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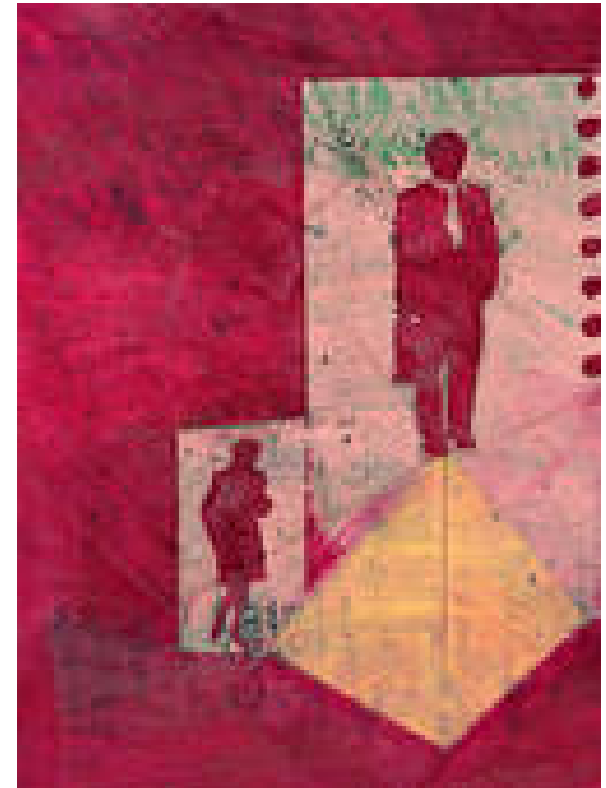
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Article 23 CFREU – a new vision of equality rights beyond women and men?

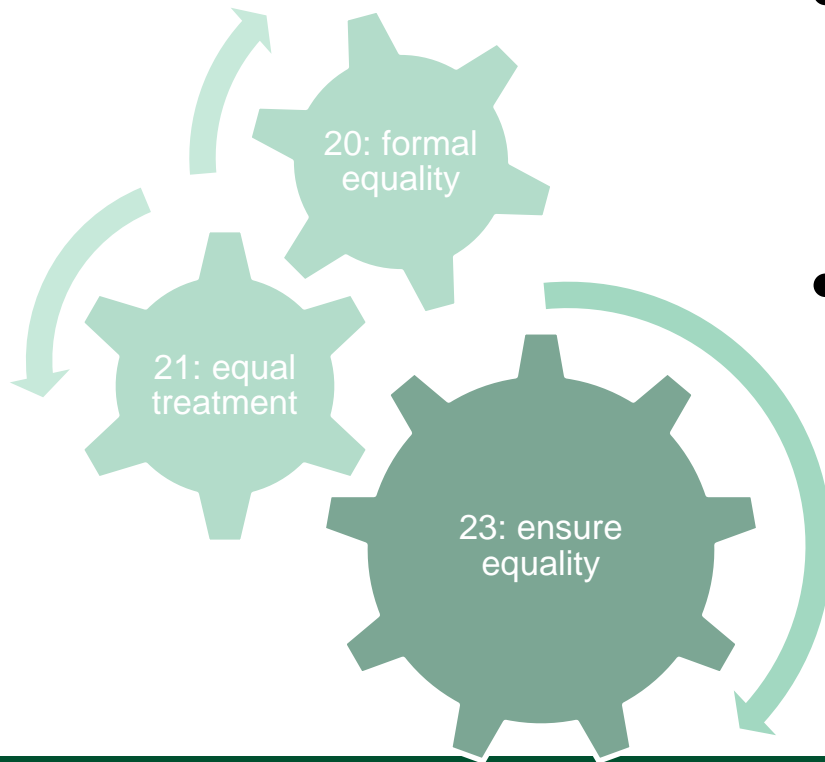
European Academy of Law, 2 June 2014

Overview

- Vision of Article 23
 - Ensuring equality
 - Women and men
- Implications in practice
 - Reading Article 21
 - Intersectional discrimination
 - Reading Article 23 (2)
- Beyond women and men?
 - Article 23 and women's rights
 - Ensuring other equalities?



Vision of Article 23 (1)



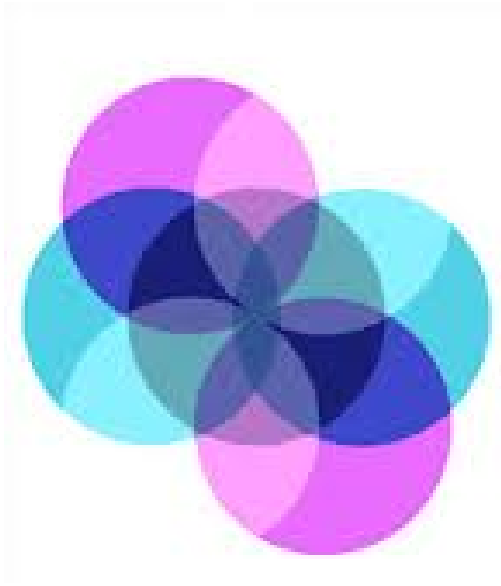
- Women and men
 - Reverse order
 - Gender or sex?
- Ensuring
 - beyond....
 - Equal treatment
 - Gender mainstreaming

Implications in practice

- Reading Article 21 CFREU
 - Beyond Aristotle
 - Do we need comparators?
 - Dynamic view of indirect discrimination



Ensuring equality for all women?



• **Intersections**

More implications: Article 23 (2)

- Until now: restrictive interpretation
- Ensuring equality: progressive interpretation
- How to phrase “positive action” adequately



Beyond women & men?


Limits of Article 23 CFREU (1)

- Women's rights
 - Improve position of women in law and society
 - Not necessarily in reference to men



Limits of Article 23 CFREU (2)

Hierarchies of equality?

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- Article 23 creates a new vision for equality, moving beyond equal treatment, mainstreaming and comparison
 - This seems to reinforce a prerogative for gender equality over other equalities in the Treaties
 - While it is worthy of critique that EU legislation prioritises race and ethnicity, priority for gender is equally worthy of critique

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*Thank you for
your attention!*

I always welcome questions and comments,
even after the seminar

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