

Research Article

Accepted: 4 September 2024

<https://doi.org/10.20901/pm.61.2.04>

From Theory to Practice: The Deployment of Intersectionality in International Human Rights Policy

ANTONIJA PETRIČUŠIĆ

Faculty of Law, University of Zagreb

Summary

International and national human rights legal and policy frameworks have traditionally relied on addressing discrimination through a single-axis angle, identifying and addressing single grounds in cases of discrimination. By focusing predominantly on individual dimensions of discrimination, they often neglected to acknowledge the systemic and historical dimensions of discrimination which continue to shape contemporary social inequalities and hierarchies. A concept of intersectional discrimination, although now widely accepted, has not yet been consistently reflected in the legal and policy documents of international human rights organizations. This article examines the extent to which the monitoring mechanisms of international human rights instruments take an intersectional approach to improve policy outcomes and tackle the structural roots of inequality that pervade societies around the world and prevent the achievement of substantive equality for all.

Keywords: Socio-Structural Nature of Inequality, Intersectionality, International Human Rights Monitoring Mechanisms, United Nations, Council of Europe, European Union

Introduction

Non-discrimination and equality being essential for the realization of all human rights, the principle of equality and non-discrimination is the cornerstone of international human rights law. Discrimination, as one of the most common human rights violations, is prohibited under human rights law. It occurs when a person is treated less favorably than other people in a comparable situation only because they belong to, or are perceived to belong to, a particular group and such treatment cannot be objectively and reasonably justified. According to Tom R. Burns (2008, p. 152),

structural discrimination “consists of both institutional discrimination based upon norms, rules, regulations, procedures and defined positions that determine access to resources, and also a broader cultural discrimination based upon widely shared social paradigms and related systems of categorization that both constructs and devalues the ‘other’”. Thus, structural discrimination is often “embedded in systems, laws, written or unwritten policies, and entrenched practices and beliefs that produce, condone, and perpetuate widespread unfair treatment and oppression of certain groups” (Braveman *et al.*, 2022, p. 171). Such discrimination, being rooted in socio-structural factors, stems from societal structures and hierarchies that sustain the inequality, marginalization, exclusion and poverty of persons belonging to certain vulnerable and marginalized communities. Similar to structural discrimination, institutional discrimination is manifested in seemingly neutral laws and policies that reproduce discrimination patterns originated by social institutions and laws (McCrudden, 1982). While people in positions of power within institutions may neither be aware of their implicit biases nor intend to manifest, reproduce, and reaffirm different forms of discrimination, the consequences of institutional discrimination are often far-reaching. Finally, multiple discrimination (i.e. discrimination on the basis of two or more grounds) refers to separate, simultaneous identity-based cases of discrimination targeting a single individual (Hannett, 2003). In multiple discrimination, each type of discrimination can be proved and treated independently. This is different than being a victim of intersectional discrimination. Sandra Fredman (2011, p. 139) noted that “[t]here is something unique and synergistically different when discrimination involves multiple identity characteristics”. In that case, the systemic grounds of discrimination are intertwined, materialized by structural and institutional factors, and result in new and different forms of discrimination (Sosa, 2017).

Individuals experiencing intersectional discrimination often belong to the most vulnerable groups that are at high risk of being marginalized, such as women, racial and national minorities, migrants, persons with disabilities, victims of trafficking, victims of gender-based violence, etc. Peter Dunne and Shreya Atrey (2020) have even acknowledged that the current human rights system is incapable of addressing all intersections of discrimination. They argued that people who are “severally and severely disadvantaged because of their race, religion, gender, age, disability, sexual orientation, class, etc., often find themselves at the margins of human rights; their condition seldom improved and sometimes even worsened by the rights discourse”. Systemic inequality disproportionately impacts the lives of persons already marginalized by systems of oppression such as patriarchy, racism, ableism, ageism, colonialism and imperialism. It is therefore necessary to embrace intersectional discrimination and not stick to multiple discrimination in legal and policy instruments. An intersectional approach caters to the multidimensionality of people’s experiences and identities and entails a bottom-up approach.

In her 1991 paper, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color', Kimberlé Crenshaw (1991, p. 357) demonstrated that a problem with identity politics is that it frequently conflates or ignores intragroup differences. Crenshaw therefore called for the framework of identity politics to be adapted to take better account of experiences which were the product of intersecting identities (*ibid*, p. 377). According to Aisha Nicole Davis (2015, p. 242) "intersectionality provides a conceptual framework for acknowledging the complexities of identity, as well as how the interplay of identities affects one's life". Intersectionality allows a perspective that accounts for intersecting grounds without prioritizing one over the other. Therefore, using an intersectionality approach in human rights policies requires thinking differently about identity, equality and power imbalances. Gauthier de Beco (2020, p. 56) argues that

the field of international human rights law has not been able to harness the full potential of intersectionality theory. Intersectionality has often been interpreted in the field, *qua* norms of equality and anti-discrimination, as a theory of identities. It is thus divorced from the structural analysis of identity-categories that is at the heart of intersectionality theory's theoretical and methodological framework. This misreading of intersectionality plays into the way in which it is invoked in international human rights law as simply focusing on identity-categories instead of the structures of disadvantage associated with one or several of them simultaneously.

Since it is primarily an analysis of the structures of power operating in context-specific situations, the intersectionality approach makes visible experiences of discrimination that would otherwise be lost within a single ground's analysis (Fredman, 2003, p. 15).

The aim of this article is to demonstrate how intersectionality became grounded in international human rights law and policy. By providing a scholarly analysis of intersectionality in international organizations, this article, at its outset, proposes that an intersectional approach to international human rights law offers stronger human rights protection to people who share a number of characteristics associated with distinct and marginalized groups. Secondly, the article aims to close a gap in Croatian scientific literature which has so far neglected research on the intersectional approach to international human rights law. Finally, the article answers how international human rights organizations have incorporated intersectionality into their policy outputs by analyzing the intersectional approaches of the United Nations, the Council of Europe, and the European Union human rights instruments and mechanisms.

Intersectionality as a Theoretical Concept and a Legal Tool

Intersectionality is, in literature and in policy documents, referred to as a theory, a methodology, an analytical approach, an analytical tool, a paradigm, a lens, a framework, a normative political (specifically feminist) project, a method of observation, a heuristic device, or an action-oriented form of practice (Nash, 2008; Hankivsky, 2012; Cho, Crenshaw and McCall, 2013; Collins and Bilge, 2016; Sosa, 2017; Collins, 2019). It is both a theoretical concept and a legal and policy tool that captures the various layers of advantages and disadvantages everyone experiences based on societal and structural systems such as racism, capitalism and patriarchy, and their by-products. It seeks to center the underlying systems of oppression in anti-discrimination.

The intersection of racial, gendered, heteronormative, and class-based oppression was first conceptualized by the Combahee River Collective, a group of American Black feminists active in the second half of the 1970s. The Collective echoed the concern that neither the feminist movement nor the civil rights movement up to that point had reflected the specific needs of Black women and lesbians (Taylor, 2017). Indeed, Black feminist theory had argued since the early 1990s that the intersections of race, class, gender and sexuality should be deployed when analyzing the structural dimension of Black women's oppression (Collins, 1990; Anić and Spahić Šiljak, 2023, p. 43). The American legal scholar Kimberlé Crenshaw set out to critique the limits of the 'single-axis', ground-specific approach that had dominated thinking about equality and non-discrimination since the 1960s in U.S. jurisprudence (Crenshaw, 1989, p. 139). Crenshaw encouraged a turn towards a multi-dimensional understanding of discrimination and the focused measures needed to combat it before the courts. She introduced intersectionality as a legal concept in reaction to the exclusion of the interests and experiences of women of color from the mainstream (white) feminist movement. She argued that both feminist theory and anti-racist politics were limited by a failure to recognize the special forms of disadvantage suffered by individuals and groups caught in the overlap of different forms of discrimination. According to Crenshaw, Black women were located at the intersection of racism and sexism. Their experiences were thus the product of both and equivalent to neither. The reliance of anti-discrimination law on a single-axis framework in which separate claims could be made on the basis of race or sex, but not in combination, deprived Black women of a legal remedy in relation to their particular experience of discrimination as Black women.

In her 1989 paper, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics', Crenshaw institutionalized intersectionality as a critical form of inquiry that interrogated single-axis anti-discrimination work. In the article, Crenshaw re-

fers to a legal case previously adjudicated by the U.S. Supreme Court, *DeGraffenreid v. General Motors* (1976). This case was brought by five Black women against their former employer, General Motors, asserting that General Motors's "last hired – first fired" policy perpetuated race and sex discrimination against them as Black women. In the *DeGraffenreid* case, neither race-based nor sex-based discrimination taken separately corresponded to the reality of the Black women claimants. The U.S. Supreme Court argued that, "[b]ecause General Motors did hire women – albeit white women – during the period that no Black women were hired, there was, in the court's view, no sex discrimination that the seniority system could conceivably have perpetuated". The U.S. Supreme Court dismissed the case without duly considering that race and sex both needed to be considered to recognize the discrimination alleged by the plaintiffs. Thus, the U.S. Supreme Court's decision exposed the severe inadequacy of legal statutes in addressing the multiple axes on which discrimination functioned simultaneously. This decision, according to Crenshaw (1989, p. 143), signifies that "race and sex discrimination doctrine are defined respectively by white women's and Black men's experiences".

Over the last three decades, intersectionality has evolved from a legal theory into a cross-disciplinary and international discourse (Atrey, 2019) examining the interwoven nature of social categories on multiple and simultaneous levels and highlighting the perspective of people within marginalized communities whose experiences are often rendered invisible by the conceptualization of those same communities. Crenshaw (2015) referred to intersectionality as "a way of thinking about identity and its relationship to power". Yuval-Davis (2006, p. 198) warned that "social divisions are about macro axes of social power but also involve actual, concrete people". An intersectional approach posits that two or more grounds (e.g., ethnicity, race, gender, caste, descent or inherited status, sexual orientation, indigenous origin, migration status, age or socio-economic status) not only intersect at the micro level of individual experience but also reflect "multiple interlocking systems of privilege and oppression" (such as sexism, racism, xenophobia, descent-based exclusion, heterosexism, ableism, homophobia and transphobia) at the macro and structural levels (*ibid.*). Intersectionality does not "provide definitive answers to social problems" (Henne, 2013); rather, it reframes our understanding of marginalization and "creates spaces for reflexive consideration and critical engagement" (*ibid.*). Solanke (2009) emphasized that intersectionality is an essential tool for combating social 'stigma', in its manifold forms, and helps to focus attention on the 'social context' that generates disadvantage. She also emphasized the need to distinguish between 'additive' discrimination, i.e., when a victim may be able to bring two separate claims on two different grounds such as race and gender, and 'intersectional' claims, where the focus is on the overlap or multiplying effect of both

grounds. Colm O’Cinneide (2022, p. 2) stated that “academics and activists have applied the intersectionality critique to identify gaps and shortcomings in existing equity law”. Indeed, the potential of intersectionality as an analytical tool lies in its ability to diagnose overlapping inequalities, which form the basis of much contemporary inequality. In addition,

intersectionality often harmonizes with other ways of thinking about equality, especially ‘substantive equality’ or ‘vulnerability’ approaches. Intersectionality shares with such perspectives an ambition to move beyond the ground-specific, formalist, decontextualized approach of much existing equality law and policy, and towards a more substantive engagement with the structural nature of discrimination in contemporary societies (*ibid.*).

Leslie McCall (2005) established different methodological perspectives on how to analyze and understand the complexities of different social categories by distinguishing the three methodological approaches to studying intersectionality: anti-categorical, intra-categorical, and inter-categorical. This framework provides a comprehensive way to think about intersectionality in social research as each approach offers a different lens through which to understand the complexity of social identities. Anti-categorical rejects fixed categories, focusing on the fluidity and complexity of identities. Intra-categorical focuses on the lived experiences within particular intersections, often qualitatively. Inter-categorical uses categories to explore and compare the intersections between them, often quantitatively. These distinctions allow researchers to approach the study of intersectionality in line with their theoretical approaches and research goals while underscoring the importance of considering multiple identities in understanding social inequalities.

Critiques of intersectionality theory have raised a number of concerns regarding the concept’s limitations, as well as the utility and implications of intersectionality in both academic and practical contexts (Nash, 2019). Jennifer C. Nash (2008, p. 1) has identified “four tensions within intersectionality scholarship: the lack of a defined intersectional methodology; the use of black women as quintessential intersectional subjects; the vague definition of intersectionality; and the empirical validity of intersectionality”. Some critics argue that intersectionality is too broad and all-encompassing, leading to vague and unwieldy analyses. Such critics claim it tries to address too many variables at once, making it difficult to apply practically. Some critics believe intersectionality oversimplifies complex social dynamics by reducing them to intersecting axes of oppression, ignoring other factors like personal choices and cultural influences. One of the main streams of critique suggests that intersectionality has been “primarily trapped within the logic of identity” (Puar, 2012, p. 60). Similarly, Shelby Steele (2006) suggested that the emphasis on

intersecting identities and a focus on racial and identity-based grievances and experiences of oppression can lead to increased social division and polarization, as it may foster a perception of perpetual conflict among different groups. Such criticism made Vivian M. May (2015, p. 98) conclude that “[i]ntersectionality critiques have become something of their own genre – a form so flourishing, at times it seems critique has become a primary means of taking up the concept and its literatures”.

Despite a broad range of criticisms against intersectionality theory, an increasing number of legal scholars have advanced the study of discrimination by viewing it through the prism of intersectionality and expanding its application to a wide range of areas, including (but not limited to) public services, employment, housing, education, healthcare and access to justice (Truscan and Bourke-Martignoni, 2016; Davis, 2015; Chow, 2016; Dunne and Atrey, 2020; Bond, 2021). In addition, these insights have informed an understanding of exclusion in areas such as the interface and interaction between age, disability, sexual orientation, gender identity and expression, and migrant, minority, or indigenous status. Aisha Nicole Davis (2015, p. 206) argues that an intersectional approach is necessary to take “people whose identities are classified under more than one of the core international human rights instruments” into account, because for “these doubly marginalized persons, human rights mechanisms do not provide the same level of protection afforded to people whose identities represent one minority”. Gauthier de Beco (2020, p. 55) similarly argues that

intersectionality theory has so far been used to improve human rights protection by distinguishing specific groups amongst well-established categories. It could also be used to cast a critical eye on the different ways in which social arrangements increase disadvantages as they fail to acknowledge the real complexity of human diversity as it bears on human rights. The field of international human rights law could mobilize intersectionality theory to actually deliver on its own promises by remedying those human rights violations that were previously invisible through a single-minded focus on a distinct identity-category or group. Such an invocation of intersectionality would avoid intersectionality being interpreted as simply cutting between (as per its original meaning in Latin, i.e. ‘intersecare’) groups and into ever smaller subgroups, an interpretation it precisely opposes. Intersectionality would thus furnish a renewed basis of solidarity within and between groups in international human rights law.

Atrey (2019) has acknowledged that ‘operationalising’ intersectionality is tricky in law and policy because courts and lawyers like established legal doctrines which have been seen to work (preferably first in other countries).

Analysis of an Intersectionality Perspective in International Human Rights Organizations' Work

Implementation of international human rights treaties is monitored by human rights treaty bodies, i.e. committees of independent experts of recognized competence in human rights, who are nominated and elected for fixed renewable terms by State Parties (Lapaš, 2008; Andrassy *et al.*, 2012). In general, all treaty bodies consider States Parties' reports; consider individual complaints; conduct country inquiries; and adopt general comments and organize thematic discussions to interpret the provisions of their treaty or treaties. The international organizations' treaty body systems allow human rights victims to seek justice for rights violations by submitting a human rights complaint either to the international court or to one of the treaty bodies. The ability to bring a complaint to an international body offers victims a chance at compensation, remedies that may prevent future violations, and an acknowledgment that the State violated their rights. The human rights treaty bodies publish their interpretation of the content of human rights provisions (known as general comments or general recommendations) on thematic issues or methods of work. These cover a wide range of subjects, from the comprehensive interpretation of substantive provisions to general guidance on the information that should be submitted in State reports relating to specific articles of the treaties.

Rosa Celorio (2019, p. 781) questions if regional human rights protection systems are capable of addressing the problems of discrimination, exclusion, and marginalization that “continue to be widespread, posing formidable barriers for many persons to exercise their basic civil, political, economic, social, and cultural rights”. She even argues the way regional protection systems address discrimination and its many forms in the present and the future is a key determinant of their continued relevance (*ibid.*, p. 837). The concept of intersectionality gives international human rights mechanisms the opportunity to not only approach discrimination and social inequalities from a systemic and structural perspective, but also to capture discrimination patterns which tend to be overlooked in the current legal and policy frameworks for anti-discrimination. Colm O’Cinneide (2022, p. 2) stated that “incorporating intersectional perspectives into anti-discrimination law and policy makes sense – even if some imagination may be required to do this effectively”. The United Nations Network on Racial Discrimination and Protection of Minorities (2022, p. 4) discussed how intersectionality perspective helps advance a human-rights-based approach in policy development, programming and project implementation of human rights treaty bodies as well as lay equality and non-discrimination as the bedrock of the international human rights system. According to them,

intersectionality perspective assists in ensuring specific attention to and action for individuals who are insufficiently protected from human rights violations, includ-

ing individuals belonging to vulnerable and marginalized communities and facing intersecting discrimination. It helps in increasing visibility, active participation and an equal voice for those who have long been marginalized. An intersectionality perspective stresses that addressing discrimination is interrelated with the empowerment, participation and inclusion of individuals, including in the development, implementation and monitoring of policies and programmes affecting them. In addition, it recognizes that social categories are not homogenous. Intersectional perspective facilitates the development of policies and programmes that recognize intra-group diversity and avoids homogenizing approaches while respecting, protecting and ensuring the exercise of human rights and responding to unaddressed needs. Such a perspective is enhancing the availability and analysis of disaggregated data as the basis for effective policy development and programming. Finally, it is advancing transformative change by addressing the structural causes of inequality and disadvantage that are associated with intersecting forms of discrimination, including the laws, policies and institutions, socio-cultural norms and harmful stereotypes that perpetuate and/or aggravate the exclusion of certain individuals, groups and communities.

The United Nations and Intersectionality

The United Nations (UN) human rights mechanisms are gradually engaging with the concept of intersectionality, highlighting its importance for addressing discrimination in all its manifestations (Chow, 2016, p. 454). The Universal Declaration of Human Rights represents a universal recognition that basic rights and fundamental freedoms are inherent to all human beings, inalienable and equally applicable to everyone, and that every one of us is born free and equal in dignity and rights (Articles 1 and 2). This principle of non-discrimination and equality is additionally guaranteed under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and a number of other UN human rights mechanisms that focus on specific groups such as women; children; persons with disabilities; members of national, ethnic, religious or linguistic minorities; and migrant workers. The existence of dedicated instruments for these groups is an acknowledgement that the distinct forms of discrimination, oppression and marginalization are faced by marginalized and vulnerable groups. Johanna Bond (2021, p. 54) argues that

although scholars and activists have explored and advocated for intersectionality theory in the international human rights context for almost twenty years, the UN has been slow to incorporate and make use of intersectionality's insights. Since approximately 2000, UN treaty bodies have cautiously begun to explore intersectionality as a theoretical framework for examining rights violations. The results

of this trend are encouraging. When the treaty bodies embrace intersectionality, they are better able to reflect and remedy the complexity of human rights violations. Remedies focused only on one axis of discrimination, in contrast, provide only limited relief for victims and stymie a full and nuanced understanding of the violations at issue.

The Human Rights Council, an intergovernmental body within the UN system made up of 47 States responsible for the promotion and protection of all human rights around the globe, had in 2020 underlined the importance of addressing the compounded impact of intersectional discrimination and called upon States “to consider reviewing all proposed and existing legislation in accordance with international human rights obligations, using an intersectional approach that takes into consideration, *inter alia*, age, gender and the historical, social, economic, cultural and political contexts of women’s and girls’ realities”, and urged them “to include an understanding of multiple and intersecting forms of discrimination in any training on combating gender bias for State officials”.¹

The Human Rights Committee, the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its States Parties, has so far adopted 37 general comments on specific topics. In those general comments the Human Rights Committee had addressed aspects of the Covenant or its Optional Protocols with a view to assisting States Parties in fulfilling their obligations under the Covenant and its Optional Protocols. However, the Human Rights Committee has not systematically elaborated either on intersectional discrimination or on applying an intersectional approach to the realization of civil and political rights. In the context of gender discrimination, the Human Rights Committee had noted that

discrimination against women is often intertwined with discrimination on other grounds... states parties should address the ways in which instances of discrimination on other grounds affect women in a particular way.²

The Committee on Economic, Social and Cultural Rights (CESCR), the expert body that monitors implementation of the International Covenant on Economic, Social and Cultural Rights, observed that

the nature of discrimination varies according to context and evolves over time. A flexible approach to the ground of “other status” is thus needed to capture other

¹ The Human Rights Council resolution 44/17 on Elimination of all forms of discrimination against women and girls, A/HRC/RES/44/17, 17 July 2020, paras 3 (b) and 5(f).

² Human Rights Committee, General Comment No. 28 on Article 3 (The equality of rights between men and women) (Replaces general comment No. 4), CCPR/C/21/Rev.1/Add.10, para 30.

forms of differential treatment that cannot be reasonably and objectively justified and are of a comparable nature to the expressly recognized grounds in article 2, paragraph 2. These additional grounds are commonly recognized when they reflect the experience of social groups that are vulnerable and have suffered and continue to suffer marginalization. The Committee's general comments and concluding observations have recognized various other grounds and these are described in more detail below. However, this list is not intended to be exhaustive. Other possible prohibited grounds could include the denial of a person's legal capacity because he or she is in prison, or is involuntarily interned in a psychiatric institution, or the intersection of two prohibited grounds of discrimination, e.g. where access to a social service is denied on the basis of sex and disability.³

There are no specific provisions in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognizing women's intersectional identity. Meghan Campbell (2015, p. 499) argues that

Under CEDAW, if sex and gender is one of the bases for the discrimination, it is necessary to examine how other identity and factors contribute to the discrimination. This transcends the discontinuities between intersectionality theory and practice. It moves intersectionality beyond a ground-based approach and approaches multiple identities from a fluid, expansive and integrated perspective.

In 1995, the Beijing World Conference for Women drew attention to the fact that age, disability, social and economic status, ethnicity and race can create particular barriers for women (Campbell, 2015). This led to the development of a framework for recognizing multiple and coexisting forms of discrimination, which became part of the Beijing Platform for Action.

Meghan Campbell (*ibid.*, p. 43) had noted that the Committee on the Elimination of Discrimination against Women's (CEDAW Committee's) efforts to eliminate all forms of discrimination and achieving gender equality so that all women can exercise and enjoy their human rights implicitly includes a commitment to understanding and addressing intersectional discrimination (Bond, 2003). The CEDAW Committee acknowledged intersectionality as a "basic concept for understanding the scope of the general obligations of State Parties [to the Convention]"⁴. The CEDAW General Recommendation no. 28 on the core obligations of State

³ UN Committee on Economic, Social and Cultural Rights (CESCR), General comment No. 20 on Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), 2 July 2009, E/C.12/GC/20.

⁴ CEDAW, General Recommendation No 28, The core obligations of State Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 16 December 2010 ("CEDAW, General Recommendation No 28"), para 18.

Parties under Article 2 of the CEDAW states that “the discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity”. The CEDAW Committee has observed that ethnic minority women, elderly, disabled and migrant women, women in prisons and women and girls on the street are particularly vulnerable to disadvantage and discrimination (Campbell, 2015).

The 1965 International Convention on the Elimination of Racial Discrimination (ICERD) resolves “to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination”. Although the UN Committee on the Elimination of Racial Discrimination (CERD–ICERD’s treaty body) had not initially and explicitly mentioned intersectionality, but used it as a synonym for multiple or double discrimination, this kind of discrimination has been acknowledged in general comments of the CERD monitoring mechanism. The CERD’s General Recommendation No. 32 (2009) asserts that

the ‘grounds’ of discrimination are extended in practice by the notion of ‘intersectionality’ whereby the CERD Committee addresses situations of double or multiple discrimination – such as discrimination on grounds of gender or religion – when discrimination on such a ground appears to exist in combination with a ground or grounds listed in Article 1 of the Convention.⁵

In the General Recommendation No. 35 on combating racist hate speech, the CERD Committee recalled that

in the light of the principle of intersectionality, and bearing in mind that “criticism of religious leaders or commentary on religious doctrine or tenets of faith” should not be prohibited or punished, the Committee’s attention has also been engaged by hate speech targeting persons belonging to certain ethnic groups who profess or practice a religion different from the majority, including expressions of Islamophobia, antisemitism and other similar manifestations of hatred against ethno-religious groups, as well as extreme manifestations of hatred such as incitement to genocide and to terrorism.⁶

⁵ CERD, General Recommendation No. 32 on the meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination, CERD/C/GC/32, 2009, paragraph 7.

⁶ CERD, General Recommendation No. 35 on combating racist hate speech, CERD/C/GC/35, 2013, paragraph 6.

The Convention on the Protection of Persons with Disabilities (CRPD) does not have a provision on the interaction between the specific status and other grounds of discrimination. The Convention addresses the diversity of people with disabilities, but lacks adequate language to address intersectional discrimination. This Convention, however, recognizes that women and girls with disabilities experience multiple forms of discrimination.⁷ There are specific provisions that protect children with disabilities and the treaty emphasizes the importance of protecting people with disabilities in situations of risk (armed conflict and natural disasters) and humanitarian emergencies.⁸ The CRPD Committee has only released two General Comments, but those instruments recognize that women with disabilities “may be subject to multiple and intersectional forms of discrimination based on gender and disability”.⁹ The UN Convention on the Rights of the Child 1989 (CRC) also provides the door for intersectional claims because Article 23 recognizes the problems of children with disabilities.

Both the Committee on the Rights of the Child (CRC) and Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) pioneer additional enumerated grounds of discrimination, but the General Comments of these two Committees have not yet addressed intersectional discrimination.

The Special Procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery and covers all rights: civil, cultural, economic, political, and social. The independent expert on minority issues, Gay McDougall, noted as early as in 2010 that “[w]omen belonging to minorities experience unique challenges and multiple or intersectional discrimination emanating from their status as members of minorities and as women or girls”,¹⁰ and stressed the need for greater participation of minorities through an inclusive dialogue that “must take into account the specific needs of minority women, as well as other marginalized segments of minority communities exposed to intersectional discrimination”.¹¹ The Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, has observed that

⁷ Articles 6 and 35 of the CRPD.

⁸ Article 7 and 11 of the CRPD.

⁹ CRPD Committee, General Comment No. 1 on Article 12: Equal recognition before the law, CRPD/C/GC/1, para. 35.

¹⁰ Report of the independent expert on minority issues, A/HRC/13/23, para. 9.

¹¹ *Ibid.*, para. 52.

poverty is multidimensional in nature and is compounded across the lifespan. Intersectional factors such as gender, ethnic or minority origin, rural and peri-urban residence and old age lead to further, disproportionate poverty among persons with disabilities. These factors often function in a negative feedback loop: children and adolescents with disabilities are denied education or face limited educational and skills training opportunities; [and] adults with disabilities, lacking marketable education and skills, face disproportionately high rates of unemployment and underemployment, all the more so in difficult economic times.¹²

The analysis above points to the conclusion that the UN human rights monitoring bodies and Special Procedures have started to explicitly recognize intersectional discrimination as constituting a breach of equality rights. As outlined by Gauthier de Beco (2020, p. 56),

an approach is developed through which the UN treaty bodies could look into a certain characteristic as a stepping stone toward drawing attention to the various structures of disadvantage associated with that characteristic and in relation to other characteristics and to the impact that they have on the lived reality and experience of human rights between different groups of people.

The Council of Europe and Intersectionality

O’Cinneide (2022) has acknowledged that intersectionality, a “concept whose use was once confined to academic and activist work is gradually putting down roots in European policy instruments. It is even beginning to manifest itself in law”. Protection against discrimination in Europe has existed for decades within the Council of Europe treaty system and in the jurisprudence of the European Court of Human Rights (ECtHR). Under the European Convention on Human Rights (ECHR), there are no explicit references to multiple or intersectional discrimination. Article 14 of the European Convention on Human Rights and Fundamental Freedoms states that the rights and freedoms set out in the Convention should be secured “without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”. While Article 14 only extends protection for rights explicitly mentioned in the Convention, the catchall phrase of “other status” has the potential to be applied in cases of multiple or intersectional discrimination. Protocol 12 to the Convention (2005) expanded the scope of the prohibition on discrimination to cover all rights guaranteed at the national level, regardless of whether or not they are rights within the Convention. It provides general protection against

¹² Report of the Special Rapporteur on the rights of persons with disabilities, Rights of persons with disabilities, A/HRC/46/27, para. 71.

discrimination as long as the right is protected under national law. In other words, protection against discrimination applies to provisions of national laws even if they are not explicitly mentioned in the ECHR.

Rosa Celorio (2019, p. 818) holds that “one of the most important tendencies in the area of discrimination has been the flexible reading of discrimination clauses in regional treaties to identify new prohibited motives of discrimination”. This tendency of the flexible reading can be traced in the case law of the ECtHR. Namely, although the Convention lacks explicit reference to multiple or intersectional discrimination, the ECtHR is not precluded from making findings of discrimination based on those grounds. There are several examples of where the ECtHR ruled in favor of plaintiffs in cases where intersectional discrimination occurred, despite the court’s refusal to explicitly acknowledge the claim of intersectional discrimination. In *N.B. v. Slovakia*, the ECtHR found that the forced sterilization of a Roma woman violated Articles 3 (the prohibition of torture) and 8 (the right to respect for private and family life) of the ECHR. Specifically, the Court stated, “the practice of sterilisation of women without their prior informed consent affected vulnerable individuals from various ethnic groups”, but stopped short of identifying the concept of intersectionality.

The case decision of *B.S. v. Spain* had signaled the beginning of more legal developments concerning intersectionality issues before the ECtHR (*ibid.*, p. 817; Yoshida, 2013). In this case, the allegations focused on a woman of Nigerian origin who was stopped by the police while working as a prostitute in the outskirts of Palma de Mallorca. The Court found a violation of Article 14 of the Convention, taken in conjunction with Article 3, since the domestic courts failed to take into account “the applicant’s particular vulnerability inherent in her position as an African woman working as a prostitute”, therefore failing to adopt all possible measures to determine whether a discriminatory attitude played a role in these events.¹³ However, the ECtHR has ignored the impact of intersectionality in some cases of discrimination it had adjudicated about. For example, in the case of *S.A.S v. France*, which addressed a ban on wearing a religious face covering in public, the ECtHR ruled that this French legal norm had an objective and reasonable justification because it helps to “further women’s rights, safety in the public sphere, and social cohesion”, and that this objective outweighs the plaintiff’s right to private life, freedom of religion, freedom of expression and her right not to be discriminated against.¹⁴ The third party intervention of the Human Rights Centre of Ghent University disagreed:

¹³ Case of *B.S. v. Spain*, Application no. 47159/08, Judgment of 24 July 2012, <https://hudoc.echr.coe.int/fre?i=001-112459>.

¹⁴ Case of *S.A.S v. France*, Application no. 43835/11, Judgement of 1 July 2014, <https://hudoc.echr.coe.int/fre?i=001-145466>.

“[a]s the empirical research shows, women wearing the face veil who are confronted with a ban on face covering, feel harmed both as believers and as women. The difference in treatment they experience cannot be reduced to either religion or gender, but is the result of a mix of both grounds. The (indirect yet rather explicit) target of the law is not ‘all women manifesting their religion in ways that are perceived as extreme or that limit their freedom’ – but rather the Islamic sub-category of that group. Indeed, women who join monastic life, even in monasteries that are closed to the outside world, are not the subject of any legal intervention. Nor is the target of the law ‘Muslims showing in public a choice for a radically religious lifestyle through the way they look’, but only the female subcategory of that group. Indeed, the wearing of Islamic dress and beards by men is not the subject of any criminal law. The discrimination takes place at the crossroads of religion and gender.”

The ECtHR explicitly acknowledged that the impact of the ban specifically aggrieved Muslim women who chose to wear the full-face veil in public for religious reasons. However, the ECtHR ruled that this consideration did not outweigh the court’s view that the ban had an objective and reasonable justification, i.e. the ban would “further women’s rights, safety in the public sphere, and social cohesion” and that this objective outweighs the plaintiff’s right to private life, freedom of religion, freedom of expression and her right not to be discriminated against (EINAR, 2020, p. 23).

The Council of Europe Gender Equality Strategy 2018-2023 paid due attention to intersecting grounds of discrimination. Intersectionality is addressed as a transversal issue across the entire organization, including in the work of its monitoring bodies. One of the six strategic objectives of the Council of Europe Gender Equality Strategy 2024-2029 is achieving gender mainstreaming and including an intersectional approach in the CoE’s policy making and activities. In the opening section the Strategy acknowledges:

Discrimination can be based on a variety of grounds, such as sex, gender, “race”, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity and expression, sex characteristics, age, state of health, disability, marital status, migrant or refugee status, or other status.¹⁵

Deployment of the intersectional approach implies that all decisions and policy outcomes of this international organization must be based on intersectional analysis of challenges that particular groups face, and by taking into account diversity and compounded forms of oppression.¹⁶ This goal is achieved through providing train-

¹⁵ The Gender Equality Strategy 2024-2029, <https://rm.coe.int/prems-073024-gbr-2573-gender-equality-strategy-2024-29-txt-web-a5-2756/1680afc66a>.

¹⁶ *Ibid.*

ing on intersectionality to the staff and experts serving in the monitoring mechanisms. Such a policy measure helps to build capacity in recognizing and addressing the complex ways in which different forms of discrimination and oppression intersect in the work of the CoE.

A notable shift towards addressing intersectional discrimination can be traced in the work of the two Council of Europe human monitoring bodies: The European Commission against Racism and Intolerance (ECRI) and the Advisory Committee on the Framework Convention for the Protection of National Minorities (Advisory Committee). The ECRI is the rights monitoring body which specializes in questions relating to the fight against racism, xenophobia, antisemitism, intolerance and discrimination on grounds of race, ethnic origin, color, citizenship, religion, language, sexual orientation, gender identity and sex characteristics in Europe (Hollo, 2009; Kicker and Möstl, 2013), and has been using an intersectional approach in its country monitoring work, as well as in the standard setting outcome of this monitoring body.¹⁷ For example, the ECRI considered that the mandate of equality bodies should cover intersectional discrimination.¹⁸ Also, that “governments should mainstream an intersectional approach into their design, structure and application, and undertake periodic reviews to monitor the implementation of that approach”.¹⁹

The Advisory Committee is the independent expert committee responsible for evaluating the implementation of the Framework Convention for the Protection of National Minorities in its State Parties (Pentassuglia, 1999). Detailed country-specific opinions adopted following a monitoring procedure have started to consider intersectional discrimination of women from nationality minority communities, predominantly Roma women and girls. Petra Roter (2023), the current President of the Advisory Committee, on the occasion of the twenty-fifth anniversary of this legal instrument, stated that

the Advisory Committee now systematically examines the position of women belonging to national minorities and their experiences of intersectional discrimination. Increased political awareness of gender issues has led to too little action: societies need to give women belonging to national minorities the tools to participate in their societies on an equal basis, so they can address their specific needs and

¹⁷ ECRI, General Policy Recommendation No. 5 (revised) on preventing and combating anti-Muslim racism and discrimination. ECRI, General Policy Recommendation No. 9 (revised) on preventing and combating Antisemitism. All ECRI recommendations are available at <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/ecri-standards>.

¹⁸ ECRI, General Policy Recommendation No. 2 (revised) on equality bodies to combat racism and intolerance at national level.

¹⁹ ECRI General Policy Recommendation N°17 on preventing and combating intolerance and discrimination against LGBTI persons.

pursue their interests. Likewise, young people from national minorities need these same opportunities, and the specific needs of the elderly including access to health and care have to be addressed effectively. Managing diversity through minority rights thus has to take account of intra-community diversities and be adjusted according to the specific needs and interests of various segments of communities.

The European Union and Intersectionality

The European Union is only lately introducing intersectional discrimination into EU legislation, but since the inception of this organization, one of its founding treaties has obliged the Union to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in defining and implementing its policies and activities (Vasiljević, 2003, p. 6).²⁰ Acknowledging the weakness of the EU legislator to embrace the intersectional approach, Vasiljević (*ibid.*) argues that the EU should deal more seriously with the phenomenon of multiple and intersectional discrimination in its legal sources. Furthermore, she notes that neither national nor European courts have efficiently embraced the intersectional approach and that their judgments sanctioning discriminatory treatments do in fact reflect double, triple or multiple discriminatory grounds. Vasiljević (*ibid.*) concludes that by “[n]urturing the so-called single-axis approach, judges show a lack of understanding of the experience of discrimination and its consequences, not only for the individual but also for the entire social system”.

Back in 1997, the Treaty Establishing the European Community gave the Community specific powers to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.²¹ This had led to passing two anti-discrimination directives: the Race Equality Directive, which prohibits discrimination based on racial or ethnic origin in a wider range of fields such as employment, education, provision of goods and services and social protection, and the Employment Equality Directive, which prohibits discrimination in employment and excludes all discrimination based on religion or belief, disability, age or sexual orientation.²² The Charter of Fundamental Rights, that prohibits

²⁰ Article 10 of the Consolidated version of the Treaty on European Union, *Official Journal of the European Union* C 326/13, 26.10.2012.

²¹ Article 13 of the Treaty establishing the European Community (Consolidated version 2002), *Official Journal of the European Communities* C 340/177, 10.11.1997.

²² Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, *Official Journal of the European Union* L 180, 19.7.2000; Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, *Official Journal of the European Union* L 303, 2.12.2000.

discrimination, is legally binding for all EU Member States. EU institutions are legally bound to observe the Charter of Fundamental Rights of the European Union, including the provisions on non-discrimination.²³ EU Member States must observe the Charter in relation to EU laws.

Dagmar Schiek (2018, p. 85) asserts that “recognizing intersectional discrimination as a category of EU anti-discrimination law improves the quality of this body of law and enables the EU’s judiciary to confront new forms of intersectional discrimination on grounds of the so-called race and sex suffered by Muslim women”. Today, the intersectional approach has been incorporated into the European Commission’s key equality policy frameworks as a key ‘horizontal principle’. Evidence of policymaking that recognizes the need to create inclusive solutions that protect the most marginalized and those facing intersectional discrimination can be found in five EU policy instruments: the EU Gender Equality Strategy 2020-2025; the EU LGBTIQ Equality Strategy – 2020-2025; the EU Action Plan against Racism 2020-2025; the EU Roma strategic framework for equality, inclusion and participation; and the Strategy for the Rights of Persons with Disabilities 2021-2030.²⁴

The Pay Transparency Directive, adopted in May 2023, incorporates intersectional discrimination in the directive that strengthens the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.²⁵ It is the first EU legislative instrument containing references to intersectional discrimination both in the introductory recitals and in its binding provisions. Following the adoption of this Directive

[c]ourts and other competent authorities will be able to take due account of intersectional discrimination, in particular for substantive and procedural purposes, including deciding on the appropriate comparator, assessing proportionality, and to

²³ Article 21 of the Charter of Fundamental Rights of the European Union, *Official Journal of the European Union* C 83/389, 30.3.2010.

²⁴ Commission Communication of 5 March 2020 entitled ‘A Union of Equality: Gender Equality Strategy 2020-2025’ (COM (2020) 0152); Commission Communication of 12 October 2020 entitled ‘Union of Equality: LGBTIQ Equality Strategy 2020-2025’ (COM (2020) 0698); Commission Communication of 18 September 2020 entitled ‘A Union of equality: EU anti-racism action plan 2020-2025’ (COM (2020) 0565); Commission Communication of 7 October 2020 entitled ‘A Union of Equality: EU Roma strategic framework for equality, inclusion and participation’ (COM (2020) 0620); Commission Communication of 3 March 2021 entitled ‘Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030’ (COM (2021) 0101).

²⁵ Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, COM/2021/93 final, *Official Journal of the European Union* L 132/21, 17.5.2023.

determine, where relevant, the level of compensation to be awarded or penalties to be imposed.²⁶

The 2023 Report on Gender Equality in the EU is promoting intersectional approach in implementing gender equality policy. Consequently, two directives passed in 2024 include considerations of intersectional discrimination.²⁷ The Directive on Combating Violence against Women and Domestic Violence addresses the issue of combating violence against women and domestic violence.²⁸ This directive refers to the specific obligation of Member States to take into consideration the fact that

violence against women and domestic violence can be exacerbated where it intersects with discrimination based on sex and other grounds of discrimination prohibited by Union law, namely nationality, 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.²⁹

It emphasizes the collective responsibility of EU Member States to prevent such violence, protect and support survivors and victims, prosecute gender-related criminal offenses and take into consideration the increased risk of violence faced by victims with intersectional discrimination. It also includes an instruction to Member States to take into account the enhanced protection and support required by lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) persons, women with disabilities and women with a minority racial or ethnic background who are at a heightened risk of experiencing gender-based violence.³⁰ In this way, the Directive explicitly considers intersectional discrimination, defined as discrimination based on a combination of sex and other grounds protected under various EU directives (79/7/EEC, 2000/43/EC, 2000/78/EC, and 2004/113/EC). Equality bodies are instructed to pay special attention to this type of discrimination in their efforts to promote equal treatment and prevent discrimination. Furthermore, Member States are required to implement measures to raise awareness about rights and equality bodies'

²⁶ European Union (2023). 2023 Report on Gender Equality in the EU, Luxembourg, Publications Office of the European Union. https://commission.europa.eu/system/files/2023-04/annual_report_GE_2023_web_EN.pdf, 60.

²⁷ *Ibid.*

²⁸ Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, *Official Journal of the European Union* L, 2024/1385, 24.5.2024.

²⁹ *Ibid.*

³⁰ European Union (2023). 2023 Report on Gender Equality in the EU, Luxembourg, Publications Office of the European Union. https://commission.europa.eu/system/files/2023-04/annual_report_GE_2023_web_EN.pdf, 60.

services, focusing on at-risk groups. They must also use appropriate communication tools to reach all target groups, particularly those with limited access to information due to factors such as economic status, age, disability, literacy, nationality, or residence status. The Directive on Standards for Equality Bodies in the Field of Equal Treatment and Equal Opportunities between Women and Men in Matters of Employment and Occupation aims to provide a clear framework for equality bodies to effectively address gender discrimination in the workplace, promoting fair treatment and opportunities for both women and men.³¹ Although the specific text of the directive does not explicitly mention intersectional discrimination, the directive is designed to equip equality bodies with the necessary tools and authority to consider and address intersectional discrimination within their mandates and competences.

Recently, the problem of intersectional discrimination has also been recognized by the European Parliament. This shift can be noted in the European Parliament resolution on the situation of sexual and reproductive health and rights in the EU as well as in the European Parliament resolution on the socio-economic situation of women of African, Middle-Eastern, Latin-American and Asian descent.³² Although the EU legal sources have been gradually integrating intersectionality principles into various directives, the Member States' anti-discrimination laws recognize only multiple discrimination, while no Member State legislation contains provisions on intersectional discrimination. Šimonović Einwalter argues (2021) that "they have not defined or sufficiently elaborated what happens in the event that a person is discriminated against on the basis of several discriminatory grounds, and especially in cases where they are intertwined and when they are inseparable from each other".

Conclusion: Is Intersectionality Becoming a Framework for Action in National Human Rights Policies?

This paper has addressed several issues. Firstly, it has traced the historical and contemporary integration of intersectionality into the frameworks of key international human rights organizations. Secondly, the paper has provided a detailed assessment of how intersectionality is being applied by international human rights monitoring bodies, highlighting both achievements and areas for improvement. Thirdly, the pa-

³¹ Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU, *Official Journal of the European Union* L 2024/1500, 29.5.2024.

³² European Parliament resolution of 24 June 2021 on the situation of sexual and reproductive health and rights in the EU, in the frame of women's health (2020/2215(INI)). European Parliament resolution of 6 July 2022 on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle-Eastern, Latin-American and Asian descent (2021/2243(INI)).

per has presented a well-argued case for the benefits of an intersectional approach, which should not be confined to international human rights mechanisms, but should be embraced vigorously by national human rights policy makers. And, fourthly, by addressing an under-researched topic, the paper establishes a foundation for future studies on intersectionality in the academic context.

Applying an intersectional lens helps connect the violation of human rights to the multiple forms of discrimination that persons belonging to vulnerable and marginalized groups often experience. Intersectionality's inclusive approach takes into account multiple intersecting forms of discrimination and oppression by recognizing that individuals may simultaneously experience discrimination and marginalization based on various factors such as gender, race, ethnicity, age, disability, sexual orientation, socio-economic status, and more, and that these forms of discrimination are interconnected and can compound the disadvantages faced by individuals and groups. Thus, an intersectional approach can lead to more nuanced and effective human rights protections that are capable of addressing the full spectrum of individuals' experiences.

The analysis above has demonstrated that the concept, whose use was once solely confined to academic and activist work, has gradually put down roots in international human rights law and is increasingly being applied as a horizontal principle for the implementation of international organizations' strategic documents and policy instruments (Henne, 2013; Bouchard and Meyer-Bisch, 2016; de Beco, 2017; Bond, 2021; O'Conneide, 2022). The analysis has also demonstrated that the need for an intersectional approach is progressively being recognized by monitoring bodies that have started to address intersectional discrimination and to highlight persons belonging to certain vulnerable groups experiencing intersectional discrimination. Applying intersectionality in monitoring and reporting mechanisms ensures that human rights violations are documented in a way that reflects the intersecting identities of victims. This should lead to more nuanced and effective recommendations for action to Member States. In this way, by employing an intersectional lens, international human rights organizations are creating more equitable and effective strategies for promoting and protecting human rights globally. However, a review of the human rights monitoring bodies provided above reveals that significant challenges remain. Such challenges might be caused by limited awareness on intersectionality of the members of the monitoring bodies, by insufficient training on intersectionality for officials and experts in the monitoring bodies, and by the complexity of operationalizing intersectional analysis within existing legal and policy structures. Furthermore, regional human rights mechanisms often differ in their capacity and willingness to adopt intersectional approaches, reflecting varying degrees of commitment and understanding across different jurisdictions. Therefore, a gap still remains between the production of academic and scientific

knowledge about intersectionality and its application in the legal practice of international human rights organizations. Bridging this gap requires intentional efforts to integrate academic insights into the daily practices of human rights bodies. This can be achieved through enhanced collaboration between scholars and practitioners, the incorporation of intersectional theories into the training curricula of human rights professionals, and the establishment of frameworks that facilitate the translation of academic research into practical guidelines and policies. In addition, a collaborative approach with groups representing various marginalized communities should ensure that intersectional perspective is integrated into the broader human rights agenda of human rights organizations. In addition, by acknowledging intersecting identities in their policy documents, human rights organizations can tailor their advocacy and campaigns to address the specific needs and challenges faced by individuals at the intersections of multiple marginalized identities. Moreover, human rights organizations can capture a more accurate picture of human rights abuses and disparities by deploying the intersectional approach in research and data collection. By involving disaggregating data by various identity factors, the human rights organizations can understand how different groups are affected in distinct ways. Finally, the intersectional approach should be embedded in the design and implementation of different projects and programs, thus ensuring they are responsive to the diverse experiences of the target populations.

By deploying all these activities simultaneously, the international human rights organizations can enhance protection of the rights of those most vulnerable to intersecting forms of discrimination and oppression. With growing recognition that failure to address complex social systems and identities can obscure or deny the human rights protections due to all, human rights treaty monitoring bodies of the Council of Europe and the European Union have acknowledged that it is crucial to design both international organization and state party policies that effectively address the situation of persons who are affected by numerous forms of compounded and intersecting forms of discrimination.

Consequently, to effectively address the complexities of human rights violations that have roots in intersectional discrimination, international human rights monitoring bodies should even more actively embrace intersectionality as a policy framework and apply an intersectional lens to activities they pursue. Such an approach would surely encourage Member States to acknowledge and address intersecting and systemic discrimination in their laws and practices. By reviewing national legislations through an intersectional lens; implementing policies, strategies, and programs that consider intersecting forms of discrimination; and integrating this understanding into training for State officials combating stereotypes, prejudice, and bias, the root causes of structural discrimination against individuals experiencing intersectional discrimination can be successfully addressed.

REFERENCES

- Andrassy, J. et al. (2012) *Međunarodno pravo 2*. Zagreb: Pravni fakultet u Zagrebu.
- Anić, J. R. and Spahić Šiljak, Z. (2023) 'Rodni stereotipi: znanstveno i religijski opravdane razlike kao izlika za diskriminaciju' in Vasiljević, S. (ed.) *Rodna ravnopravnost: pravo i politike*. Zagreb: Sveučilište u Zagrebu, Pravni fakultet, pp. 37-64.
- Atrey, S. (2019) *Intersectional Discrimination*. Oxford: Oxford University Press.
- Bond, J. E. (2003) 'International Intersectionality: Theoretical and Pragmatic Exploration of Women's International Human Rights Violations', *Emory Law Journal*, 521, pp. 71-186.
- Bond, J. (2021) *Global Intersectionality and Contemporary Human Rights*. Oxford: Academic.
- Bouchard, J. and Meyer-Bisch, P. (2016) 'Intersectionality and Interdependence of Human Rights: Same or Different?', *The Equal Rights Review*, 16, pp. 194-201.
- Braveman, P. A., Arkin, E., Proctor, D., Kauh, T. and Holm, N. (2022) 'Systemic and Structural Racism: Definitions, Examples, Health Damages, and Approaches to Dismantling', *Health Affairs*, 41(2), pp. 171-178.
- Burns, T. R. (2008) 'Towards a Theory of Structural Discrimination: Cultural, Institutional and Interactional Mechanisms of the "European Dilemma"' in Delanty, G., Wodak, R. and Jones, P. (eds.) *Identity, Belonging and Migration*. Liverpool: Liverpool University Press, pp. 152-172.
- Campbell, M. (2015) 'CEDAW and Women's Intersecting Identities: A Pioneering New Approach to Intersectional Discrimination', *Revista Direito GV*, 11(2), pp. 479-504.
- Celorio, R. (2019) 'Discrimination and the Regional Human Rights Protection System: The Enigma of Effectiveness', *University of Pennsylvania Journal of International Law*, 40 (4), pp. 781-837.
- Cho, S., Crenshaw, K. and McCall, L. (2013) 'Towards a field of intersectionality studies: theory, application and praxis', *Signs*, 38(4), pp. 785-810.
- Chow, S. (2016) 'Has intersectionality reached its limits? Intersectionality in the UN human rights treaty body practice and the issue of ambivalence', *Human Rights Law Review*, 16(3), pp. 453-481.
- Collins, P. H. (1990) *Black Feminist Theory: Knowledge, Consciousness, and Empowerment*. Boston: Unwin Hyman.
- Collins, P. H. (2019) *Intersectionality as critical social theory*. Durham: Duke University Press.
- Collins, P. H. and Bilge, S. (2016) *Intersectionality*. Hoboken, NJ: John Wiley & Sons.
- Crenshaw, K. (1989) 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics', *The University of Chicago Legal Forum*, 140, pp. 139-167.

- Crenshaw, K. (1991) 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color', *Stanford Law Review*, 43(6), pp. 1241-1299.
- Crenshaw, K. (2015) 'Why Intersectionality Can't Wait', *Washington Post*, September 24.
- Davis, A. N. (2015) 'Intersectionality and international law: recognizing complex identities on the global stage', *Harvard Human Rights Journal*, 28, pp. 205-242.
- de Beco, G. (2017) 'Protecting the Invisible: An Intersectional Approach to International Human Rights Law', *Human Rights Law Review*, 17(4), pp. 633-663.
- de Beco, G. (2020) 'Harnessing the Full Potential of Intersectionality Theory in International Human Rights Law: Lessons from Disabled Children's Right to Education' in Dunne, P. and Atrey, S. (eds.) *Internationality and Human Rights Law*. Oxford: Hart Publishing, pp. 39-58.
- Dunne, P. and Atrey, S. (eds.) (2020) *Internationality and Human Rights Law*. Oxford: Hart Publishing.
- EINAR (European Network Against Racism) (2020) *Intersectional discrimination in Europe: relevance, challenges and ways forward*. Available at: <https://www.enar.eu.org/wp-content/uploads/intersectionality-report-final-3.pdf> [accessed 26 July 2023].
- Fredman, S. (2003) 'Beyond the Dichotomy of Formal and Substantive Equality: Towards a New Definition of Equal Rights' in Boerefijn, I. et al. (eds.) *Temporary Special Measures: Accelerating de facto Equality of Women under Article 4(1) UN Convention on the Elimination of All Forms of Discrimination Against Women*. Antwerpen-Oxford-New York: Intersentia.
- Fredman, S. (2011) *Discrimination Law*. Oxford: Clarendon Press.
- Hankivsky, O. (ed.) (2012) *An Intersectionality-Based Policy Analysis Framework*. Vancouver: Institute for Intersectionality Research and Policy, Simon Fraser University.
- Hannett, S. (2003) 'Equality at the Intersections: The Legislative and Judicial Failure to Tackle Multiple Discrimination', *Oxford Journal of Legal Studies*, 23(1), pp. 65-86.
- Henne, K. (2013) 'From the Academy to the UN and Back Again: The Travelling Politics of Intersectionality', *Intersections: Gender and Sexuality in Asia and the Pacific*, 33, pp. 1-11.
- Hollo, L. (2009) *The European Commission Against Racism and Intolerance (ECRI) – Its First 15 Years*. Strasbourg: Council of Europe Publishing.
- Kicker, R. and Möstl, M. (2013) *Standard-setting through monitoring? The role of Council of Europe expert bodies in the development of human rights*. Strasbourg: Council of Europe Publishing.
- Lapaš, D. (2008) *Pravo međunarodnih organizacija*. Zagreb: Pravni fakultet u Zagrebu.
- Lawson, A. and Schiek, D. (eds.) (2011) *European Union non-discrimination law and intersectionality: investigating the triangle of racial, gender and disability discrimination*. Farnham: Ashgate Publishing.

- May, V. M. (2015) *Pursuing Intersectionality, Unsettling Dominant Imaginaries*. London and New York: Routledge.
- McCall, L. (2005) 'The complexity of intersectionality', *Signs: Journal of Women in Culture and Society*, 30(3), pp. 1771-1800.
- McCrudden, C. (1982) 'Institutional Discrimination', *Oxford Journal of Legal Studies*, 2(3), pp. 303-367.
- Nash, J. C. (2008) 'Re-Thinking Intersectionality', *Feminist Review*, 89(1), pp. 1-15.
- Nash, J.C. (2019) *Black Feminism Reimagined: After Intersectionality*. Durham, NC: Duke University Press.
- O'Cinneide, C. (2022) 'Can Intersectionality Contribute to Effective Equality? ECRI Annual Seminar', 26 September. Available at: <https://rm.coe.int/o-cinneide-ecri-keynote-intersectionality-final-sept-2022/1680a842d7> [accessed 26 July 2023].
- Paglia, C. (2018) *Free Women, Free Men: Sex, Gender, Feminism*. New York: Pantheon.
- Pentassuglia, G. (1999) 'Monitoring Minority Rights in Europe: The Implementation Machinery of the Framework Convention for the Protection of National Minorities – With Special Reference to the Role of the Advisory Committee', *International Journal on Minority and Group Rights*, 6(4), pp. 417-462.
- Puar, J. (2012) "'I would rather be a cyborg than a goddess": Becoming-Intersectional in Assemblage Theory', *PhiloSOPHIA*, 2(1), pp. 49-66.
- Roter, P. (2023) *Twenty-five years of the Framework Convention for the Protection of National Minorities*. Available at: <https://www.coe.int/en/web/minorities/statement-from-petra-roter-president-of-the-advisory-committee> [accessed 26 July 2023].
- Schiek, D. (2018) 'On uses, mis-uses and non-uses of intersectionality before the Court of Justice (EU)', *International Journal of Discrimination and the Law*, 18(2-3), pp. 82-103.
- Solanke, I. (2009) 'Putting Race and Gender Together: A New Approach to Intersectionality', *Modern Law Review*, 72, pp. 723-749.
- Sosa, L. (2017) *Intersectionality in the Human Rights Legal Framework on Violence against Women: At the Centre or the Margins?*. Cambridge: Cambridge University Press.
- Steele, S. (2006) *White Guilt: How Blacks and Whites Together Destroyed the Promise of the Civil Rights Era*. New York: HarperCollins.
- Šimonović Einwalter, T. (2021) *Analiza: O intersekcionalnosti i može li utjecati na uspješnije suzbijanje diskriminacije?*. Available at: <https://www.ombudsman.hr/hr/analiza-o-intersekcionalnosti-i-moze-li-utjecati-na-uspjesnije-suzbijanje-diskriminacije/> [accessed 26 July 2023].
- Šimonović Einwalter, T. (2023) 'Intersekcionalnost, intersekcijaska i višestruka diskriminacija' in Vasiljević, S. (ed.) *Rodna ravnopravnost: pravo i politike*. Zagreb: Sveučilište u Zagrebu, Pravni fakultet, pp. 187-218.

- Taylor, K. (ed.) (2017) *How We Get Free: Black Feminism and the Combahee River Collective*. Chicago, IL: Haymarket Books.
- Truscan, I. and Bourke-Martignoni, J. (2016) 'International Human Rights Law and Intersectional Discrimination', *The Equal Rights Review*, pp. 103-131.
- UN Women (2021) *Intersectionality resource guide and toolkit. An Intersectional Approach to Leave No One Behind*. Geneva, United Nations. Available at: <https://www.unwomen.org/en/digital-library/publications/2022/01/intersectionality-resource-guide-and-toolkit> [accessed 26 July 2023].
- United Nations Network on Racial Discrimination and Protection of Minorities (2022) *A Guidance Note on intersectionality, racial discrimination and protection of minorities*. Available at: <https://www.ohchr.org/sites/default/files/documents/issues/minorities/30th-anniversary/2022-09-22/GuidanceNoteonIntersectionality.pdf> [accessed 26 July 2023].
- Vasiljević, S. (2023) 'Razvoj rodne ravnopravnosti i zabrane diskriminacije' in Vasiljević, S. (ed.) *Rodna ravnopravnost: pravo i politike*. Zagreb: Sveučilište u Zagrebu, Pravni fakultet, pp. 1-20.
- Yoshida, K. (2013) 'Towards intersectionality in the European Court of Human Rights: the case of B.S. v. Spain', *Feminist Legal Studies*, 21, p. 195-204.
- Yuval-Davis, N. (2006) 'Intersectionality and Feminist Politics', *European Journal of Women's Studies*, 13(3), pp. 193-209.

Antonija Petričušić, associate professor of sociology at the Faculty of Law, University of Zagreb. *E-mail*: antonija.petricusic@pravo.unizg.hr