World Conference
against Racism,
Racial Discrimination,
Xenophobia and
Related Intolerance

Durban, September 2001

Strengthening women's Rights in a multicultural Europe

A contribution from the European Women's Lobby





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Summary

P2	1	Introduction
P6	2	General recommendations
P8	3	Social exclusion
P10	4	Dependent legal status
P12	5	Violence
P14	6	Obstacles in accessing the labour market
P16	7	Lack of visibility
P18		Bibliography

1 Introduction

Founded in 1990, the European Women's Lobby (EWL) is an alliance of national and European non-governmental women's organisations working to promote equality between women and men and to ensure that gender equality and women's rights are taken into consideration in all European Union Policies.

The issue of racism and gender discrimination is a priority in the EWL's work for 2001, as we believe that within the overall fight against racism, there is a need for targeted and specific measures for women. The UN World Conference Against Racism (WCAR), which will be held in South Africa in September 2001, gives rise to important discussions and debates, in which the EWL has a key role to play to ensure that the gender dimension is included in the discussions and that actions are taken at all levels. It is vital that political leaders and the NGO community are fully aware of the particular nature of racism faced by women.

The aim of this paper is to identify the main forms of racism experienced by women in the European Union and to formulate recommendations accordingly. The EWL would like to stress that, even though we all belong to one Human Race, it is necessary to acknowledge the diversity among people and the resulting prejudices, discriminations and racism.

Terminology

For the purpose of simplicity, we have chosen to use the term "Black, ethnic minority and migrant women" throughout this paper. This term refers among others, to women refugees, asylum seekers, Roma women, women from indigenous minority ethnic groups, coloured women, newcomers and long-term immigrants. More generally, it refers to women experiencing multiple discrimination as a result of the intersection of gender, ethnic origins, colour and/or religion. As it is widely recognised that there is no one form, type or definition of "racism" or "racial discrimination", we will be using the term "racism" in this paper to refer to the broad definition of "racial discrimination" of the International Convention on the Elimination of All Forms of Racial Discrimination as quoted below.

Recognising the intersection of gender & ethnicity/colour

Article 1.1 of the International Convention on the Elimination of All Forms of Racial Discrimination of the United Nations (1965) defines racial discrimination as: "Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

From a gender perspective, this definition only partially identifies the specific forms of discrimination experienced by women, considering that there is an intersection between discrimination based on the grounds of gender and of ethnic origin or colour, which results in forms of multiple discrimination. Gender roles and relationships have changed with time and from one society to another, however the status of women has consistently been lower than that of men. Women from communities experiencing racism face a disproportionate level of discrimination as a result of forms of multiple discrimination: both as a woman in their group, but also as a Black or migrant person or coming from an ethnic minority and facing institutionalised racism as a result.

While the modern women's movement raises issues of concern for all women, the predominant problem for Black, migrant and ethnic minority women is not only gender discrimination, but also the entire system of racial and ethnic stratification that defines, stigmatises and controls these groups as a whole. As a result, Black, migrant women or women from ethnic minority groups face different barriers, limitations and forms of discriminations in society than men from these groups.



- Meeting convened by the UN Division of Advancement of Women (DAW) in collaboration with the High Commissioner for Human Rights (OHCHR) and UNIFEM.
- Beijing Declaration para. 32, Beijing Platform for Action, 1995.
- 3 United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979) Preamble, cl.10.

The Expert Group meeting on Gender and Racial Discrimination (21-24 November 2000, Zagreb, Croatia) ¹ suggested that a methodology be developed which would analyse in depth the violations occurring at the intersection of gender and ethnicity/colour. The EWL fully supports the development of this intersectional approach, which addresses the way racism, sexism, class oppression, and/or other kinds of discrimination overlap creating complex intersections.

Commitments made by the international community

The governments participating in the Fourth World Conference on Women were determined to "intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people "².

Furthermore, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) states that the "eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women" ³. The CEDAW, often considered an international bill of rights for women, thus recognises the intersection of gender and ethnicity.

Finally, in the conclusions of the 45th Session of the UN Commission on the Status of Women (6-16 March 2001), governments acknowledge that "racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women, increasing poverty, causing their living conditions to deteriorate, generating violence, and limiting or denying them the full enjoyment and exercise of all their human rights" ⁴.

Women experiencing racism, racial discrimination and related intolerance

It is difficult to 'categorise' the different groups of people experiencing racism as many different elements need to be considered. However, racism experienced by women who have recently arrived in the European Union, irrespective of their status, may be more extreme and visible than the racism experienced by Black women and those from ethnic minorities who are EU nationals themselves, which is often the case of immigrants for several generations and groups from former colonies.

For people from former colonies the level of integration tends to be lower than for people from immigrant groups within the European Union. People from former colonies have experienced centuries of domination and exploitation and their visibility and membership of a specific group is a central reality from which they cannot exempt themselves.

Racism in Europe today also encompasses xenophobia and social exclusion. 'It impoverishes and socially deprives people who experience it' 5. The kind of racism most commonly faced by Black, ethnic minority and migrant women, who have recently arrived in one of the EU countries, is closely related to structural barriers in European society: poverty, social exclusion, insecure legal sta-

tus, violence and intimidation, difficulty in accessing the labour market and lack of visibility.

Marginalisation reinforces racist stereotypes with the media frequently promoting a negative image of immigrants, describing them as likely to commit crime, to be a financial burden on the State, to be linked to drugs or to carry a disease.

In addition, discrimination on the grounds of religion and ethnicity, such as practices against Jews, Muslims, Sikhs, Protestants or Catholics, is prevalent in the European Union and must also be tackled.

Feminisation of migration

Today, despite shortcoming in statistics and varying definitions of "migrant", it is known that at least 50 million women are international migrants, with about 12 million in Europe. Although women constitute over half of the migrants in Western Europe, their particular needs have often been overlooked in migration-related programmes 6.

- 4 UN Commission on the Status of Women (6-16 March 2001) on gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance Paragraph 15.
- 5 The Persistence and Mutation of Racism, International Council on Human Rights, 2000, p. 12.
- 6 IOM's policy and gender issues, International Organisation for Migration (IOM).

2 General recommendations to the European Union

The creation of real legal instruments achieved with the integration of the anti-discrimination clause (Article 13) into the Treaty of the European Union, and the measures taken to implement it, represent considerable progress in the fight against racism at European level and as such must be welcomed. The EWL regrets however that, despite its repeated recommendations⁸, no clear gender dimension has been integrated into the concrete action measures. Gender discrimination is of a structural nature affecting half of the population and not only a minority of people. Women very often face forms of double or multiple discrimination, as women and, for example, on account of their ethnic origin, their religion or belief, their disability, their age and/or their sexual orientation.

- 7 Article 13 of the Treaty establishing the European Community "Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation".
- 8 Position papers by the EWL concerning the European Commission's proposals for the implementation of Article 13 of the Treaty of Amsterdam of July 1999, April 2000, September 2000.

The EWL would therefore like to reiterate the absolute importance of gender mainstreaming in actions, programmes and policies aimed at combating racism. Other grounds for discrimination should also be taken into consideration in addressing the problem of racism.

With this document, the EWL makes some general recommendations to the European Union and its Member States and calls on them to work in close collaboration with civil society, nongovernmental organisations and representatives of ethnic minority groups in order to take advantage of their expertise in combating racism and gender discrimination. These general recommendations are followed by an analysis of the main barriers faced by Black, ethnic minority and migrant women in the European Union: social exclusion, precarious legal status, violence, difficulty in accessing the labour market, lack of visibility – and recommendations directly related to these topics.

General Recommendations

- to implement, without reservation, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) and its optional protocol, and the Rome Statute of the International Criminal Court of Justice as well as other relevant international instruments;
- to adopt a comprehensive *Plan of Action* for the elimination of racism, racial discrimination, xenophobia and related intolerance encouraging States to develop *National Action Plans* (NAPs) identifying concrete policies and programmes at national level and to create a national executive body, reflecting the diversity of society, responsible for implementing these NAPs;

- to integrate fully a *gender dimension* into this Plan of Action and the NAPs, and in particular to develop gender-sensitive and genderspecific guidelines and indicators and use sex-disaggregated data at all levels;
- to make a commitment to a review process after a 5 year period following the WCAR, in order to evaluate and make a critical assessment of the progress made by Governments on the issue of combating racism, racial discrimination, xenophobia and related intolerance. This revision process should continue to define specific indicators and benchmarks addressing the gender dimension;
- to develop a methodology examining the interaction of ethnicity/colour and gender and identifying forms of multiple discrimination and its effect on women and girls. This methodology should serve as the basis on which all legal instruments, policies and programmes aiming at the elimination of racism, racial discrimination, xenophobia and intolerance including anti-Semitism and Islamo-

- phobia and all forms of religious intolerance are designed and implemented;
- to recognise the *role of civil society*, including NGOs fighting racism and minority ethnic groups, and to strengthen dialogue and cooperation with them. The EU should involve and consult with NGOs when developing and implementing policies aiming to combat all forms of racism;
- to guarantee a robust legal framework, which both defends the human rights of all people, women and men, who experience racism, and at the same time ensures sufficient criminal sanctions for racist behaviour;
- to endorse the *respect*, *promotion* and celebration of knowledge of different cultures in education, social, cultural and artistic activities.
- to apply the European Union Directive "Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin", formally adopted by the Council on

29 June 2000, and ensure that a gender dimension is mainstreamed fully in the implementation process;

Within the context of the future revision of the EU Treaties, the EWL recommends:

- that the rights allocated by European citizenship, namely the right to freedom of movement, to settle, to vote and stand as a candidate in local elections, should be extended to third country nationals who have been legally resident in a Member State for 5 years;
- Charter on Fundamental Rights of the European Union 10, a specific reference to gender mainstreaming should be introduced into the provision.

10 Article 21.1: "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited."

3 Social Exclusion

Poverty and social exclusion are key factors in the racism faced by Black, ethnic minority and migrant women. Many reasons contribute to this exclusion from society: intimidation, linguistic and cultural barriers, lack of knowledge of legal and civil rights and insufficient means to access information, lack of specialised skills, no recognition of qualifications and consequent overrepresentation in atypical work with the informal economy as the only way to make a living.

The groups that are most severely affected by poverty and social exclusion include women who are lone parents and their children, women who are victims of trafficking and other forms of violence, refugee women, Traveller women, migrant domestic workers, new migrants and undocumented workers.

Furthermore, as Black, ethnic minority and migrant women are often required to stay at home to look after young children and/or dependent people, they have an additional barrier to social integration as they are even more isolated from the rest of the society in which they live.

Social exclusion is apparent in the lack of access to basic resources and services in society housing, welfare benefits, social protection) and lack of appropriate services and discrimination in the provision of services in areas such as health, education and vocational training. Because of the structural nature of this discrimination, which amounts to institutional racism, it has long-term effects on the quality of life of such women and tends to be inherited by second and third generation children. Basically, many ethnic minority women are caught in "a cycle of poverty and deprivation that requires an integrated strategy, involving different agencies, to overcome" 10.

10 Overcoming discrimination p.18, Jyostna Patel, EWL.

Recommendations

The EWL calls on the EU and its Member States:

- to take measures to encourage the integration of Black, ethnic minority and migrant women into the host country, in particular by providing affordable courses on the language and the culture of the host country, by setting up support centres which offer free legal advice and health care, in the language of the women, and by making good quality and affordable childcare services accessible to Black, ethnic minority and migrant women.
- to develop culturally sensitive policies and public services which respond to the *needs* of a multi-ethnic society;

- to ensure that staff providing public services and counselling are aware of the particular issues facing Black, ethnic minority and migrant women and that this staff receives anti-racism training which includes a gendersensitive perspective;
- to fund and support *community NGOs*, national women's NGOs, minority ethnic groups as well as advocacy groups for political actions on the issue



EWL project "Overcoming Discrimination Selected strategies empowering, black, ethnic minority and migrant women", 1998.

4 Dependent legal status

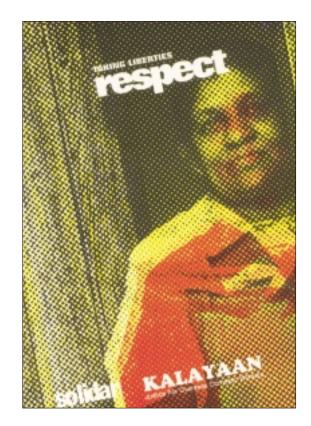
The position of women with dependent status can be very unstable due to the lack of individual rights. As they have joined their husbands under the provision of family reunion, their legal position and residence permit is totally dependent on their husband's status and because of this they have derived rights. This is a very precarious situation, as it means that in case of separation, divorce or the death of their husband, they may be expelled with little opportunity of obtaining individual rights as the legal process could take from one to four years. The immigration policy of FU Member States is often based on the stereotypical assumption that migrant women are not autonomous individuals, but "appendages" of their husbands or fathers and for this reason their own legal identity is not considered a priority. These women, who are both socially isolated and financially dependent, often have to endure difficult situations, for example:

- ► Employment this is the case of undocumented workers, in particular migrant women employed as domestic workers, who, not having a legal work permit, cannot benefit from the related social and welfare protection and are often exploited by their employers;
- ► Legal barriers migrant and refugee women, asylum seekers who wish to extend their work or residence permit have to overcome considerable obstacles to be granted legal status in the Member States;
- Domestic violence all too often women, who are subjected to domestic violence, remain silent because of their precarious legal status;
- Trafficking for prostitution Many women victims of trafficking are victimised even more on account of their illegal situation in the country of destination. In addition, the occurrence of trafficking affects women from those ethnic minority groups closely identified with trafficking. It is therefore quite usual that women, not in prostitution and not victims of trafficking, but from these ethnic minorities, are stigmatised for example Albanian or Nigerian women in Italy or in Spain.

Recommendations

The EWL calls on the EU and its Member States:

- to grant *independent legal status and work permits* to partners of migrant workers;
- to provide means for undocumented workers to legalise their situation and in doing so recognise their contribution to the economy of Member States;
- to adopt and implement legislation to *protect migrant women employed as domestic workers* from exploitative working conditions;
- to ensure that in all future developments concerning *immigration*, *refugee* and asylum policies, the specific concerns of women, including the needs of women asylum seekers threatened with persecution, oppression and violence, are fully recognised.





Respect Network, European Network of Migrant domestic Workers Solidar, Kalayaan, 1998.

TOSPOUT: Le réseau des turmillesurs domestiques nigrantes. Les transitieures domestiques nigrantes fest partis intrinsique de la sociale compénne, on dans de nontreus Ests, leur digaste, leur intégrité of lours de nontreus Ests, leur digaste, leur intégrité of lours de transities européenne et les systèmes d'ainte sociale, ai le transit domestique cher les particulaires est estransité. Il s'en est pes mainte sociale, ai les transit domestique cher les particulaires est escretie, il s'en est pes mainte sociales et invisible. Ce type de trovait exige un éventuil de compétences varies, souvest assument des particulaires en Europe.

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5 Violence

The issue of violence against women concerns all women and all men in Europe. However, Black, ethnic minority and migrant women may be particularly vulnerable as a result of racism and social exclusion. The intersection of sexism and racism is demonstrated in the sexual stereotyping of Black, ethnic minority and migrant women. For instance, Black women can be objectified as sexual beings. As a consequence of this intersection, Black, ethnic minority and migrant women may experience particular forms of male violence. This violence can take many forms:

- Domestic violence, such as battering, psychological violence, verbal and physical abuse, sexual assault and rape;
- Female genital mutilation and forced marriages;
- Trafficking in women and related violence including rape, battery and prostitution.

Due to the hidden nature of the phenomenon, it is very difficult to collect exact data on the incidence of violence experienced by women in general, and more specifically by Black, ethnic minority and migrant women. This lack of visibility is due, amongst other things, to cultural barriers, uncertain legal status and in some cases the fact that women are unable to claim their rights, which in turn prevents them from denouncing these abuses and defending themselves. The absence of specific organisations and agencies addressing the particular problems of violence against Black, ethnic minority and migrant women is another reason for this lack of visibility.

The conditions of women asylum seekers and refugees should also be stressed. Gender-related violence does not yet constitute a legitimate ground to seek asylum in the EU Member States.

Some Jewish women experience violence inside their own families but avoid talking about it for fear of exposing their community to criticism and condemnation. In addition, some women live within fundamentalist groups that can occur in every religion which are presently experiencing a revival that is particularly oppressive to women.

Recommendations

- to adopt concrete measures to fight the phenomenon of trafficking in women both by enforcing appropriate legislation and by developing preventive measures in the countries of origin of victims of trafficking. In particular governments should ratify, and encourage non-member States to ratify, and implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organised Crime. They should provide assistance and protection for victims of trafficking and provide them with legal, medical, psychological and social services, as specified in the above mentioned UN Convention;
- to define and implement measures to assist and protect women who are victims of religious extremism;

- to include the specific issue of violence experienced by Black, ethnic minority and migrant women in the mainstream *training programmes for police and public authorities*;
- to recognise that *specific forms of persecution* against women (for example, female genital mutilation, forced marriage, honour killings, being stoned to death for presumed adultery, rape as a weapon of war) should constitute a legitimate ground to seek asylum;
- to encourage the compilation of systematic research, studies and exchange of good practice at all levels on the forms of violence perpetrated against Black, ethnic minority and migrant women and on specific measures to combat this violence.









The EWL Campaign on Women asylum seekers, 2001.

6 Obstacles in accessing the labour market

The economic empowerment of Black, ethnic minority and migrant women is crucial to improve their situation. As already explained, barriers preventing Black, ethnic minority and migrant women accessing the formal labour market are often linked to social isolation and sometimes to a lack of an independent legal status. In recent times however women have been increasingly migrating as financially independent individuals ¹¹.

Employment

☐ Inferior working conditions – Job opportunities for Black, ethnic minority and migrant women are very limited. Often considered as cheap, submissive and flexible employees, migrant women are strongly concentrated in a few female-dominated occupations: domestic work, "entertainment" (sometimes prostitution), helping in restaurants and hotels, illegal clothing companies, assembly lines in labour-intensive manufacturing plants, etc. These 'jobs' offer inferior working conditions and limited prospects or security, with little access to information networks and social support, leaving the door open to discrimination and abuse.

Limited prospects – Access to employment, as well as prospects for longer-term security and professional advancement, are often limited due to the prejudice, stereotyping xenophobia and racism of employers. Considering that all young first time jobseekers need work experience, for young Black and migrant people, this is an additional barrier. Access to work experience may reflect age barriers but is also influenced by the length of migration as well as by gender. Furthermore, finding a job or training opportunity is often helped by personal contacts and informal networking. This fact excludes a large number of immigrants, especially new or recent immigrants who usually occupy a marginal position in their host societies and lack the networks and contacts often needed to enter the labour market. Even young immigrants or second generation immigrants can be affected by the marginalisation their parents faced before them, the segregation and lack of integration in the host society, in a way that these structural inequalities and the vicious circle of poverty and unemployment are perpetuated.

- **Isolation** Some Jewish women feel isolated in the workplace, from both the Christian majority which may mistrust them for being "different", and from other ethnic minorities, some associating them with the "majority", others considering them as enemies due to the conflicts in the Middle East. This isolation is also a reality for some Muslim women, in particular those wearing the veil who are almost totally excluded from the formal labour market. Some are explicitly denied employment because of their veil. Muslim women and women from the Middle East in general suffer additional barriers to employment as a result of the widespread image of women from the Middle East, as dependent and submissive beings unfit to occupy public positions.
- The phenomenon of institutional racism gives rise to negative and incorrect ideas about Black, ethnic minorities and migrant people. Institutional racism exists when the activities, practices, policies or laws of an institution lead, intentionally or unintentionally, to less favourable treatment and outcomes for minority ethnic groups. For example, where racist jokes, remarks or behaviour are tolerated in the workplace, the

11 OM's policy on gender issues, International Organisation for Migration (IOM). assumption is that such racist views are held only by a few isolated persons, rather than by the majority of the employees. However, by ignoring this kind of behaviour and not addressing the experiences and needs of minority ethnic groups, the institution is implicitly racist.

Training

The low level of skills and lack of qualifications of many Black, ethnic minority and migrant women force them to work in the informal economy, in low-paid and low-skilled jobs. Training policies that aim to develop skills would increase their employability and their ability to compete in the labour market. Pre-training courses, which build self-confidence, are also relevant. Indeed, despite working whether in the informal or formal economy, Black, ethnic minority and migrant women often lack confidence in their own skills due to their subordinate financial and social status.

Education

Education is an important means to improve the position of all women in society. However, access to education is difficult for several reasons: cultural barriers and stereotypes, lack of information about the education system, cultural traditions and beliefs which consider women's education of secondary importance.

Recommendations

- to develop and support anti-racist awareness raising and training activities, including a gender-sensitive perspective, in all kinds of education, in public services and in the private sector;
- to provide information on the education system to ethnic minority and migrant women at the grassroots level and promote campaigns aiming to raise awareness in ethnic minority communities of the importance of education for girls and women irrespective of their religious background;
- to assist and encourage Black, ethnic minority and migrant women at the grassroots level to take part in *training courses* by providing information and funding for this purpose and to take the necessary steps to establish a system of recognition and equivalence of diplomas and professional qualifications between countries:
- to set up job coaching and introductory training programmes which help recent immigrants and young foreigners to enter the labour market.

- to introduce *measures*, such as free legal support to women denouncing cases of discrimination and sexual harassment, to combat discrimination against Black, ethnic minority and migrant women when accessing employment, encouraging employers to recognise the advantages of a multicultural dimension in terms of performance and achievements;
- to introduce *compulsory courses at school on world religions*, that will encourage awareness and respect for other religions and cultures and in particular a genuine understanding of Judaism and the history of the Jewish people, as well as of Islam and the Muslim people, and on the history of slavery and colonialism;
- to promote intercultural/interfaith dialogue in schools led by teachers who are fully trained in this field.

7 Lack of visibility

Black, ethnic minority and migrant women tend to be invisible in society, in terms of their representation, and the recognition of their needs. Moreover their contribution to the host society, in terms of economy or culture, is often undervalued, as it is in fact not visible to large parts of society. Stereotypes of women coming from minority groups are both a cause and a consequence for this lack of visibility. They are often not considered skilled individuals who might use their skills for the good of society at large.

In this context, the promotion and support of Black, ethnic minority and migrant women in decision-making positions in the public services should be a real priority. Such bodies have a direct impact on the everyday life of women in important areas such as health, housing and education.

Moreover it is essential that the media pays more attention to the reality and concerns of Black, ethnic minority and migrant women so that a more positive and objective image is portrayed, as opposed to very damaging stereotypes. This is the case of pornography, which greatly reinforces racist stereotypes against Black, migrant and ethnic minority women by portraying them as 'exotic' sexual objects.

Recommendations

- to criminalise the dissemination of racist messages through the media and those organisations which promote racial discrimination, xenophobia or any form of intolerance and discrimination;
- to promote the participation of Black, ethnic minority and migrant women in the decisionmaking processes in all aspects of civil, political, economic, social and cultural life;

- to encourage the Media to pay more attention to issues facing Black, ethnic minority and migrant women, highlighting their contribution to society as an alternative to promoting damaging sexist stereotypes;
- to encourage the media to adopt *employment* policies that reflect the diversity of society.
- to encourage the media, internet service providers and advertisement agencies to adopt *self-regulatory tools*, such as codes of conduct, in relation to racism, racial discrimination and related intolerance;
- to increase the visibility of Black, ethnic minority and migrant women by conducting *surveys*, *studies and producing specific statistics*.

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