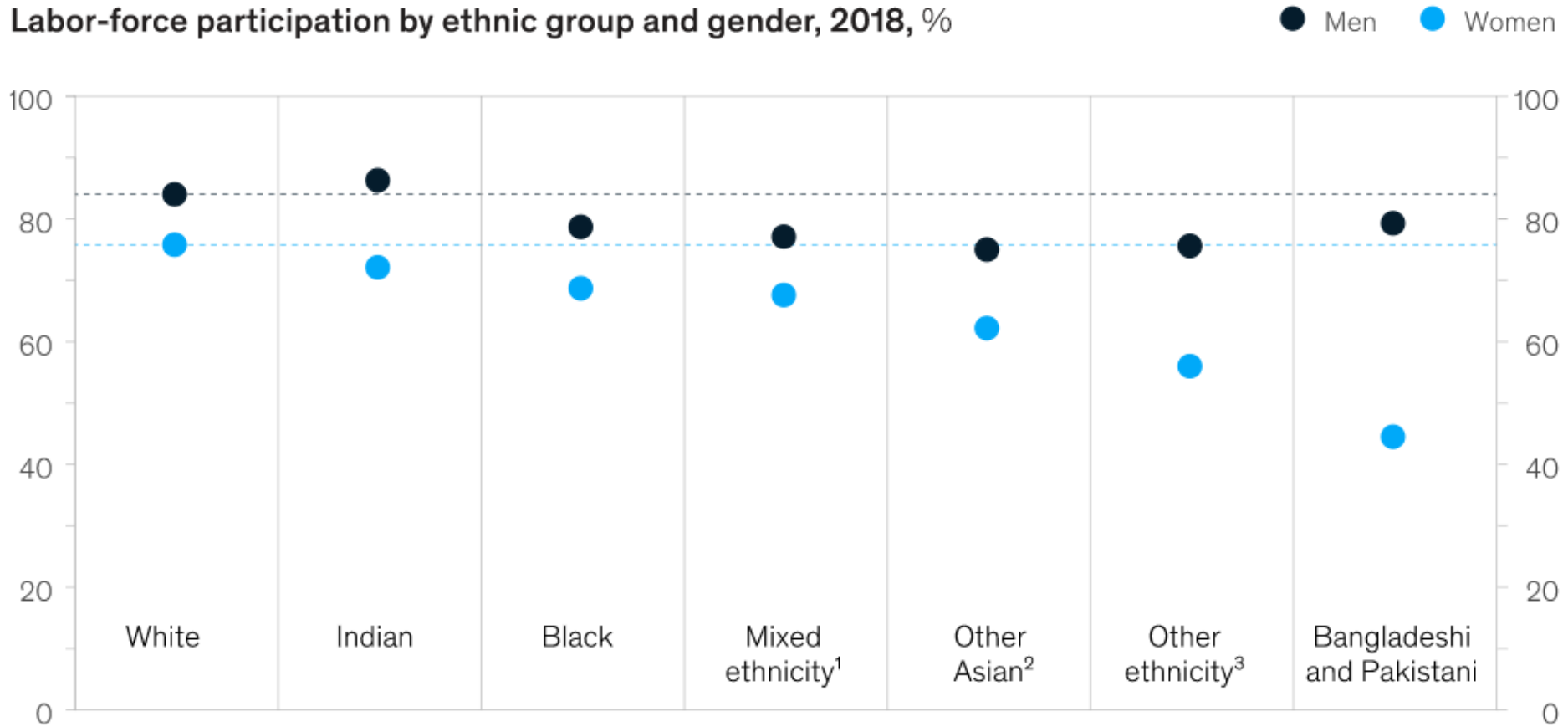
The second most common nationality is Sudanese, with 114 prisoners; third is Somali, with 42 prisoners. The fourth most common nationality is Libyan, with 39 prisoners and fifth is Nigerian, with 28 prisoners.

Nationality	Quantity
IRANIAN	1
IRAQI	1
ITALIAN	9
IVORIAN	7
LATVIAN	1
LIBERIAN	2
LIBYAN	39
LITHUANIAN	1
MACEDONIAN	3
MALIAN	7
MALTESE	357
MONTENEGRIN	1
MOROCCAN	22
NIGERIAN	28
NIGERIEN	2
PAKISTANI	3
PALESTINIAN	4
PANAMANIAN	2

A section of the prison population by nationality

Women account for most of the labor-force-participation gap between white and ethnic-minority workers.

Labor-force participation by ethnic group and gender, 2018, %



¹“Mixed ethnicity” refers to individuals who report having two or more ethnic backgrounds; the largest subgroup is Black/white, accounting for about half the total group.

²“Other Asian” refers to individuals of Asian descent who are not Bangladeshi, Chinese, Indian, or Pakistani.

³“Other ethnicity” refers to individuals not included in any of the other groups; around 40 percent are of Middle Eastern descent.

Source: Annual Population Survey, 2020, Office for National Statistics, ons.gov.uk

Is there a framework for
intersectionality?

International (UN) and European legal and policy frameworks

- Rely on addressing discrimination on a single-axis basis
- Conceptualize discrimination on a single, discrete group
- Underequipped to address intersectional discrimination



Multiple discrimination and intersectional discrimination are used interchangeably

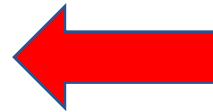
Multiple discrimination

- Separate, simultaneous identity-based cases of discriminated vs an individual



Intersectional discrimination

- Individual or group of individuals are discriminated against based on grounds which intersect producing a new type of discrimination



- E.g. Muslim women wearing the headscarf – axis of religion/race/ethnicity/gender

Intersectionality and EU entities

EU court allows companies to ban headscarves. What will be the impact on Muslim women?

Published: March 17, 2017 12:08am GMT



Council of Europe

- European Convention on Human Rights – Article 13 mentions **‘other status’**.
- Applies to cases of multiple or intersectional discrimination
- Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms – **provides general protection against discrimination when protected under national law.**

EU Law

- Court of Justice of the European Union, Article 21 of the EU charter of Fundamental Rights is the key provision to non-discrimination
- Together with secondary laws
 - Racial Equality Directive (2000/43/EC) – prohibits discrimination on the grounds of race and ethnic origin in employment, access to welfare system, social security, public goods and services (education, housing, health)
 - Employment Equality Directive (2000/78/EC)
 - Both **mention multiple discrimination** in accordance with Article 3(2) of the EC Treaty (CJ 2011). **But not intersectionality** according to EQUINET 2016

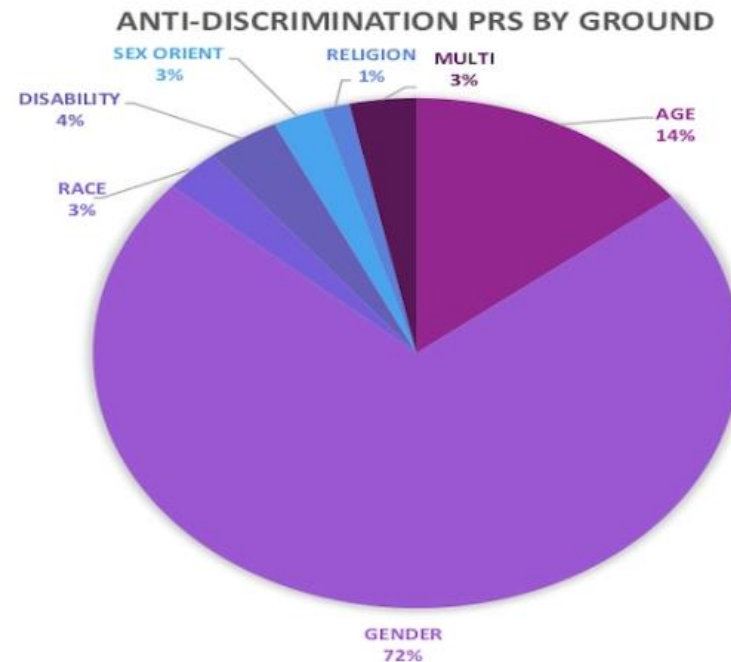
European Court of Justice

Limited case law on multiple discrimination

Case law involved 5 combinations:

- ✓ Gender and racial or ethnic origin
- ✓ Gender and family status/reconciliation of paid and family work
- ✓ Gender and age
- ✓ Gender and religion
- ✓ Gender and position in employment

Find out which of the discrimination grounds of gender, age, race, disability, religion, sexual orientation and ethnicity are most frequently addressed by the CJEU...



These case laws focused on

- **Employment**

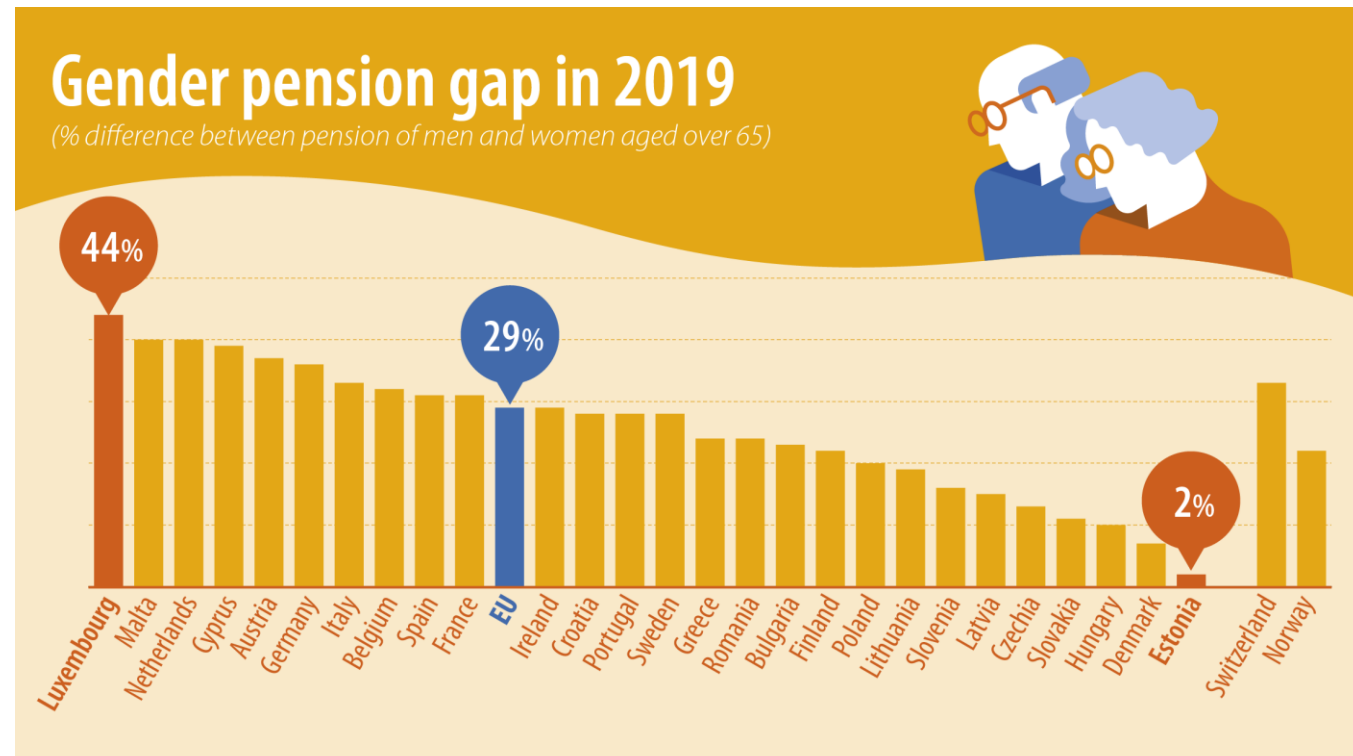
- ✓ sexual and racist harassment,
- ✓ refusal to employ or promote or dismiss women perceived as minority ethnic
- ✓ Poor working conditions for immigrant women working as cleaners/domestic workers

- **Non-Employment**

- Women from minority ethnic groups being denied adequate protection against
- ✓ A. domestic violence
 - ✓ B. institutional violence
 - ✓ C. cases of involuntary sterilization of Roma women

Cases that focused on age and gender discrimination involved

- Cases relating to **different statutory pension ages** for women and men
- **Early compulsory retirement for women**
- **Age limits for certain occupation** compounded by gender – collective redundancies affected older women mainly



Cases involving gender and religious discrimination

- Wearing of hijab
- Women-only sessions in public swimming pools for women who belonged to minority groups that prohibited mixed-sex bathing
- Denied employment for wearing a headscarf

Anger after one complaint ends women-only swim session

A women-only swim is being stopped after someone officially complained about the session

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By **Kim Horton** Senior Reporter
12:49, 9 AUG 2017 | UPDATED 15:20, 10 AUG 2017

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International law

UN Committee on the Elimination of Discrimination against Women

- Wants states to take into consideration *intersecting forms of discrimination*
- *Article 26* of the International Covenant on Civil and Political Rights 1966 (ICCPR) and *Article 2* of the International Covenant on Economic, Social and Cultural Rights 1966 (ICESR) include ‘**other status**’



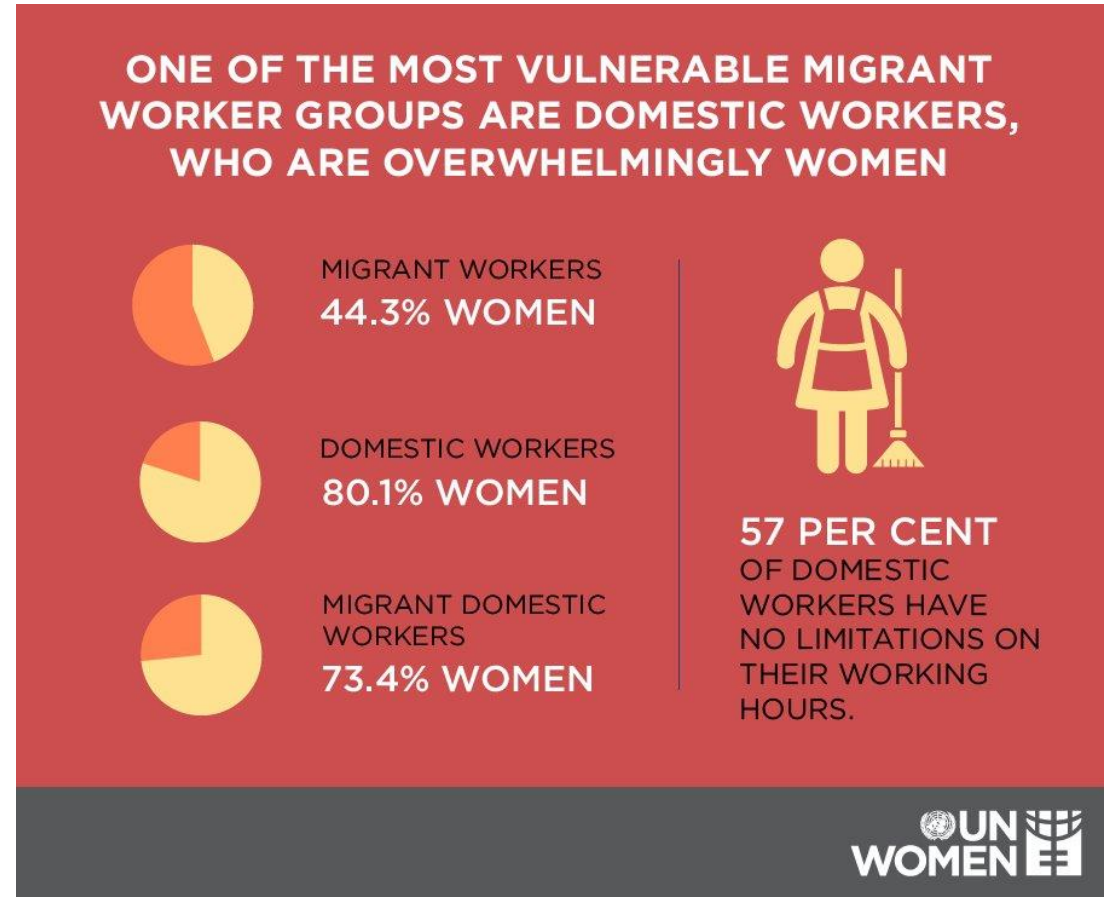
- **UN Convention on the Rights of the Child 1989 (CRC)**
- Article 23 refers to children with disabilities only
- **UN Convention on the Rights of Persons with Disabilities 2006** refers to diversity of people with disabilities but **does not address** intersectional discrimination

International law

- **UN Committee on the Elimination of Racial Discrimination (CERD)**
mentions **intersectionality** – uses it as *synonymous to multiple or double discrimination*
- Retains that racial discrimination does not effect women and men in the same way
- **International convention on the Elimination of Racial Discrimination (ICERD)**
 - ✓ does not include religion in the 5 grounds of discrimination (Art. 1)
 - ✓ says religious discrimination does not fall under ICERD scope
 - ✓ Muslim women wearing the headscarf who are discriminated on the grounds of religion and gender cannot be protected by ICERD

Racial Equality and justice policies

- Intersectionality provides
 - An analytical approach,
 - A legal tool
 - A policy tool
- Existing policies and legislation can be reviewed from an **equality** and **intersectional** perspective
- Analysing policies taking women at the intersections of race, religion, sexual orientation and gender identity, social class, disability and immigration status (CIJ 2021)
- Fredman (2016) states that discrimination law should focus on relationships of power to determine who to protect and how.

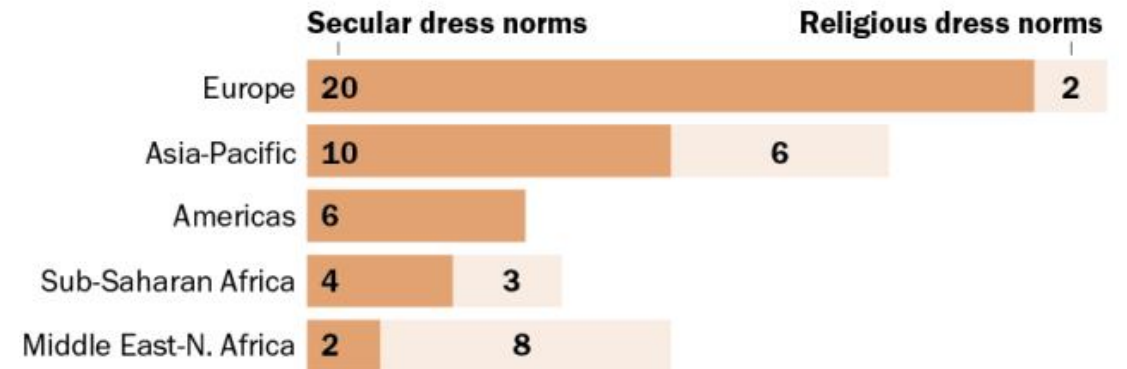


Recommendations

- **Conduct studies and surveys** – to expose indirect intersectional discrimination
- **Increase diversity** in political *decision making* and *law making bodies, law enforcement* and the *judiciary*
- **Promote public awareness campaigns**
- Reframe the **concept of ‘neutrality’** through an intersectional lens

In 20 European countries, women were harassed for clothing deemed not secular enough

Countries where women experienced social hostilities (in 2016-2018) for attire that violated ...



Note: In some cases, countries had both types of social hostilities for attire.
Source: Pew Research Center analysis of external data.

“In 2018, Government Restrictions on Religion Reach Highest Level Globally in More Than a Decade”

PEW RESEARCH CENTER

Advocacy goals and policy recommendations

- **Collect equality data** disaggregated by gender / race/ ethnicity /religion / etc.
- Develop standards for **official recording methods for individual forms of discrimination** where people can list more than one ground of discrimination concurrently
- Use **anti-discrimination and anti-racism instead of integration**, taking an intersectional approach
- Combat **structural and institutional discrimination** by introducing **positive/affirmative action** - quotas

TFI TRANSPORT FOR IRELAND

Immigrant Council of Ireland

Everyone's welcome on public transport

We're united against racism
transportforireland.ie | immigrantcouncil.ie

LUAS **Irish Rail** **Bus Éireann** **Dublin Bus** **TFI local link** **Go Ahead Ireland** **Equality Commission**



EQUINET

European Network
of Equality Bodies

Equality bodies

Equality bodies in the EU

- Have put intersectionality on their agenda
- On that of policy makers
- Advocate for legislation to address intersectionality
- Commissioned specific research on intersectionality

Legislating for stronger, more effective equality bodies

EQUINET
European Network
of Equality Bodies

Equinet Recommendations for future EU legislation on equality bodies

- ✓ Create dedicated, ambitious and realistic legislation on equality bodies
- ✓ Take into account the diversity of equality bodies
- ✓ Introduce provisions enabling robust monitoring of the implementation of EU legislation
- ✓ Ensure that equality bodies have a comprehensive mandate
- ✓ Bolster equality bodies with adequate powers
- ✓ Coordinate and cooperate to ensure protection against discrimination and inequalities
- ✓ Reinforce equality bodies with full independence
- ✓ Equip equality bodies with adequate resources
- ✓ Ensure close involvement of equality bodies and Equinet

Equality bodies – Valuable in developing work on intersectionality

- Help promote **casework**
- Conduct **research**
- Develop **data collection**
- Develop **strategies or action plans**
- Conduct **promotional or awareness-raising activities**
- **Train** judges, lawyers, journalists, employers, trade unions, service providers on preventing or responding to intersectional discrimination
- **Train** their own staff in recognizing and handling such cases



WHAT CAN EQUALITY BODIES DO?

- take complaints from **victims** of discrimination;
- provide **legal assistance** to victims of discrimination;
- **collect data** on equality;
- conduct research on equality in **society**;
- make recommendations to **policy makers** and legislators;
- **raise awareness** and communicate about equality and rights;
- work with employers, service providers, other public bodies and civil society organisations to help them put in place good equality plans and practices.

MARCH 18

Equality bodies and intersectionality

- Ensure there is legal provision in Equality bill for intersectionality: Malta has it
- Promote **reporting** of multiple discrimination cases – tends to be under-reported
- Needs **human resources**
- Needs **expertise**
- **Multi-ground equality bodies** are better equipped to address multiple discrimination and intersectionality

maltatoday

HOME NEWS BUSINESS SPORTS ARTS COMMENT VIDEO ARCHIVES

Gourmet

Femicide Bill heads to committee stage as Parliament rounds up debate

The Bill will be discussed by MPs at committee stage and will afterwards be voted on in Parliament



16 February 2022,
6:37pm
by Nicole Meilak



Research conducted by equality bodies in EU regarding intersectionality (EQUINET 2016)

- Employment
 - Health and care settings
 - Education
 - Housing
 - Access to justice
 - General settings
-
- Research is a precursor to policy work

Health Inequities,
Social Determinants,
and **Intersectionality**



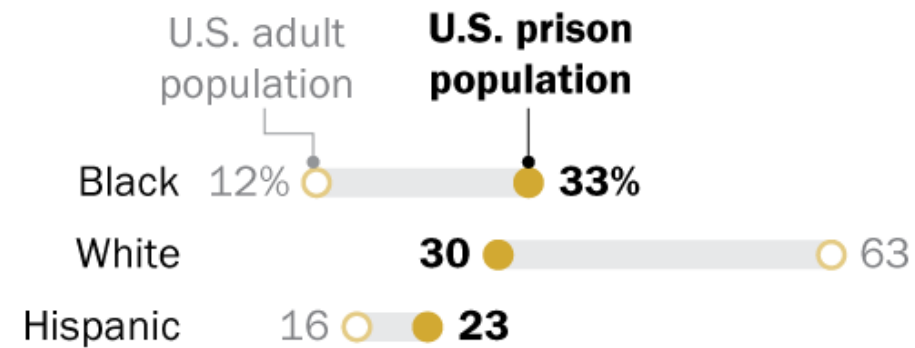
"Intersectionality health equity lenses help us understand that every person's experience is **fundamentally different than than the experience of others...** More than just a theory or framework, it is a commitment to developing a relentlessly critical and self-reflective lens that begins with the premise that race, class, gender, and other axes of social identities are intertwined and mutually constitutive, and that such lens can help advance health disparities research, practice, and leadership by making the **invisible visible.**"

Equality Bodies address intersectionality through:

- Casework
- Communication
- Promotion and supporting of good practice in intersectionality by employers and service providers
- Research
- **Data development** – data disaggregated by age, race, religion, sex, gender, gender identity/expression, housing status, sexual orientation, HIV status, ethnicity, sexuality, immigration status, national origin, religious affiliation
- **Policy debate and public debate**

Blacks, Hispanics make up larger shares of prisoners than of U.S. population

U.S. adult population and U.S. prison population by race and Hispanic origin, 2018



Notes: Blacks and whites include those who report being only one race and are non-Hispanic. Hispanics are of any race. Prison population is defined as inmates sentenced to more than a year in state or federal prison.

Source: U.S. Census Bureau, Bureau of Justice Statistics.

Enforcing or promoting
intersectionality

Enforcing or promoting intersectionality

Promotion work

- “Litigation because of its **expense** and the length of time it requires, is a *less effective way of addressing intersectionality* than proactive measures. **Mainstreaming and other proactive measures** are particularly valuable because they allow public bodies to take the initiative and target those who are disadvantaged in several different ways” (Fredman 2016).



Enforcing or promoting intersectionality

Investigations Statistics 2020

Enforcement work

- When equality bodies take into consideration cases which involve more than one ground of discrimination

2020				
	Women	Men	Ex Officio Investigations	Total
Sex	3	2	1	6
Sexual Harassment	1	0	0	1
Race/Ethnic Origin	0	0	0	0
Gender Identity/ Gender Expression/Sex Characteristics	0	0	0	0
Age	0	1	1	2
Sexual Orientation	0	0	0	0
Religion/Belief	0	0	0	0
Freedom of Movement	0	0	0	0
Not within NCPE's remit	1	5		6
Total Investigations*				15

* An ex officio investigation covered more than 1 ground

Intersection in the EU

Gender intersections leading the way

- Gender or Gender Identity as a cross-cutting category in work conducted by equality bodies
- Gender or Gender identity combining with:
 - ✓ Age discrimination
 - ✓ Socio-economic circumstances
 - ✓ Sexual orientation
 - ✓ Religion or world view
 - ✓ Racist reasons or ethnic origin
 - ✓ Disability

- Samuels-Dennis, J., Bailey, A., & Ford-Gilboe, M. (2011). Intersectionality model of trauma and post-traumatic stress disorder. In O. Hankivsky (Ed.), *Health inequities in Canada: Intersectional frameworks and practices* (pp. 274-293). Vancouver, BC: UBC Press.

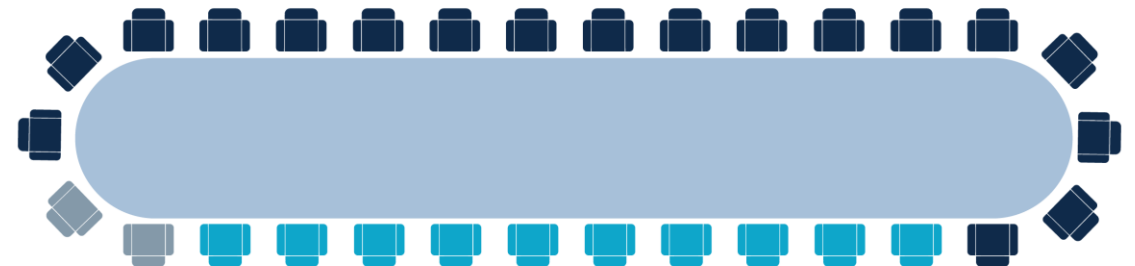


Labour market settings

- Encompassed intersections of
 - ✓ Gender and age
 - ✓ Gender and family status
 - ✓ Gender and pregnancy
 - ✓ Gender and religion
 - ✓ Gender and racial or ethnic origin
 - ✓ Domestic workers



As of 2018, less than 6% of all Fortune 100 board seats are filled by women of color, while white men continue to dominate, occupying 60% of board seats.



KEY

- Board seats filled by white men
- Board seats filled by other genders and ethnicities
- Board seats filled by women of color

Healthcare

- Reproductive health policies
- The reproductive oppression of women of colour, immigrants, LGBTQ communities, prostitutes, women with disabilities, low income women
- The right to have children, to raise them in safe environments

Abortion

This article is more than 2 years old

Appeal court overturns forced abortion ruling

Termination had been said to be in best interests of woman with learning disabilities

Harriet Sherwood *Religion correspondent*

@harrietsherwood

Mon 24 Jun 2019 19:16 BST

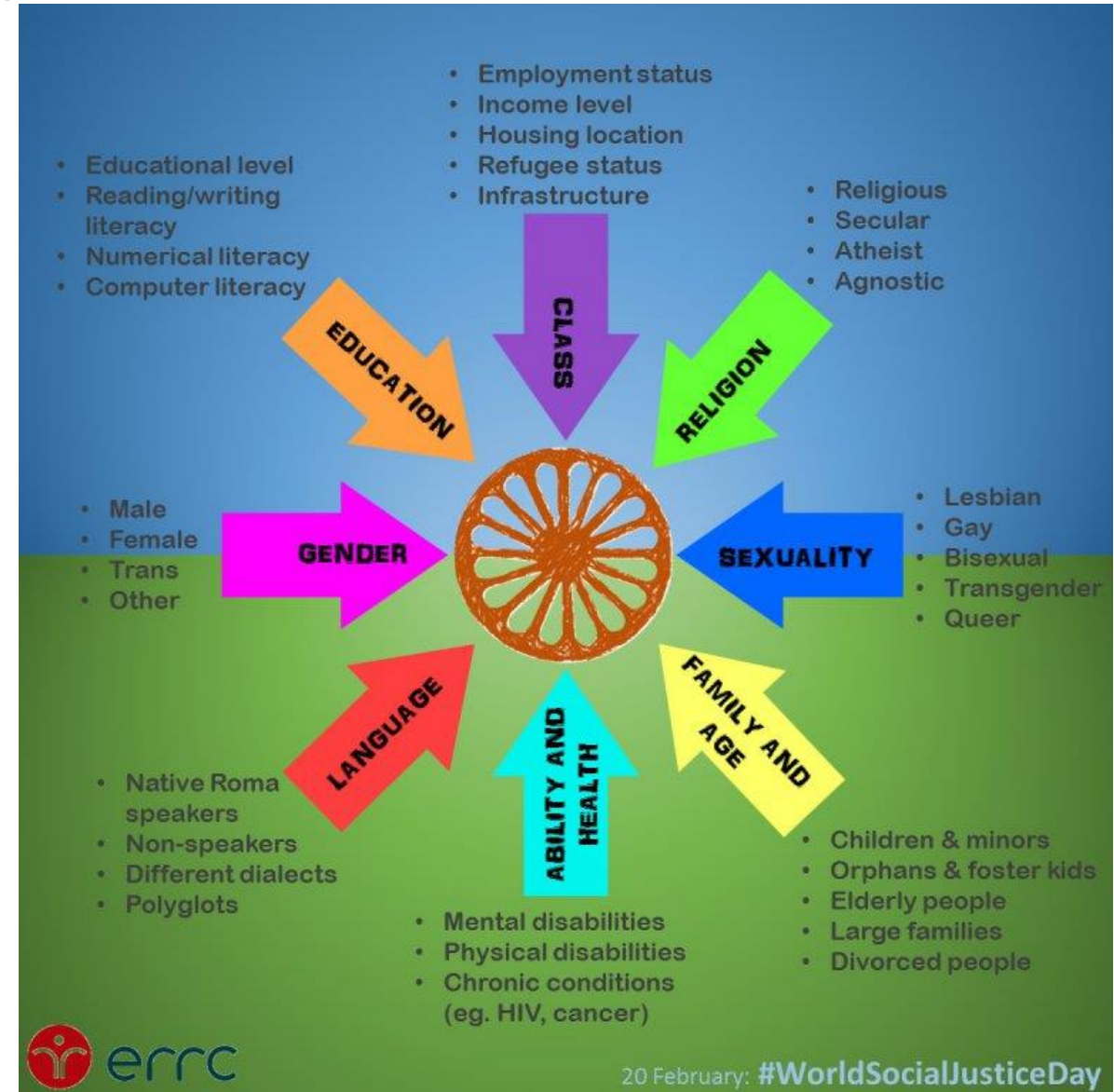


The appeal court's decision came after the woman's mother challenged the previous ruling that an abortion was in the best interests of the woman. Photograph: Alamy

A court ruling that a woman with learning disabilities must have an abortion

Access to justice settings

- Gender in shaping perceptions and choices among minority ethnic groups and their reaction to and use of anti-discrimination legislation when faced with discrimination





Thank you

Institutions and intersectionality

Creating an internal culture of inclusion begins with leadership



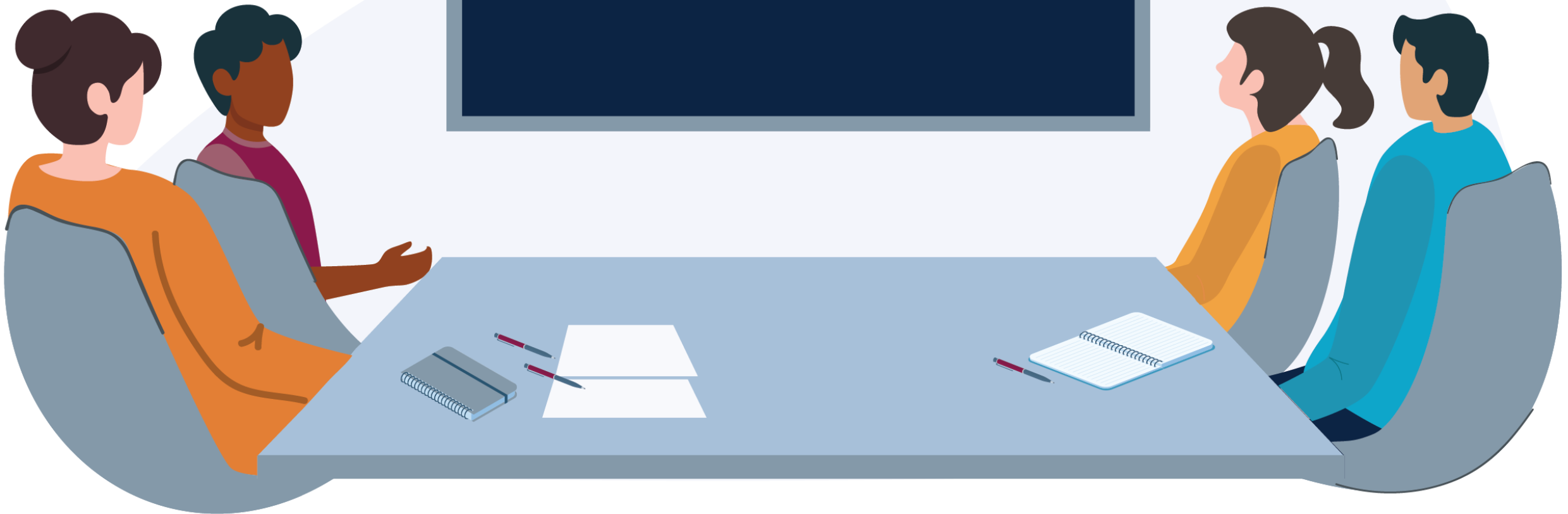
“To create organizational change, top leadership must model taking an intersectional approach through investments and actions. This is how the organization shows that it is a priority.”

- Anthony Fortenberry

Provide consistent opportunities for education and awareness

“Education is a big part of creating an inclusive workplace.
All employees should understand the space and privilege they hold.
How can those with privilege work to benefit others in the organization?”

- Elizabeth Lanyon



Provide consistent opportunities for education and awareness



“Trainings are useful, but they aren’t enough. Policies need to be set in place to address discriminatory behavior and enforce repercussions. Policies should also consider the unique needs of people with layered experiences - identities are not monolithic.”

- Cornell Verdeja-Woodson



*How do you use intersectionality in your work?
Let us know at vawln@uwo.ca!*

The social locations of the persons you are working with:

- What are the challenges? (e.g. unstable housing, discrimination)
- What are the strengths that can be drawn upon? (e.g. resources, community centre)
- Are there groups within the broader community you are working with that have gone unnoticed? (e.g. have you considered older people, immigrants, children...?)

Your own position as a service provider:

- What are your own identities, privilege(s), and positions of power in relation to the issues you are addressing? Are you a member of the group(s) you are working with?
- How does your position impact your work?

The conditions that impact social locations:

- What are the social, political, economic, or cultural conditions that are impacting the person or group(s) you are working with?
- What, if any, are the recent policies, practices, or laws that may be particularly relevant to the person or group(s)?

ORGANIZATIONAL CHECKLIST FOR INTEGRATING INTERSECTIONALITY INTO PRACTICE & POLICY

<p>Education</p> <ul style="list-style-type: none"> <input type="checkbox"/> Educate and train board members in understanding an intersectional approach to gender-based violence, including social diversity and oppression. <input type="checkbox"/> Know and understand your clients' social locations. <input type="checkbox"/> Provide employee training on dimensions of inequality and oppression and how these intersect to shape the needs and experiences of survivors, abusive partners, and their children. <input type="checkbox"/> Partner with various communities when developing education and training. 	<p>Reflective Practices</p> <ul style="list-style-type: none"> <input type="checkbox"/> Develop a vision statement to guide the work of your organization that reflects an intersectional framework. <input type="checkbox"/> Examine whether your response as a service provider ignores or takes into account the multiple social identities of survivors, abusive partners, and their children. <input type="checkbox"/> Be aware of your social location and how it may enable or inhibit clients from discussing issues related to racism, sexuality, and so forth. <input type="checkbox"/> Obtain feedback from clients on whether service provision is meeting their needs.
<p>Policy/Program Design</p> <ul style="list-style-type: none"> <input type="checkbox"/> Determine which social locations are important to the policy/program problem. <input type="checkbox"/> Consult with various groups on how their needs can best be served. <input type="checkbox"/> Evaluate assumptions underlying the area being considered. Avoid "one-size-fits-all" approaches. <input type="checkbox"/> Strategize how policy/program will avoid reinforcing or perpetrating further inequalities for some groups. <input type="checkbox"/> Include inter-organization/inter-disciplinary collaboration where possible. 	<p>Accessibility and Inclusion</p> <ul style="list-style-type: none"> <input type="checkbox"/> Comply with all accessibility and human rights legislation. <input type="checkbox"/> Ensure job postings encourage application by individuals facing multiple barriers in accessing jobs or who have historically faced exclusion and discrimination. <input type="checkbox"/> Where possible, allow flexible working hours/conditions (e.g. the option to work from home). <input type="checkbox"/> Include professional development opportunities to enhance employees' skills (e.g. French language training).
<p>Evaluation</p> <ul style="list-style-type: none"> <input type="checkbox"/> Identify whether the policy/program includes different groups and if differences within these groups are recognized. <input type="checkbox"/> Evaluate services and programs to determine which populations are accessing them. <input type="checkbox"/> Ensure policy documents address inequalities as well as a structural understanding of power. <input type="checkbox"/> Develop an "Intersections Committee" to oversee the integration of an intersectional approach throughout your organization. <input type="checkbox"/> Review organizational policies and practices regularly to ensure they take into account the needs and experiences of different groups being served. 	

Informed by:
Murphy, Y., Hunt, V., Zajicek, A., Norris, A. N., & Hamilton, L. (2009). *Incorporating intersectionality in social work practice, research, policy, and education*. Washington, D.C.: NASW Press.
Hankivsky, O. (2012). *An intersectionality-based policy analysis framework*. Vancouver, BC: Institute for Intersectionality Research and Policy, Simon Fraser University.