European Parliament Adopts Intersectional Discrimination Resolution

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TGEU welcomes the adoption of this historic resolution that describes intersectional discrimination faced by racialised women in the EU, including racialised trans women, and gives concrete recommendations to policymakers on how to tackle it.

On 6 July 2022, the European Parliament adopted a resolution titled *Intersectional discrimination in the EU: socio-economic situation of women of African, Middle-Eastern, Latin American and Asian descent.*

The resolution highlights the specific struggles trans and LGBTI people face:

- *X. whereas LGBTQI people across Europe still face discrimination when accessing healthcare services, with 16 % of [LGBTQI] survey respondents reporting that they have felt discriminated against by healthcare or social services staff because of their identity, and whereas trans people report especially high levels of transphobic and disrespectful behaviour towards them by healthcare personnel; whereas in several Member States trans people are subjected to the practice of forced sterilisation or medicalisation, both of which violate human rights standards*;
- *AA. whereas 1 in 3 trans people experience discrimination when searching for employment and this number increases to 1 in 2 trans women; whereas 26 % of trans women in the EU have experienced homelessness at some time in their lives and 25 % say they are able to make ends meet only with difficulty or great difficulty; whereas racialised trans women in the EU experience unique and extraordinary structural and institutional discrimination that impacts their access to education, employment, health care and housing and their ability to remain out of poverty or social exclusion*;

The resolution also makes recommendations specific to trans people, including targeted campaigns to combat discrimination in the labour market, especially for trans migrants and asylum seekers; that Member States ensure accessible and transparent legal gender recognition (LGR) procedures based on self-determination and in line with the World Health Organization's ICD-11; that Members States remove sterilisation requirements for LGR and ensure reparation schemes for those affected.

EU institutions in general are increasingly paying attention to the importance of intersectionality, however not all policymakers understand what this means in practice. The resolution includes a very clear definition of what intersectional discrimination means and why using this as a lense through which to consider all policy helps to to address inequalities from a *comprehensive, systemic and structural perspective.*

- *A. whereas many women face intersecting inequalities and discrimination in the EU; whereas intersectional discrimination refers to a situation in which several grounds of discrimination operate and interact with each other, for example gender with other grounds of discrimination, such as race, colour, ethnic or socio-economic status, age, sexual orientation, gender identity and expression, sex characteristics, genetic features, religion or belief, nationality, residence status, migrant background, or disability, among others, in a way that is inseparable and produces specific types of discrimination*

TGEU welcomes too, that the resolution supports the explicit inclusion of trans people in EU-level non-

discrimination law as well as the recently proposed violence against women/domestic violence directive. This is something that TGEU continues to call for. To this end, the resolution text states:

- *13. Recalls that the principle of equal treatment for men and women cannot be confined to the prohibition of discrimination based on a person's given sex, and that it also applies to discrimination arising from a person's gender identity; recalls that the Court of Justice of the European Union has interpreted sex discrimination within the principle of equal treatment as encompassing transgender persons who have undergone a medical transition, yet notes that no such judgments have been issued concerning non-binary or intersex persons, questioning the utility and capacity of EU non-discrimination legislation for the large trans population in Europe who cannot or will not access gender affirmation health care or for intersex persons; recalls that such individuals will be without remedy if they suffer discrimination compared with those who have physically altered their bodies; recalls the need for EU anti-discrimination to go beyond the gender binary and recognise gender discrimination; calls on the Commission to come up with a legislative proposal that avoids any risk of legal uncertainty in this matter;*
- *14. Highlights the need for a comprehensive directive on gender-based violence with an intersectional approach, covering all women and girls in all their diversity and LGBTIQ+ people on the grounds of gender identity, gender expression or sex characteristics; stresses that in the proposal for a directive on combating violence against women and domestic violence the intersectional approach is mentioned but regrets that it has not been adequately mainstreamed;*

TGEU regrets, however, that the resolution has no reference to sex workers, which are a group who has historically faced and continue to face significant levels of discrimination and violence in the EU.

The resolution was originally a report, drafted by Greens/EFA MEP Alice Bah Kuhnke. Civil society, including TGEU and other LGBTI networks, were involved in the process from early stages of drafting. This is excellent practice that TGEU invites all MEPs to follow.

It is essential that this resolution, with this adopted language, now be used and that an intersectional perspective be taken in all law and policy making. Activists can use this resolution, too, as an advocacy tool to implement intersectionality practically on the national and EU level.

Read full resolution