A beginner's guide to multiple discrimination

"Hell is other people" Jean-Paul Sartre

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This short contribution aims to familiarise newcomers to "multiple discrimination" (and related topics) with some basic concepts. Some suggestions for readers: you might want to read this guide either as an article (from beginning to end) or come back to it to clarify some definitions. Of course you can also read it in many other different ways. Second suggestion: after reading all the descriptions and definitions, forget them! What?!? Yes, you understood, forget them all. Definitions are context specific and can change over space, time and field of expertise. Therefore use those provided below as a starting point, rather than as a point of arrival.

Let's take the longer way to these concepts and definitions and speak about identity. For trainers, researchers and activists who are used to working with young people across Europe, saying that people's identities are complex and multifaceted might sound overly simplistic. The fact that people's identities are made up of several factors (sex, gender, ethnic origin, sexual orientation, disability, age, etc.) and the fact that people may belong to a virtually unlimited number of groups are more widely accepted today than in the past. But do this knowledge and awareness translate into practice, law and policy? Is this awareness truly spread in our societies, among policy makers and lawyers or is it rather confined to small elite circles? Do youth NGOs and stakeholders take this complexity into consideration when planning their training and advocacy activities or do they base them on mutually exclusive subjects? Furthermore, is there awareness that people can be discriminated against on the basis of more than one aspect of their identity? If so, are they protected by law?

To answer some of these questions, let's scrutinise some key concepts, starting with "I" like "intersectionality" (but also like "I am").

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Intersectionality

Kimberlé Crenshaw, the law professor and human rights activists who coined the term "intersectionality" in 1989, didn't present it as "some new, totalising theory of identity" (Crenshaw 1993). She rather used it to emphasise the need to take multiple forms of identity into consideration, "when considering how the social world is constructed". She mainly focused on the experience of violence, subordination and discrimination of Black women in the USA, whose "race", "sex" and "class" interplayed in such a way that made their experience of discrimination different from that of both black men and middle-class white women.

The word intersectionality comes from Crenshaw's simple but effective idea that Black women are located "at the intersection" or, even clearer, "at the crossroads" of different social categories. According to Crenshaw, race, gender, class and other grounds for discrimination or oppression are the "roads" that shape social, economic or political structures. She uses the image of a traffic intersection to explain this concept. Individuals who are oppressed in different ways are located at the intersection of more than one ground for discrimination because of their specific identities. When the "traffic" flows simultaneously from many directions, injuries may result from discrimination coming from one direction or from simultaneous collisions. People at the centre need to "negotiate the 'traffic' that flows through these intersections to avoid injury, and obtain resources for the normal activities of life" (Crenshaw, 2001).

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Sticking to the "I", it should be a bit easier now to understand what "intersectional discrimination" is. Intersectional discrimination can be roughly defined (but not everyone agrees) as one of the three forms of "multiple discrimination". In Europe, many legal scholars and practitioners use "multiple discrimination" as an umbrella term, encompassing intersectional discrimination, compound discrimination and multiple discrimination. This might be confusing at first sight (and even at second and third sight) because "multiple discrimination" is used both to address the overarching umbrella term and a specific type of multiple discrimination.

Jumping to the "M" in this beginner's guide, let's have a look at all these three forms of "multiple discrimination".

Intersectional discrimination occurs when discrimination is based on several grounds operating and interacting with each other at the same time, and which produces a specific type of discrimination.

How does this happen? An example can help explain this better. Borrowing again from the US experience, Crenshaw demonstrates that the fact of being black and a woman puts Black women at risk from particular forms of discrimination that are qualitatively different from those affecting black men and white women. Crossing the ocean and landing in Europe, an often cited example is forced sterilisation of Roma women in some European countries, even in the recent past: neither Roma men nor non-Roma women are subject to this kind of violence.

Compound or **additive discrimination** takes place on the basis of two or more forms of discrimination that are added to each other at the same time. The role played by the different forms of identity can still be distinguished.

For example, Chan, a young Chinese woman, was rejected for a job because the employer did not want to hire young people whose mother tongue is not the language of the country of residence and who are dark-skinned. The job denial is based equally on age discrimination, language discrimination and race discrimination.

Multiple discrimination occurs when a person suffers from discrimination due to more than one aspect of his or her identity, however the grounds for discrimination vary according to the occasion or situation.

Abdullah, a young disabled asylum seeker, was denied basic health care in the local hospital because he was undocumented. On another occasion, he could not access the hospital because there was no disabled entry equipment.

So far, so good. But, unfortunately, things are a bit more complicated than this. In fact, each type of discrimination, based either on one ground or on more than one ground, can take several forms. This means, for instance, that a person may be directly or indirectly discriminated against. Therefore a beginner's guide cannot ignore some more complex notions. Shuffling the letters of the alphabet, let's continue with "D" as in "direct discrimination", "I" again ("indirect discrimination", "instruction to discriminate" and "institutional discrimination"), "H" as in "harassment" and "V" as in "victimisation".

Direct discrimination occurs when one person is treated less favourably than another in a comparable situation because of a particular characteristic (ethnicity, religion, sexual orientation, etc.).

For example, a transgender person is denied access to a shop or restaurant because of his or her physical appearance. History can show us many examples of this all around the world (Jews in the Second World War, black people in the US and in South Africa, Roma people in some European countries).

Indirect discrimination happens in a more subtle and less straightforward way compared to direct discrimination, therefore it is more difficult to recognise and combat. It occurs when an apparently neutral provision, criterion or practice places people with a particular characteristic (ethnicity, religion, sexual orientation, etc.) at a particular disadvantage compared with others. These provisions, criteria and practices are not considered discriminatory if they are objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

For instance, shop or restaurant owners want to ban access to Roma women. Instead of hanging a "No entry to Roma women" sign on the door (which would amount to direct discrimination), they hang a sign saying "Access is denied to people wearing long skirts". This condition applies to everybody, but it is easy to understand that Roma women are indirectly targeted by this if one just asks this question: who usually wears long skirts in the Czech Republic or in Slovakia?

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Instruction to discriminate against people due to a particular aspect of their identity (ethnicity, religion, sexual orientation, etc.) is considered as discrimination under EU antidiscrimination legislation. This includes situations in which "there is an expressed preference or an encouragement to treat individuals less favourably due to one of the protected grounds" (European Union Fundamental Rights Agency).

As an example, this might happen when the owner of a flat tells the estate agent not to rent it to gay people; or the bodyguards of a fancy disco refuse access to disabled people because the owner does not want them to damage the establishment's image.

Institutional discrimination occurs when unequal treatment is deeply embedded in structures, processes and procedures of organisations or local and national authorities. One of the most blatant cases of institutional discrimination in some European states is the ethnic housing segregation of Roma people in ghetto-like settlements and the segregation of Roma children in "special schools" for mentally disabled children.

Harassment is considered as discrimination when an unwanted act (verbal, non-verbal or physical abuse) in reaction to a particular aspect of a person's identity (sex, ethnicity, religion, sexual orientation, etc.) takes place with the purpose or effect of violating the dignity of that person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

For example, employees are told that they must attend a weekly meeting to study the principles of a certain political belief or religion if they want a promotion. Those who do not attend the course are blackmailed and verbally assaulted.

Victimisation/retaliation is any adverse treatment or consequence as a reaction to a complaint or to proceedings aimed at enforcing compliance with the principle of equal treatment.

For example, Sarah's residence permit was not renewed because she had previously filed a complaint against the authority that handles residence permits; or Marko was fired because he previously lodged a complaint for discrimination against his employer.

Having said that, the "language" that people use in their everyday life can also be "inclusive" or "exclusive". Micah Grzywnowicz's article in *Coyote* 19 (June 2013) already explained that, for instance, an inclusive form of English would use gender-neutral pronouns such as "they" and "zie" instead of "she" and "he". In the same way, relationships are described with expressions like "spouse" and "partner" instead of "husband/boyfriend" and "wife/girlfriend" and public spaces are described through gender-neutral/inclusive terms (for example, restrooms are for use by all sexes).

Terms that are used to describe aspects of identity or grounds for discrimination are relative and can be more or less complex; it is important to use them in a way that refers to "all" the people that are involved in a given context. For example, the word "Roma" used in the European institutional documents is usually explained with footnotes stating that it refers to "a number of different groups (such as Roma, Sinti, Kale, Gypsies, Romanichels, Boyash, Ashkali, Egyptians, Yenish, Dom, Lom) and also includes Travellers, without denying the specificities and varieties of lifestyles and situations of these groups", or similar formulas. As far as acronyms are concerned, the variations on the theme "LGBT" show how sensitively gender identities and sexual orientation should be addressed. LGBT means lesbian, gay, bisexual, transgender, but other letters of the alphabet are also added, which embrace more or less diversity and differently defined identities: more "Ts" are often added to embrace transvestites and transsexuals; "I" for Intersex people and "Q" for queer or questioning (not an exhaustive list). In this issue of *Coyote* we have not imposed any specific acronym on authors – they have been free to choose how they wish to express themselves.

To conclude, let's go back to suggestion number two at the beginning of this article: this guide and this *Coyote* are starting points, not a point of arrival, to problematise issues related to different forms of discrimination and ways to combat them, by embracing diversity and multiple aspects of young people's identities. What do you think?