



Multiple and intersectional discrimination in the case law of the European Courts: A comparative analysis

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Current Reflections on EU Anti-Discrimination Law
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Angela Davis, 1972

“We are actively committed to struggling against racial, sexual, heterosexual, and class oppression, and see as our particular task the development of **integrated analysis and practice** based upon the fact that the major systems of oppression are **interlocking**. The **synthesis of these oppressions** creates the conditions of our lives.”

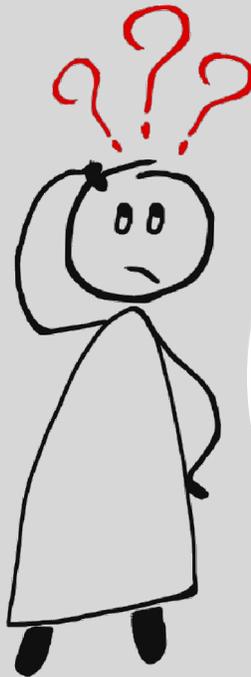
Combahee River Collective, 1977

“Intersectionality is a **metaphor** for understanding the ways that multiple forms of inequality or disadvantage **compound** themselves and create **obstacles** that often are **not understood within conventional ways of thinking** within anti-racism, feminism and [other] social justice advocacy structures”

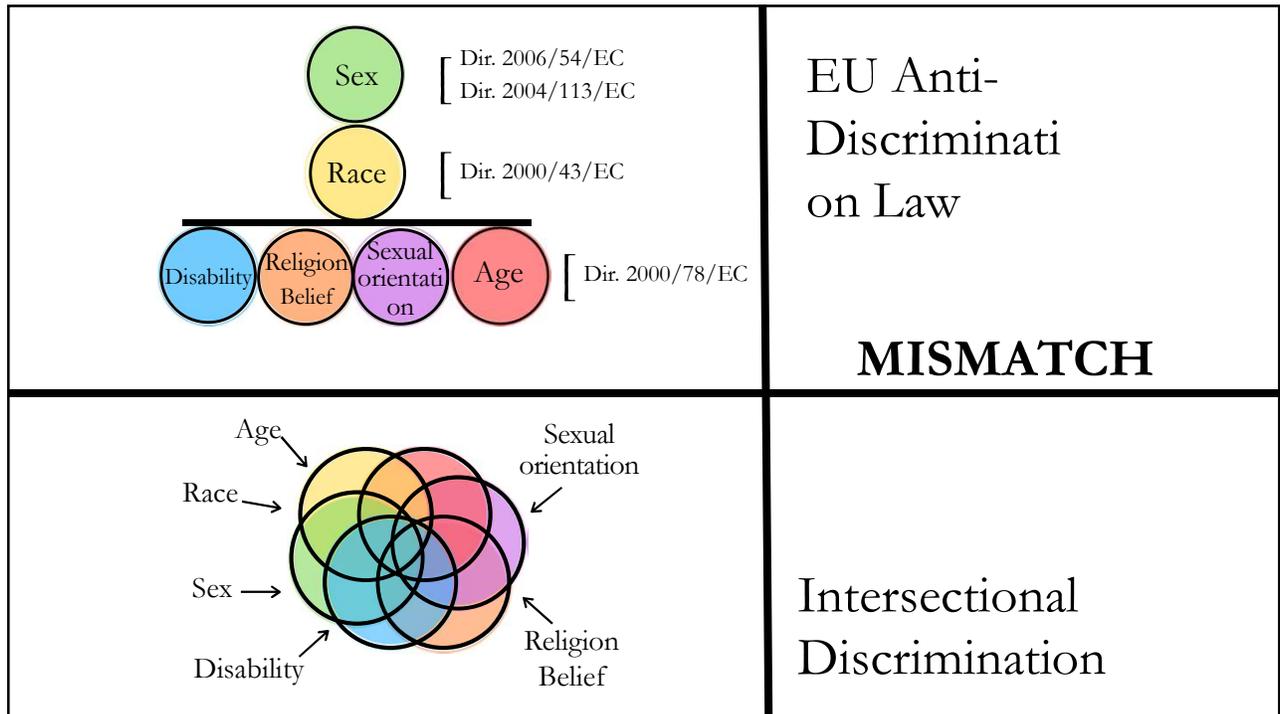
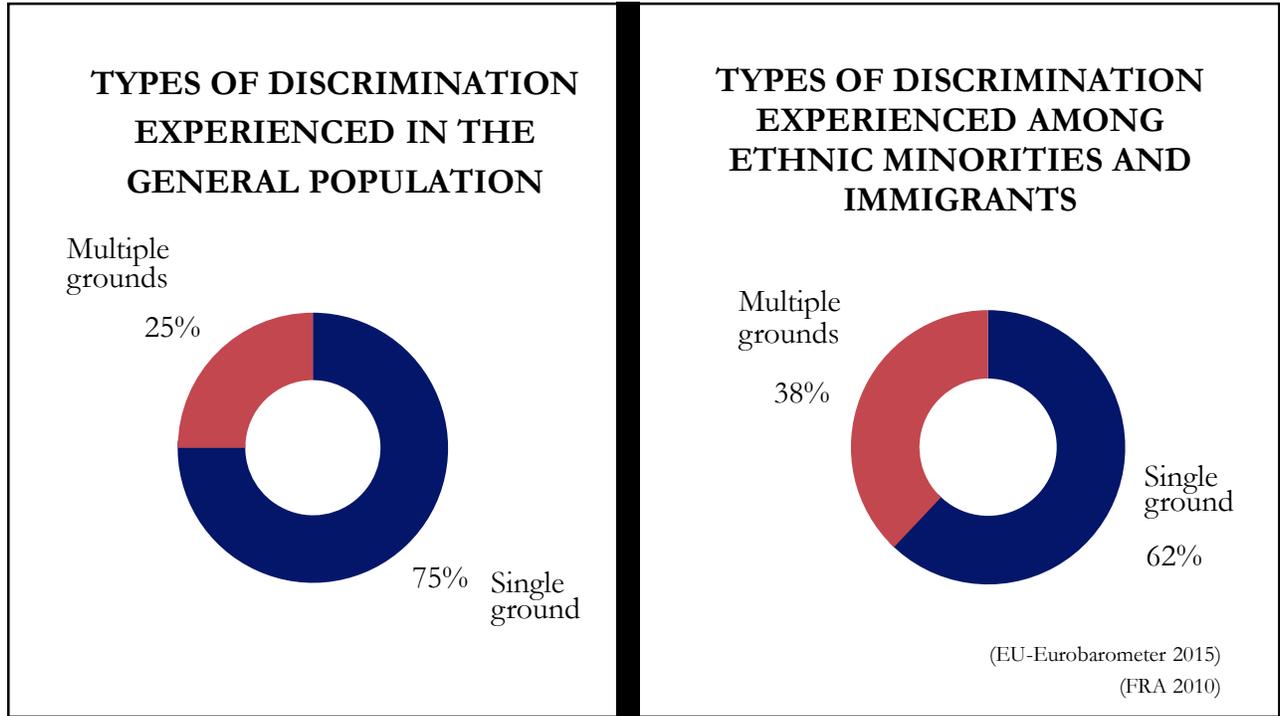
Kimberlé Crenshaw, 2018



What are we talking about?



additive
 multidimensional
 multiple
 sequential
discrimination
 dual intersectional
 triple compound
 double
 combined



**“especially since women
are often the victims of
multiple discrimination”**

- Recital (14) Race
Equality Directive
- Recital (4) Framework
Directive

**“on any ground
such as...**

**European
Convention on
Human Rights**

Art. 14: prohibition
of discrimination

...sex, race, colour, language,
religion, political or other opinion,
national or social origin, association
with a national minority, property,
birth or other status”

C-443/15 *David L. Parris v Trinity College Dublin and Others* EU:C:2016:897

“discrimination may indeed be based on several [...] grounds”

but “there is [...] no new category of discrimination resulting from the combination of more than one of those grounds
[...]

where discrimination on the basis of those grounds taken in isolation has not been established”

→ **No discrimination**



***BS v Spain*, 24 July 2012,
Application 47159/08**

Grounds:

- Gender
- Race
- Social origin /
professional status

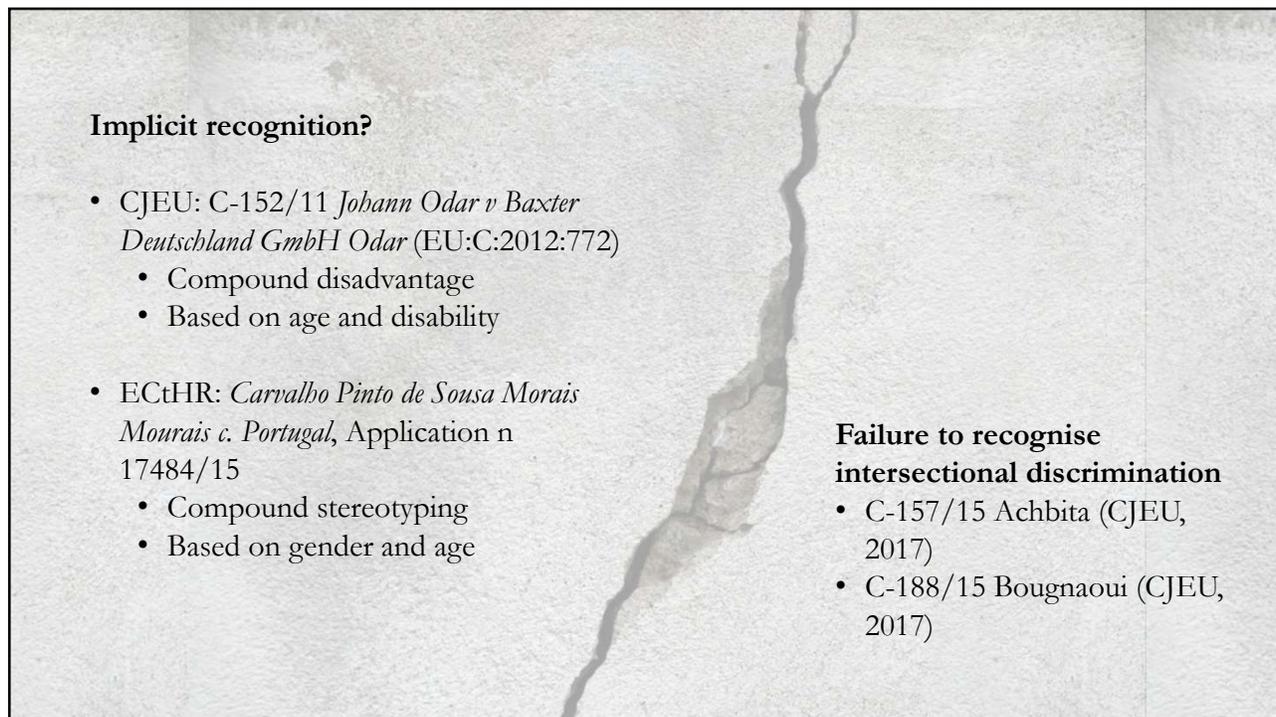
Claim:

- Police violence (Art. 3)
- Discrimination (Art. 14)



“particular vulnerability inherent in the applicant’s position as an African woman working as a prostitute” [62]

→ discrimination

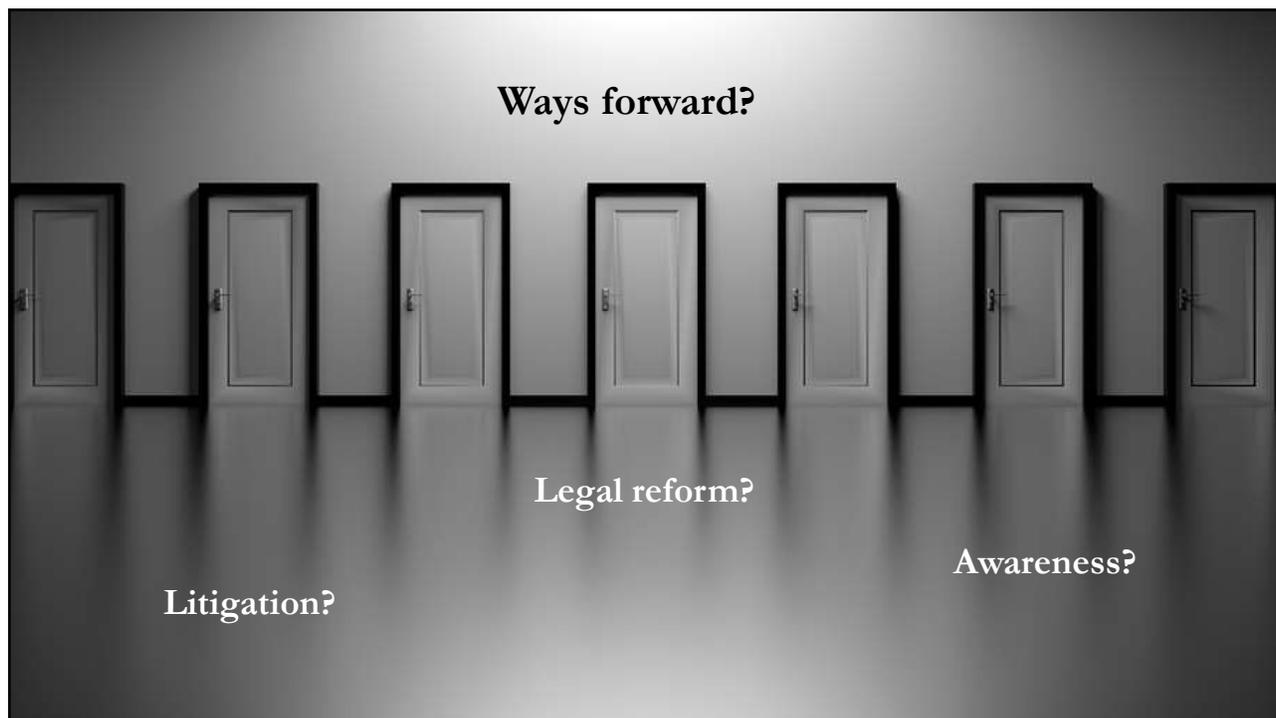


Implicit recognition?

- CJEU: C-152/11 *Johann Odar v Baxter Deutschland GmbH Odar* (EU:C:2012:772)
 - Compound disadvantage
 - Based on age and disability
- ECtHR: *Carvalho Pinto de Sousa Morais Mourais c. Portugal*, Application n 17484/15
 - Compound stereotyping
 - Based on gender and age

Failure to recognise intersectional discrimination

- C-157/15 Achbita (CJEU, 2017)
- C-188/15 Bougnaoui (CJEU, 2017)



Ways forward?

Litigation?

Legal reform?

Awareness?

Questions?



Thank you!
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