

# Towards Gender Justice

Rethinking EU Gender Equality Policy From an Intersectional Perspective

# LEAVE NO ONE BEHIND

The Equinox Initiative for Racial Justice is a people of colour-led advocacy project with solidarity and empowerment at its heart. Equinox is a coalition of racial and social justice leaders, activists and organisers from across Europe working in solidarity to influence European Union law and policy.

<https://www.equinox-eu.com/>

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# Concepts

**Cis-Gender** – denoting or relating to a person whose sense of gender identity and gender expression corresponds with their sex assigned at birth.

**Gender** – Gender is the mechanism by which notions of masculine and feminine are produced and naturalised. It refers to a social construct which places cultural and social expectations on individuals based on their perceived sex.

**Gender identity** – Refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms. Some people's gender identity falls outside the gender binary, and related norms.<sup>1</sup>

**Gender expression** – Refers to people's manifestation of their gender identity to others, by for instance, dress, speech and mannerisms. People's gender expression may or may not match their gender identity/identities, or the gender they were assigned at birth.<sup>2</sup>

**Intersectionality** – Intersectionality examines the intersections of the three most important global systems of domination: racism/colonialism, capitalism and patriarchy; and their by-products: classism, homo- and transphobia, cis- and heterosexism and all other forms of racism. Intersectionality looks at the ways in which various social categories such as gender, class, race, sexuality, disability, religion and other identity axes are interwoven on multiple and simultaneous levels.<sup>3</sup>

**Intersex** – The term "intersex" is an umbrella term for the spectrum of variations of sex characteristics that naturally occur within the human species. The term intersex acknowledges the fact that physically, sex is a spectrum and that people with variations of sex characteristics other than male or female exist.<sup>4</sup>

**Non-binary** – Describes any gender identity which does not fit the "male" and "female" binary categories within the gender spectrum.

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1. Adapted from ILGA Europe Glossary. Available at: <<https://bit.ly/3tHtMLR>> [Accessed 13 May 2021]

2. *ibid.*

3. Definition by the [Center for Intersectional Justice](#).

4. Ghattas, D.C., 2019. Protecting Intersex People in Europe: A Toolkit for Law and Policymakers. [pdf] ILGA Europe and Oii Europe. Available at: <<https://bit.ly/3y9hWgQ>> [Accessed 13 May 2021].

**Queer** – Previously used as a derogatory term to refer to LGBTI individuals in the English language, queer has been reclaimed by people who identify beyond traditional gender categories and heteronormative social norms. However, depending on the context, some people may still find it offensive. Also refers to queer theory, an academic field that challenges heteronormative social norms concerning gender and sexuality.<sup>5</sup>

**Racialisation** – The political process that creates, maintains and gives meaning to concepts of race. It is a process of categorising, othering, and marginalising through a myriad of systems, tools and social practices.

**Racialised people** – Individuals and groups who have been subject to a process of racialisation and been ascribed a particular racial category. In European societies, all people are racialised, however we use the term to refer to those that have been negatively racialised or racialised as “other”.

**Racial justice** – The process of collectively uncovering, challenging and actively un-doing the systems, tools and practices that maintain racism and racialisation.

**Sex Characteristics** – A term that refers to a person’s chromosomes, anatomy, hormonal structure and reproductive organs.<sup>6</sup>

**Sex work** – the receipt of money or goods in exchange for consensual sexual services or erotic performances, either regularly or occasionally.<sup>7</sup>

**Structural racism** – The structures that create and maintain vulnerability, harms and precarity aligned to racial difference. Structural racism is the intertwined relationship between historical injustices, epistemic (knowledge) erasure, laws, institutions, policies, practices, and social, political and economic disparities. The effect of these factors is to further marginalise and impose violence on racialised people.

**Trans** – Is an inclusive umbrella term referring to people whose gender identity and/or gender expression differ from the sex or gender they were assigned at birth.

It may include, but is not limited to: people who identify as transsexual, transgender, transvestite/cross-dressing, androgyne, polygender, genderqueer, agender, gender variant, gender non-conforming, or with any other gender identity and/or expression which does not meet the societal and cultural expectations placed on gender identity.<sup>8</sup> Trans people can be intersex or endosex and heterosexual or lesbian, gay, bisexual, queer, or any other sexual orientation.

**Women/Woman** - All people who self-identify as women.

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5. Adapted from ILGA Europe Glossary - available at Glossary beginning with [Q | ILGA-Europe \(ilga-europe.org\)](https://ilga-europe.org/glossary)

6. Adapted from ILGA Europe Glossary. Available at: <https://bit.ly/3tHtMLR> [Accessed 13 May 2021]

7. Open Society Foundations, 2019. Understanding Sex Work in an Open Society. [online] Open Society Foundations. Available at: <https://osf.to/3hiQlhW> [Accessed 13 May 2021].

8. ILGA Europe, n.d. Glossary. [online] Available at: <https://bit.ly/33EIIRC> [Accessed 13 May 2021].

# Equinox's approach

At Equinox, we look beyond fixed or objective notions of race or ethnicity and focus on power, the process of racialisation, and the factors that created these power dynamics.

Equinox uses “racialised people” expansively to include all those who have been subjected to different processes of racialisation. We include, but do not limit this to: People of African, Arabic, Asian, and Latin American descent, Roma and Sinti people, Sámi people, and those that are racialised as a result of their perceived membership to Muslim, Jewish and other religious communities. We also include in scope those who self-define using terms such as ‘Black’ and ‘people of colour’.

Racialisation is highly contextual. We note that the specificities and complexities of processes of racialisation challenge clear cut definitions.

# Summary

EU law and policy relating to gender has so far relied heavily on binary conceptions of gender and, as a result fixed, simplistic notions of equality. Towards Gender Justice reckons with and challenges the restrictive foundations of EU gender equality policy, highlighting the gaps and oversights occasioned by a binary approach, and asks: who gets left behind with this approach?

In particular, we show how the focus of EU gender policy centres the policy concerns of women that occupy certain “norms” aligned with gender identity, race, sexual identity, sex characteristics, migration status, class, occupation and disability. In some cases, instead of serving equality and justice, this approach may enhance discrimination, marginalisation and domination. Instead, we think that EU gender policy must take a fundamental shift and centre those who occupy this complexity as opposed to those that fit the norms. This would constitute a truly intersectional approach to EU gender equality policy, prioritising different issues and policies, with very different results.

A truly inclusive gender equality policy must account for the fact that “there is no such thing as a single issue struggle as we do not live single issue lives”.<sup>9</sup> We need to go far beyond the notion of “equality between men and women”<sup>10</sup> and towards policy that embraces the complex identity of women, non-binary and gender non-conforming people, centering those who identify as racialised, those who live with disabilities, those who are migrant, trans, sex workers, lesbian or bi, working class.

We desire more than equal opportunity domination.<sup>11</sup> More women in boardrooms will not fix deeply rooted societal issues. It is time to move towards a new era of equality policy within the EU - one that aims for justice for those harmed by structures of racialised and gendered discrimination. We must move beyond buzzwords and towards bold policymaking that centres the most marginalised people within our societies. To reach this goal, we offer concrete recommendations on the practical ways in which to implement an intersectional approach in order to move towards intersectional gender justice at EU level.

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9. Lorde, A., 1982. Learning from the 1960s.

10. Article 2 of Consolidated version of the treaty of the functioning of the European Union, 2016. Official Journal [online], C202/1. Available at: <<https://bit.ly/3uNX8ti>> [Accessed 13 May 2021].

11. Arruzza, C., Bhattachary, T. and Fraser, N., 2019. Feminism for the 99%: a manifesto. London: Verso.



# Introduction

Gender equality policy in the EU has gained momentum in the past few years. From gender mainstreaming to a dedicated gender equality strategy, the Commission along with the Parliament and the Council, have increasingly prioritised the advancement of equality between men and women.

European Commission President von der Leyen made it clear from the moment that she was elected that a “union of equality” would be at the heart of her mandate and that gender equality was top priority. Under her leadership, we have been presented with the first ever ‘gender-balanced’ college of commissioners and the creation of a commissioner for equality.

The presentation of the EU Gender Equality Strategy 2020-2024 was promising. The explicit dedication to the application of an intersectional lens in all gender equality policy, the acknowledgement that gender stereotypes often worked in tandem with other stereotypes including those based on race, and the recognition of barriers to employment faced by certain women due to additional marginalisation including belonging to religious and ethnic minorities. These words denote positive steps towards the inclusion of racialised women living in Europe. However, there is still much to be done in practice to ensure a truly intersectional approach to EU policy-making.

It is difficult to understand how Member States will implement this ambitious policy, especially in terms of applying an intersectional approach at national level. When the majority of Member States refuse to even acknowledge the existence of race, let alone collect relevant data, how then is it possible to not only design and implement policies with racialised women at the centre, but also monitor their impact and adjust them accordingly?

Considering in tandem the ever-increasing backlash against gender equality and LGBTI rights, as well as the heightened racist political rhetoric from politicians and the media, it is necessary to consider the challenges to implementing policy that addresses the issues faced by racialised women. If gender equality is stagnating and the racial justice spark has only recently been ignited, what can we do to push forward policy that will help those at the furthest margins of our societies?

# EU gender equality: the current approach

Gender equality is one of the central values of the European Union. Enshrined in the treaties and the subject of an extensive legal framework, the concept has long been a core element of EU equality policy. Through a variety of legal instruments, including legislation, communications, recommendations and funding programmes, the EU works to “eliminate inequalities, and to promote equality, between men and women.”<sup>12</sup>

“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.” - Article 2 Treaty on European Union

“In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women.” - Article 8, Treaty on the Functioning of the European Union

The first iteration of gender equality in EU law was the concept of equal pay for work of equal value, which has been a core concept since the establishment of the European Economic Community. Now, the recent proposal by the Commission for a Directive on binding pay transparency measures<sup>13</sup> serves to enshrine key elements of the principle into European law. In addition, Directives on equal treatment in employment, work life balance and rights to parental leave shore up the protection of gender equality in the workplace. The Women on Boards Directive, currently blocked in the Council, seeks to implement a quota system that would ensure that women make up 40% of non-executive boards in EU companies.

In 2020, the European Commission launched both the new Gender Equality Strategy 2020-2025 (March 2020) and the first ever LGBTIQ Equality Strategy 2020-2025 (in November 2020).

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12. Article 8 of Consolidated version of the treaty of the functioning of the European Union, 2016. Official Journal [online], C202/1. Available at: <<https://bit.ly/3uNX8ti>> [Accessed 13 May 2021].

13. Proposal for a Directive to Strengthen the Application of Equal Pay for Equal Work. [pdf] European Commission, COM (2021) 93 final. Available at: <<https://bit.ly/3tGNfMM>> [Accessed 13 May 2021].

The European Commission launched both the new Gender Equality Strategy 2020-2025 (March 2020) and the first ever LGBTIQ Equality Strategy 2020-2025.

The Gender Equality Strategy focuses on 5 key areas:

- Increasing female labour market participation and economic independence of women and men;
- Reducing the gender pay, earnings and pension gaps and thus fighting poverty among women;
- Promoting equality between women and men in decision-making;
- Combating gender-based violence and protecting and supporting victims;
- Promoting gender equality and women's rights across the world.

The LGBTIQ Strategy outlines four key areas for action:

- Tackling discrimination against LGBTIQ people;
- Ensuring LGBTIQ people's safety;
- Building LGBTIQ inclusive societies;
- Leading the call for LGBTIQ equality around the world.

Both strategies seek to take meaningful steps to advance the EU's equality framework to eliminate discrimination, exclusion or violence related to gender and gender identity. Both frameworks make specific mention of intersectional discrimination and the need to pay particular attention to the diversity of peoples' needs and to the most vulnerable in society. In particular, the EU Gender Equality Strategy states that it will be implemented using intersectionality as a "cross-cutting principle".

Despite this extensive framework and burgeoning interest in intersectionality, this report outlines a number of key obstacles to truly intersectional EU gender equality policy:

1.

A surface level engagement with the concept of intersectionality, including a failure to meaningfully account for race and class;

2.

A binary foundation that limits the scope of policy and does not provide for the fact that women have complex identities that go far beyond their gender identity;

3.

Institutional barriers to meaningful civil society and community engagement, in particular of those representing communities impacted by intersectional discrimination.

## Surface level engagement with intersectionality



Despite including intersectionality as a “cross-cutting principle” for the implementation of the Gender Equality Strategy,<sup>15</sup> the EU framework still fails to meaningfully engage with the concept. The European Commission utilises a definition of intersectionality put forward by the European Institute for Gender Equality:

“EIGE defines ‘intersectionality’ as an ‘analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/ identities, and how these intersections contribute to unique experiences of discrimination’”<sup>16</sup>

This approach unfortunately overlooks a wealth of scholarship on the foundations of intersectionality, and in particular, the concept’s roots in Black feminism. This is clear from EIGE’s focus on the idea of “personal identities” and “characteristics” as opposed to structures of oppression. A key element of intersectional thought is that forms of discrimination and oppression (patriarchy, racism, homophobia, transphobia, ableism) are interconnected and therefore, cannot be dealt with separately in terms of individual effects but must be treated as a whole by addressing the systems of which they are a product.

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14. European Commission, 2021. Speech by Commissioner Dallí at the European anti-racism summit. [online] Available at: <<https://bit.ly/3fiNwQP>> [Accessed 13 May 2021].

15. A Union of Equality: Gender Equality Strategy 2020 - 2025. European Commission [online] COM (2020) 152 final, pp.2. Available at: <<https://bit.ly/3yayqVU>> [Accessed 13 May 2021].

16. EIGE, n.d. Glossary: Intersectionality. [online] Available at: <<https://bit.ly/3hAv8pt>> [Accessed 13 May 2021].

## Intersectionality Explained

Intersectionality is an analytical framework for understanding how multiple systems of oppression interconnect to form new multiple aspects of a person's social and political identities combine to create different modes of discrimination.

The concepts underlying intersectionality have their roots in Black feminism. In 1977, Black, lesbian, socialist feminists in the **Combahee River Collective** outlined the need to struggle against racial, sexual, heterosexual, and class oppression together in the Combahee River Collective Statement. They saw it as their particular task to develop an analysis and practice "based upon the fact that the major systems of oppression are interlocking."

In 1989, professor Kimberlé Crenshaw, who is credited with coining the term intersectionality, published an important essay on the topic entitled *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics* in which she spoke at length about the multidimensional experiences of Black women, their omission from both antiracist and gender policy, and the need for an intersectional approach to be adopted in order to break free of the limits of a "single axis framework". Building on this work, sociologist Patricia Hill-Collins published "Black feminist thought", which advanced the concept of the "Matrix of domination" to explain the multifaceted ways a person may experience oppression. Building on this work, sociologist Patricia Hill-Collins published "Black feminist thought", which advanced the concept of the **"Matrix of domination"** to explain the multifaceted ways a person may experience oppression.

**For more on Intersectionality, see Center for Intersectional Justice's Factsheet: Intersectionality at a Glance in Europe<sup>17</sup>**

These oversights present significant limitations for EU gender equality policy and its engagement with intersectionality. To some extent, the EU gender equality approach empties intersectionality of meaning. Three specific flaws demonstrate the failure to meaningfully engage with intersectionality in EU policy-making:

1. An avoidance of the issue of race;
2. Overlooking the structural, institutional nature of intersectional discrimination and oppression;
3. Focusing on identity, as opposed to power.

17. Center for Intersectional Justice, 2020. Factsheet: Intersectionality at a Glance in Europe. [pdf] Center for Intersectional Justice. Available at: <<https://bit.ly/3uLkXSD>> [Accessed 13 May 2021].



Firstly, **the EU gender equality framework systematically avoids the issue of race.** Despite the fact that race is a central concept in the history, theory and practice of intersectional thought, the EU gender equality framework avoids all but a surface level engagement with the intersections between race, gender (identity) and sexual orientation. EU gender equality policy aims to correct harms linked to gender in a way that is mostly disconnected from class, race, gender identity and migration status. The avoidance and systematic exclusion of race is a grave oversight considering that the foundational thinking on intersectionality was pioneered by Black lesbians and lesbians of colour.<sup>18</sup>



*- Audre Lorde, Marsha P Johnson, Gloria Anzaldúa, Lady Phyll*

One concrete example is the failure to call for data disaggregated by racial and ethnic origin as well as gender, across EU policy. This is demonstrated in the commitment to acquiring more data on intersectional experiences of gender-based violence within the Gender Equality Strategy. The Strategy outlines the need for a “complete picture of gender-based violence” and thus suggests that “data should be disaggregated by relevant intersectional aspects and indicators such as age, disability status, migrant status and rural-urban residence.” No mention is made of the need for Eurostat to collect data disaggregated by race with respect to gender based violence.

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18. Including Audre Lorde; Gloria Anzaldúa; Gloria T Hull; Barbara Smith.

## Equality data collection in Greece

During 2020, an unusual year due to the COVID-19 pandemic, the members of the Racist Violence Recording Network in Greece<sup>19</sup> recorded through interviews with the victims, 107 incidents of racist violence with the following characteristics:

Twenty-two of the victims were women, 70 were men, five of whom were transgender and there was one victim who identified as non binary. In 74 incidents the targets were migrants, refugees, or asylum-seekers due to their ethnic origin, religion or/and “race”, human rights defenders due to their association with refugees and migrants, as well as shelters or facilities providing other services for the said groups. In 30 incidents the victims were LGBTQI+ individuals. In three incidents the victims were Greek citizens who were targeted due to ethnic origin. In 50 incidents the targets were more than one victim, whereas in 77 incidents the assault was committed by a group (of at least two persons). Notably, 27 of the recorded instances of violence were committed by law enforcement or public officials.

There are also a number of specific manifestations of intersectional discrimination in Europe that necessitate serious engagement with the centrality of race and racism. In particular, the sustained and institutional discrimination against Muslim women in the form of “headscarf bans” in many public spaces, such as in employment and education has been particularly overlooked in EU policymaking. A recent report by the Open Society Justice Initiative mapping headscarf bans in Europe found that nine Member States have implemented such bans either on a local or national level.<sup>20</sup> The result is discriminatory exclusion and a systematically racist and gendered public discourse governing the freedom of choice of Muslim women.

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19. UNHCR, 2021. Racist Violence Recording Network: Annual Report 2020. [online] Available at: <<https://bit.ly/3fcLn9j>> [Accessed 13 May 2021].

20. Open Society Foundations, 2018. Restrictions on Muslim Women’s Dress in the 28 EU Member States. [pdf] Open Society Foundations. Available at: <<https://bit.ly/3odEqc1>> [Accessed 13 May 2021].

## Case study: Institutional Discrimination Against Muslim Women in Europe

In a recent report on anti-muslim hatred / Islamophobia, Ahmed Shaeed, the UN special rapporteur for freedom of religion or belief, describes the way in which muslim women – especially those who wear a veil or hijab – “are cast as agentless subordinates.”<sup>21</sup> It is this racist, misogynistic logic that fuels the hypocritical positions taken by mainstream feminist organisations and governments alike in their condemnation of the hijab and implementation of bans on religious dress (that almost exclusively targets muslim women) in public spaces.

Most recently, French lawmakers voted in a favour of amendments to the proposed anti-separatism law<sup>22</sup> that banned women from wearing hijabs in swimming pools or other sports events, whilst accompanying their children on a school trip and also banned children from wearing the hijab, calling for the “prohibition in the public space of any conspicuous religious sign by minors and of any dress or clothing which would signify inferiority of women over men”. The Austrian Constitutional court recently overturned a similar ban imposed by the right-wing coalition government of the People’s Party and the Freedom party, deeming it to be unconstitutional. It was reasoned that the ban in fact contributed to the marginalisation of muslim girls.

Last year, the Belgian constitutional court ruled<sup>23</sup> that it was legal for universities and higher education establishments to ban their students from wearing hijabs on their premises, resulting in protests throughout the country. In January 2021, Wallonia-Brussels Education announced that they would lift the ban on hijabs in the name of inclusion.<sup>24</sup>

The European Network Against Racism (ENAR) conducted a landmark study documenting the multi-faceted discrimination experienced by Muslim women in Europe, called “Forgotten women: the Impact of Islamophobia on Muslim women”<sup>25</sup>. The European Forum of Muslim Women<sup>26</sup> founded in 2006 to represent organisations of Muslim women, addresses the structural and intersectional nature of discrimination against Muslim women and the toxic and infantilising nature of the public debate on Muslim women’s freedom to wear religious dress in public.

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21. Human Rights Council, 2021. Countering Islamophobia/anti-Muslim hatred to eliminate discrimination and intolerance based on religion or belief. [online] Boots Group Plc. Available at: <<https://bit.ly/3fdLTUz>> [Accessed 13 May 2021].

22. Assemblée Nationale, 2021. Projet de loi n° 4078: modifié par le Sénat, confortant le respect des principes de la République et de lutte contre le séparatisme. [online] Available at: <<https://bit.ly/3w2dl8V>> [Accessed 13 May 2021].

23. Anon, 2020. Arrêt n° 81/2020. [pdf] Unia. Available at: <<https://bit.ly/3oaYU5c>> [Accessed 13 May 2021].

24. Baus, M., 2021. Le voile sera massivement autorisé en septembre dans l’enseignement supérieur : “L’intérêt général doit primer”. La Libre.be, [online] 16 January. Available at: <<https://bit.ly/3bnZtDA>> [Accessed 13 May 2021].

Secondly, the EU gender equality **framework overlooks the structural, institutional nature of intersectional discrimination**. Partly, this is due to a conception of intersectionality that is highly tied to notions of “identity” without considering the historical, structural and institutional dimensions of oppression that are foundational to intersectional theory.. Whilst intersectional thought is indeed concerned with the “combination of identities”, primarily it is the process of constructing identities and the process of “othering” and exclusion as a result of the combined or connected impact of a number of structures of oppression. Whilst the EU gender equality framework engages more with shallow questions of identity and representation, intersectionality at its core speaks to structures and systems of oppression and inequality.

Therefore, “applying intersectionality” must entail an engagement with institutional forms of discrimination against women — namely, intersectional forms of oppression inflicted by the state or public institutions. For example, in the EU action plan on integration and inclusion, the multiple barriers facing migrant women are discussed, including the fact that many women come to the EU to join a family member “bringing with them domestic responsibilities that can prevent them from fully participating in the labour market and in integration programmes.”<sup>27</sup> There is no mention of the fact that in many circumstances, it is not possible to access the labour market on the basis of a family reunion visa. In addition, whilst the EU Gender Equality Strategy focuses on interpersonal violence in its key priority “ending gender-based violence”, it fails to engage with any form of state violence against women at the margins.

## Case study:

### Intersectionality, state violence and structural conditions

An intersectional analysis of gender-based violence reveals that many forms of racialised and gendered violence enacted on people at the margins is perpetuated by conditions created by state and public actors. Some key examples of this include:

- **The criminalisation and legal oppression of sex work** in many European states has exacerbated and enabled violence against sex workers by creating a number of barriers to the reporting of, and seeking support and redress for, violence against sex workers. Migrant and racialised sex workers are estimated to comprise the majority of the sex worker population in Western Europe and a significant proportion of the community in Central and Eastern Europe. According to the International Committee on the Rights of Sex Workers in Europe (ICRSE):

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27. Action plan on integration and inclusion 2021 - 2027, 2020. European Commission [online] COM (2020) 758 final, pp.7. Available at: <<https://bit.ly/2RJplCV>> [Accessed 13 May 2021].

"[d]ue to the blanket conflation of sex work with human trafficking and its equation with gender-based violence, the actual causes of violence against sex workers remain unrecognised in policy discussions. Hence, sex worker victims/survivors of crime are often not regarded as such, and their need of specialised services and protection remains ignored."<sup>28</sup>

- **Violence against migrant women as a result of EU migration policy**

Whilst violence against migrant women is acknowledged in the EU gender equality policy and is framed in the context of the need to crack down on trafficking and the prosecution of people "smugglers", the analysis fails to acknowledge the role of EU migration policy in criminalising movement and producing a context of "illegality" that enables and necessitates clandestine, opaque and dangerous travel to Europe, thus exacerbating the conditions of vulnerability experienced by women and others. The growing militarisation of EU borders has created a "breeding ground" for violence and insecurity, particularly against women and other marginalised groups, including sexual violence against refugee women by administrative, security and border personnel<sup>29</sup> as well as in camps and other pre-designated spaces that EU Member States have responsibility for.<sup>30</sup> Only increasing as routes of migration become more heavily policed with a view to 'intercepting' migrants travelling to Europe, the extent to which the EU's own policy and practice has exacerbated gender based violence is systematically ignored in EU gender equality policy.

The over-emphasis on the interpersonal aspects of gender based violence is also championed by mainstream civil society organisations and provides another example of the shortcomings of a binary, colour-blind approach towards gender equality. "Male violence against women" is often centred with a focus on cis-heterosexual men and women, despite the comprehensive definition of gender based violence outlined for example, in the Victims Rights' Directive (2012/29/EU).

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28. ICRSE, 2020. "Undeserving victims?" ICRSE launch community report on access to justice for migrant sex workers. [online] ICRSE. Available at: <<http://www.sexworkeurope.org/news/news-region/undeserving-victims-icrse-launch-community-report-access-justice-migrant-sex>> [Accessed 13 May 2021].

29. WHO, 2. Sexual violence against refugee women on the move to and within Europe. [pdf] WHO. Available at: <<https://bit.ly/3tRDJGN>> [Accessed 13 May 2021].

30. Centre Diotima, 2019. Final Report: Research on Accessibility and Barriers to Gender-Based Violence Services for refugee and migrant girls, boys, women and men in Greece. [online] Available at: <<https://bit.ly/3ygyY4L>> [Accessed 13 May 2021].

31. Trans Respect, 2020. Trans Murder Monitoring: Data 1 October 2019 - 30 September 2020. [infographic] Available at: <<https://bit.ly/3eHsPyQ>> [Accessed 13 May 2021].



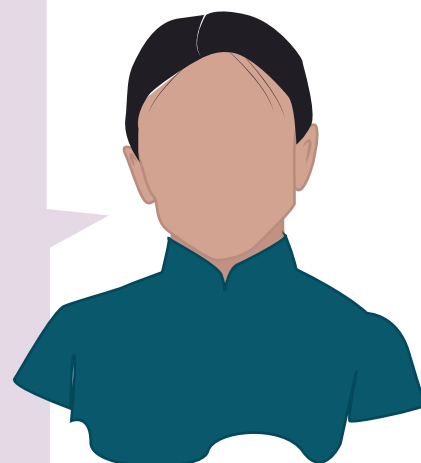
## Recognising the full extent of gender based violence:

In the past year, between November 2019 and September 2020, 350 trans and gender diverse people were murdered<sup>32</sup>, 98% of the victims were transwomen or femmes, 50% of those killed in Europe were migrants and 62% were sex workers.

Gendered islamophobia accounts for the majority of reported islamophobic attacks, in France, Belgium and the Netherlands. Female genital mutilation remains a prevalent form of GBV and one that does not necessarily fall under the restrictive category of “male violence against women”.

Another element of this restrictive approach and the subsequent policy proposals is the prominence of carceral feminism. This is demonstrated in one of the key responses to GBV presented in the gender equality strategy; the proposal to add certain forms of gender based violence to the list of EU crimes.

“Carceral feminism describes an approach that sees increased policing, prosecution, and imprisonment as the primary solution to violence against women. This stance does not acknowledge that police are often purveyors of violence and that prisons are always sites of violence. Carceral feminism ignores the ways in which race, class, gender identity, and immigration status leave certain women more vulnerable to violence and that greater criminalisation often places these same women at risk of state violence.



- Victoria Law

Carceral feminism provides a useful lens to analyse EU policy priorities. In particular, we see that feminisms which centre retributive and punitive responses to interpersonal violence often (a) overlook the need for harm reduction and prevention efforts, and (b) fail to account for state violence, such as at the hands of police, healthcare institutions, detention centres, and violence against people who are criminalised by the state.

32. Ibid

It is important that equal attention is given to the eradication of all forms of gender based violence – not just “male violence against women” but any and every form of violence rooted in misogyny, transphobia, lesbophobia, and biphobia—, with acknowledgement of the fact that women of colour are disproportionately affected by such violence.

Third, **the EU gender policy uses intersectionality in a way that focuses on identity, as opposed to power.** Aside from the recent adoption of language referring to “women and girls in all their diversity”, EU gender equality policy has a fixed “subject” in women (mostly narrowly construed), as opposed to addressing the process of gendering, which can harm people of various genders in different contexts. For example, throughout the EU there remains a structural issue of police violence and profiling against Black, Brown and Roma men. Whilst this is often addressed as solely an issue of racial discrimination, this phenomena is highly linked to racialised, gendered and classed constructions of racialised men as more susceptible to certain types of crime, more dangerous and threatening within the European polity. This racialised construction of masculinity is never acknowledged as an issue of gender inequality. Perhaps this points to some underlying flaws in a binary and narrow conception of gender equality being about achieving parity with men in power for (some) women.

Thus, despite formally acknowledging intersectionality as an implementing principle, in practice EU gender equality policy treats intersectionality more as an afterthought or “add-on”. Instead of treating the concerns of marginalised women and people at the core of gender policy, it includes them on an ad hoc basis. A truly intersectional approach places those at the margins at the centre of the approach. To the contrary, the EU’s approach, prioritising interpersonal forms of violence over structural concerns, and invisibilising some forms of intersectional discrimination, does not in practice apply a truly intersectional approach.

## The limitations of a binary approach to gender equality

Another substantial flaw of the EU's gender equality framework is its binary foundation. The principle of equality between men and women is the basis upon which the vast majority of gender equality policy is built. This basis is exclusionary not only in very literal terms, i.e. for non-binary and gender non-conforming people, but also in the sense that women and non-binary people of colour are often excluded from such rigid concepts of womanhood. Under such rigid definitions of gender—very much still rooted in terms of sex—it is often white women, and more concretely, middle-class white women, who are centred in consequent policy efforts.

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**We call for a feminist movement that situates gender injustice within patriarchal, capitalist, white supremacist societies, and is inclusive of trans people and sex workers.**

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*- Femifesto in support of sex workers rights<sup>33</sup>*

This is clearly demonstrated in some of the flagship gender equality policies of the EU. The Women on Boards Directive — that has been stuck in the Council for the past eight years — is a clear example of a gender equality policy focused upon a narrow idea of equality between “the sexes”. In Europe, where the majority of racialised women find themselves in precarious, informal employment, a policy on parity in executive roles in companies is not one that is likely to have a huge impact on their lives. If women who wear the hijab are not even allowed to be employed in certain sectors in some member states, what hope is there for them to ever reach the boardroom?

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33. Feminists for Sex Workers, n.d. Femifesto in Support of Sex Workers' Rights. [online] Available at: <<https://bit.ly/3eIBvoM>> [Accessed 13 May 2021].

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“Certainly the women’s movement was very much about body, very much about self, and very much about seeking to gain access to existing power structures. I think you hear that expressed these days as a kind of neoliberal feminism that says if you get more women in the boardroom then everything will be fine. We know that is not true and that for the vast majority of women around the world, that is not even relevant.

We are still actually struggling for food, clothing, shelter; the right to keep our genitals; the right not to be trafficked; the right to have children and raise them in a healthy context; and the right not to be gang raped in local wars. There are huge issues that continue to affect Black women that do not allow us to simply focus on the luxury of what the world would be like if it was only run by women.”



- Stella Dadzie<sup>34</sup>  
Activist, writer and historian

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Another example of the limits of an approach to “gender equality” without a reckoning with socio-economic inequality can be found in attempts to mainstream gender into EU trade agreements.<sup>35</sup> Whilst, such agreements themselves necessarily exacerbate a structural economic disadvantage for countries in the Gglobal Ssouth, with numerous impacts on poor women, the EU’s approach has been to mainstream gender by ensuring “gender balanced” arbitration panels. Rather than addressing the structural economic impacts of EU policy for women across the world, here gender mainstreaming is equivocal to gender parity in representational contexts only.<sup>36</sup>

It is crucial to constantly re-assess policy priorities in line with material concerns affecting all women and people at the margins. With fundamental issues such as health, safety, economic stability and wellbeing still fundamentally unsolved, major questions remain about the value of prioritising representational politics. In particular when such efforts are deeply embedded

34. Swift, J. A., 2020. On the Power of Stella Dadzie: A Radical Pioneer of the Black Women’s Movement in Britain. [online] Black Women Radicals. Available at: <<https://bit.ly/2QdbEf4>> [Accessed 13 May 2021].

35. European Commission, n.d. Promoting gender equality & women’s rights beyond the EU. [online] Available at: <<https://bit.ly/3ocnsLa>> [Accessed 13 May 2021].

36. CONCORD and Wide+, 2018. Women’s Rights and Trade: Time for a Radical Shift. [pdf] CONCORD. Available at: <<https://bit.ly/3ya4dqj>> [Accessed 13 May 2021].

in a politics of extraction and socio-economic inequality, it is likely that “gender equality” efforts defined in these terms will leave societal exclusion and structural discrimination unchallenged.

## #Sofagate

The apolitical lens through which gender is viewed in the EU was demonstrated by an event dubbed “sofa gate”. On April 7 2021, during a visit to Turkey to meet with President Erdogan, President Ursula von der Leyen and Charles Michel were ushered into a room for a photo opp. In said room, there were only two stately chairs, each of which was quickly occupied by the two men. President von der Leyen, the only woman, was left to sit on an adjacent sofa. When she realised, she let out an exasperated sigh.

The episode caused a wave of public outrage. Press, politicians and public alike took to twitter to express their outrage over the incident. Less outrage was expressed at the official EU visit to Turkey, despite the fact that it took place only two weeks after President Erdogan announced Turkey's withdrawal from the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The general one sided analysis of the event was demonstrative of the wider approach to feminism and gender equality within the EU - a focus on the experiences of the most privileged women within our society with a lack of consideration for the most vulnerable. Furthermore, MEPs and others were quick to accuse the Turkish organisers of misogyny and sexism, whilst overlooking the latent misogyny demonstrated by the European officials who agreed the protocol with their Turkish counterparts. European exceptionalism is one of the key elements that must be addressed if we are to move forward with an inclusive, intersectional gender equality policy.

The sofagate episode is far detached from the everyday realities of racialised women in the EU – something that President von der Leyen acknowledged herself<sup>37</sup>. The combined impact of structural racism and gender inequity means that racialised women are overrepresented in informal, precarious work of all kinds, including care work, domestic work and sex work. Not only does this systematically impact the opportunities and life conditions of racialised women is not simply determined in opposition to the parallel conditions experienced by men, but by white women also. As EU gender equality strives to advance the numbers of women in boards and in leadership positions, it fails to reckon with the fact that such trends also implicate a greater reliance on the labour of racialised and migrant women to fulfil the care tasks that white-middle class women would once perform.

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37. European Commission, 2021. Speech by President von der Leyen at the European Parliament Plenary on the conclusions of the European Council meeting of 25-26 March 2021 and the outcome of the EU-Turkey high-level meeting . [online] Available at: <<https://bit.ly/3fcFzwx>> [Accessed 13 May 2021].



In order to move toward a more equal society, we must reassess what is considered as work and who is considered to be a worker. We must re-examine the way in which care work – labour carried out disproportionately by working class, racialised women – is undervalued within our society and rearrange existing classifications appropriately. We also must question the extent that gender equality policy can really be considered progressive insofar as it ignores and obscures the conditions experienced by women and people at the margins. As long as these conditions remain unaddressed, such policies cannot be conceived of as striving for gender equality but rather for “equal opportunity domination”— a parity in access to positions of power between white, middle class, cisgendered, able-bodied women and men holding European citizenship.

Another side effect of this binary approach is the restrictive considerations around sexual and reproductive health and rights. Throughout the EU, racialised women face reduced access to reproductive healthcare, disproportionate levels of obstetric violence, and are more likely to live in precarious circumstances that may prevent them from making the choice to have children. For example, Black women are four times more likely to die during childbirth than white women<sup>38</sup>, Romani women are subject to segregation and forced sterilisation<sup>39</sup>, Trans women are unable to access fertility treatment and undocumented migrant women face multiple barriers in access to healthcare services<sup>40</sup>.

## Case study: health-care related violence experienced by Black women in France

In December 2017, the death of Naomi Musenga<sup>41</sup> sent shockwaves through France. The 22 year old called the emergency services for help, stating she thought she was going to die. Instead of receiving medical assistance she was instead mocked by the 2 operators who dealt with her call. Following her call to SOS medicine, an ambulance was sent to her address but by the time she arrived at hospital it was too late. Following her death, a collective of organisations and individuals, Le Collectif Afro-Fem, le CRAN, Lallab, Féministes contre le Cyberharcèlement, Paye Ta Shnek, Réseau Classe / Genre / Race, Françoise Vergès

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38. MBACE-UK, 2020. Saving Lives, Improving Mothers' Care 2020: Lay Summary. [pdf] MBACE-UK. Available at: <<https://bit.ly/3od1wPX>> [Accessed 13 May 2021].

39. Center for Reproductive Rights, 2017. Vakeras Zorales –Speaking Out: Roman Women's Experiences in Reproductive Health Care in Slovakia. [pdf] Center for Reproductive Rights. Available at: <<https://bit.ly/3faaJEG>> [Accessed 13 May 2021].

40. See for example Center for Reproductive Rights, 2020. Perilous Pregnancies: Barriers in Access to Affordable Maternal Health Care for Undocumented Migrant Women in the European Union. Available at: <<https://bit.ly/3bo2DXY>>. Or PICUM, 2020. An Inclusive Gender-Responsive Approach to Migration. Available at: <<https://bit.ly/3blEfWM>>. 41. Ce que l'on sait de l'histoire de Naomi Musenga, morte après avoir été raillée par une opératrice du Samu. France Info, [online] 9 May 2018. Available at: <<https://bit.ly/3hmVMSH>> [Accessed 13 May 2021].

et le Mouvement, launched #EnqueteUrgence<sup>42</sup>, a survey of the experiences of racialised people in accident & emergency healthcare settings. 49% of respondents reported having their concerns downplayed (as was the case with Naomi), 56% reported being mocked or insulted and 28% reported they were subject to sexism and racism. Fatphobia also played a significant role in bad experiences — 43% of respondents reported discriminatory comments about their weight.

Despite the survey, and a report by the National Advisory Commission on Human Rights<sup>43</sup>, condemning the prejudice in healthcare settings and highlighting a lack of training on stereotypes and discrimination, such experiences persist. In November 2020, the story of Fatouma, a Black, Muslim woman, subjected to racism and sexism whilst she miscarried at a Jean-Verdier hospital in Bondy, France, went viral. In a video,<sup>44</sup> Fatouma explained her experience of racist obstetric violence at the hands of doctors who were meant to be helping her. Whilst being examined, one of the doctors made a joke to the others that africans were strange, and that she would probably tell people that she had lost her baby because of something that she had eaten. Following her miscarriage, which took place at the doors of the hospital, the gynaecologist assigned to treat her, told her that she already had three children and that sometimes these things happen — all whilst she was holding her still-born baby.

## Institutional barriers to civil society reflecting intersectional discrimination

“If, in the context of colonial production, the subaltern has no history and cannot speak, the subaltern as female is even more deeply in shadow. . .

*Can the subaltern speak? - Gayatri Spivak*



42. Lorriaux, A., 2018. Refus de soin, grossophobie, racisme: le cas de Naomi Musenga est loin d'être isolé. Slate FR, [online] 3 July 2018. Available at: <<https://bit.ly/2SO70VS>> [Accessed 13 May 2021].

43. Commission Nationale Consultative Des Droits De L'Homme. Agir contre les maltraitances dans le système de santé : une nécessité pour respecter les droits fondamentaux. [online] Available at: <<https://bit.ly/3y5xJ0d>> [Accessed 13 May 2021].

44. Bondy Blog, 2020. Fatoumata, victime de violences gynécologiques et du racisme à l'hôpital. [Facebook] 10 November. Available at: <<https://www.facebook.com/watch/?v=1783992935091282>> [Accessed 13 May 2021].

The nature of the siloed framework means that certain groups don't have a clear place when it comes to discussions on gender within EU spaces. As such, the majority of voices speaking on gender equality represent the most privileged people in our society. Issues facing cis-het, able-bodied, middle class white women are foregrounded, with queer, racialised, disabled, working class, migrant narratives pushed to the background. Conversations around the discrimination faced by women who wear the hijab are dismissed as issues of neutrality or *laïcité* rather than racist gender based discrimination. Sex workers are left out of conversations around the sex work industry. Undocumented women rarely have a seat at the tables where policy affecting their lives are discussed.

A key example of this is to be found in the membership of the advisory committee on equal opportunities for women and men<sup>45</sup>. The mission of the advisory committee is described as "assisting the Commission in formulating and implementing the Community's activities aimed at promoting equal opportunities for women and men. It is also fostering ongoing exchanges of relevant experience, policies and practices between the Member States and the various parties involved." None of the members or observers can be said to represent the experiences of any of the women mentioned in the previous paragraph.

In addition, navigation of the EU policy making system is complex and difficult, especially for those who work outside of the EU bubble. Governed by bureaucratic processes and hosted by middle-class university graduates (according to a recent survey<sup>46</sup> by politico, 100% of EU officials have a university degree) the space is alienating and inaccessible especially to racialised and working class advocates and organisations. A key example of this can be seen in the EU funding application process. Complex and often long-winded application requirements coupled with excessive reporting obligations act as barriers to local and community organisations –who are best placed to help those who are most marginalised – preventing access to much needed funds.

There are formidable organisations working on a plethora of gender equality issues through an intersectional lens. There is a need not only for the institutions to engage more meaningfully with these organisations, and reassess its funding processes so as to make them more accessible, but also for the institutionalised civil society organisations who take up the most space on these issues, to pass the mic to those who are much less frequently heard.

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45. European Commission, 2020. Advisory Committee on equal opportunities for women and men (E01238). [online] Available at: <<https://bit.ly/3ojSElr>> [Accessed 13 May 2021].

46. Politico, 2021. How to join the EU bubble - Brussels careers by the numbers. Politico, [online] 4 February. Available at: <<https://politi.co/3bIFKUU>> [Accessed 13 May 2021].

## For Us By Us - Organisations working toward gender justice

Listed below are a few notable collectives and organisations led by and for racialised people in the quest to improve our lives, described in their own words.

### **Mwasi-Collectif Afroféministe**

Mwasi Afrofeminist Collective is a French based collective fighting hard for Black liberation. We work in a non-mixed environment exclusively open to womxn of all gender experiences, femmes, and gender-marginalised people of African and Caribbean origin and descent. Mwasi was founded in 2014 by womxn's sexual and reproductive health activists dismantling systemic violence against womxn in the DRC.

<https://www.mwasicollectif.org/en/>

### **The Maruf Foundation**

The Maruf Foundation is the knowledge centre for Islam and sexual diversity and is a safe meeting place for queer Muslims. Queer Muslims have to deal with multiple discrimination. Maruf helps them with self-acceptance and personal empowerment. We offer space to unite sexual and gender diversity with religion. We organise meetings, conferences and theme days and are also initiators of the Global and European Queer Muslim Network.

<http://www.maruf.eu/>

### **Trans United Europe/ Trans BPOC European Network**

Trans United Europe/ Trans European BPOC network has been founded to unite the networks of European operating Trans BPOC NGOs and individual BPOC trans activists living and working in Europe. We started in 2013 in the Netherlands with Trans United Nederland from which we formatted in Brussels the umbrella BPOC network Trans United Europe. Trans United Nederland is the Dutch department operating from the Red Light District in the heart of Amsterdam. We amplify European and global BPOC media content via social media, inform BPOC trans communities on trans sex work, gender-specific healthcare including HIV prevention programs for transmen and non-binary people. We are a BPOC sex worker and BPOC trans people living with HIV led organisation.

<http://transunitedeurope.eu/>

### **Ljubljana Pride**

Ljubljana Pride works toward an inclusive society that is open to all, regardless of their gender, sexual orientation, sexual identity or any other personal circumstance. It was established with the aim of safeguard the human rights and interests of the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) population. The association acts as a youth, voluntary, independent and non-profit civil society organization. Ljubljana Pride takes active steps to ensure it takes an anti-racist stancem works in solidarity with other oppressed groups, and applies an intersectional approach.

<https://ljubljanapride.org/en/>

# Recommendations for a truly intersectional EU gender equality policy

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We have a great deal of criticism and loathing for what men have been socialised to be in this society: what they support, how they act, and how they oppress. But we do not have the misguided notion that it is their maleness, per se — i.e., their biological maleness—that makes them what they are. As Black women we find any type of biological determinism a particularly dangerous and reactionary basis upon which to build a politic.

”



*- The Combahee River Collective Statement, 1977*



To achieve a truly intersectional model of gender equality and justice, the EU must move away from the liberal feminist approach that prioritises equal access to the terms of domination. There must be a shift away from the feminism that centres gender balanced institutions and more women in boardrooms and a move towards the eradication of structures that systematically oppress all women in European society. The EU must strive to pursue a gender equality policy that seeks to end racism, economic inequality, state violence and systems of oppression with colonialist roots.

To achieve this, it is necessary to commit to a truly intersectional approach, one that centers the most marginalised in society. Rather than being ignored or addressed as an afterthought, an intersectional approach requires that eliminating structural and institutional barriers is at the core of all efforts. The EU must refocus policy on gender towards improving the lives of the most marginalised in society. In order to do this, three broad changes in approach must be taken;



## Take a broader and more inclusive approach to gender

Gender is a social construct. The EU should treat it as such and aim to develop policy that challenges the restrictive ways in which gender is framed, as well as centres racialised women and all those who fall outside simplistic notions of gender.

**Recommendation 1: The EU must review both the Gender Equality and LGBTI strategies with due regard to issues experienced by racialised and migrant women.** In particular, both strategies must be updated with recommendations as to how to protect women, queer, trans and non-binary people from processes of exclusion, discrimination and exclusion in the migration process.

## Re-shape gender policy from the perspective of those at the margins

In order to reach gender equality and justice for all women in Europe, the EU must systematically reshape gender equality policy from the perspective of those at the margins of various forms of discrimination. This requires a re-think of how the EU integrates the concept of intersectionality. Rather than an approach which discusses the additive impact of different identities, an intersectional approach recognises that forms of discrimination and oppression are interconnected and therefore cannot be dealt with separately. Despite the term intersectionality, EU gender equality still deals with gender equality in a silo, prioritising harms experienced by the most privileged women, defined mostly in binary terms.

Instead, the EU must move beyond a “single-axis” view of gender equality and prioritise the intersections with race, class, disability, gender identity and migration status in its gender equality work. This will necessitate addressing concrete manifestations of harms caused by intersecting structures of discrimination, including those enabled and created by state or EU institutions themselves.

### Fostering new perspectives - Reproductive Justice

“Reproductive Justice is the human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities.”

- SisterSong<sup>44</sup>

The term ‘reproductive justice’ was coined in 1994 by a group of black women in Chicago, prior to the International Conference on Population and Development in Cairo, to account for the shortcomings of the mainstream women’s rights movement. With an overfocus on the right to abortion and the right to choose, the movement often ignored the wider picture of access to reproductive health care, especially for racialised and otherwise marginalised women.

Reproductive justice aims to go beyond a narrow focus on reproductive health, and look at the impacts that race and racism, as well as class, gender identity, sex characteristics, disability and immigration status have on a person’s reproductive choices. It considers the right to have children as well as not to have them, and also looks to address the societal circumstances that prevent racialised and marginalised people from being able to make these choices freely.

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47. Sister Song, n.d. Reproductive Justice. [online] Available at: <<https://bit.ly/3tlntri>> [Accessed 23 March 2020].

A reproductive justice approach can address these harms and move towards a society where all people, irrespective of race, class or gender identity are able to have a genuine choice with regards to their reproductive health care. The EU must encourage member states to provide unconditional free access to all forms of reproductive healthcare including contraception, abortion, fertility related treatments and all forms of testing. Also, member states who are found to be systematically discriminating against racialised women in healthcare settings should be held to account under their obligations stemming from the Race Directive.

More than simply an “add-on” consideration, intersectionality, and women at the margins, must be placed at the centre of gender equality policy. The policy, and the process through which it is developed, must be systematically re-configured to prioritise the concerns and experiences of women most in need of structural change.

**Recommendation 2:** The EU should **facilitate and encourage member states to collect equality data disaggregated by racial / ethnic origin as well as gender** and should endeavour to work towards using such data to inform its policymaking.

**Recommendation 3:** The EU, in particular the European Commission, should develop a **strategy to review its approach to “gender mainstreaming” within all EU policies from an intersectional perspective.** It should merge gender mainstreaming with racial justice mainstreaming to ensure that all policy would take into account the most marginalised members of society.

**Recommendation 4:** The European Commission, in particular DG JUST, must develop a **strategy to address structural harms** against women and people at the margins on the grounds of race, gender, gender identity, age, sexual characteristics, sexual orientation, disability, class and migration status. In doing this it must address gender issues from an intersectional and structural perspective, including through a review of EU and Member State practices to enact or enable violence against people experiencing intersectional discrimination.

**Recommendation 5:** Ensure that the comprehensive assessment of the legal framework as outlined in the anti-racism action plan is implemented with an intersectional approach and explicitly considers the impact of said framework on racialised women as well as explicitly accounts for the experience of racialised women, non-binary and gender non-conforming people.

**Recommendation 6:** The recovery and resilience plans developed by Member States in order to access the Next Generation EU Recovery and Resilience Funds **should be gender mainstreamed in a way that takes into account the specific situation of racialised women in all their diversity**

**Recommendation 7:** All EU institutions must actively safeguard the fundamental rights of sex workers in all related policy areas. EU institutions must discourage efforts to criminalise sex work under the guise of equality and the fight against gender based violence and instead actively include and consult sex workers and sex work organisations in policy initiatives designed to make them safer.

**Recommendation 8:** The Commission should ensure that its proposal for a directive on gender based violence takes a holistic approach, centred around harm prevention rather than retribution, including consideration of the need for resources for community organisations and the importance of addressing root causes of violence and divesting from criminal justice systems that are racist and harmful towards survivors and perpetrators alike.

**Recommendation 9:** The EU should present a new, up to date proposal for an EU Equal Treatment Directive to address intersectional discrimination, explicitly prohibiting discrimination in a combination of all grounds. Ensure a provision prohibiting discrimination on the grounds of sexual orientation and gender identity, class and migration status.

## New relationship within civil society

It is only through meaningful, sustained engagement with those at the margins, that EU policy makers can begin to implement much needed changes to the existing policy framework. The institutions must implement significant structural change to the way in which they engage with civil society, to ensure equal access for all.

**Recommendation 10:** The EU should correct the differential treatment of different forms of equality in its infrastructure, including in the development of expert groups and advisory bodies. The EU must address the lack of consultative bodies on racial equality, LGBTI rights and disability.

**Recommendations 11:** Facilitate the addition of new observers to the advisory committee on equal opportunities for women and men who are representative of racialised women and otherwise marginalised communities.

**Recommendation 12:** Ensure that the biannual meeting with civil society outlined in the ARAP must include grassroots organisations led by and for racialised women and non-binary people in order to facilitate best practice sharing across member states as well as to ensure that the most relevant voices feed into decision making on policy at EU level. The attendees at such meetings should be rotated in order to ensure that a diverse range of voices can be heard.

**Recommendation 13:** The EU must ensure that the development of national action plans on racism should be carried out in close consultation with civil society organisations in the relevant member states, including those organisations that work with women, non binary and gender non-conforming people.

**Recommendation 14:** The Commission must make funding more accessible to racialised and working class organisations, especially those operating at a local level. Furthermore, the Commission should expand the networks through which it promotes calls for funding, and ensure that the application and reporting processes are accessible to those organisations who do not have either the knowledge or capacity to navigate the EU funding system.

**Recommendation 15:** The Commission should dedicate 1% of funding under the Union values strand of the Citizens, Equality, Rights and Values programme to grassroots civil society organisations that are led by and for racialised women, non binary people and are dedicated to improving material living conditions for women in their communities and include a dedicated “intersectional” budget line for this purpose.

**Recommendation 16:** The EU must develop a policy within the framework of its gender equality practices to ensure that EU funding is withheld from all institutions and organisations that contribute in some way to the discrimination against marginalised women.

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