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Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ashwini K.P.*

Summary

In the present report, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ashwini K.P., focuses on intersectionality from a racial justice perspective. She discusses the emergence of intersectionality as a concept and framework and provides some definitional elements. She then provides an overview of the international human rights law framework, with a particular focus on the obligations of States to prevent and address multiple and intersectional discrimination. She draws attention to some manifestations of intersectional discrimination in countries and regions, drawing on the submissions that she received in response to her public call for information to inform the report. She examines key elements of an intersectional approach and provides analysis of some related issues. She concludes by highlighting the potential and importance of an intersectional approach and making recommendations.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 52/36 and contains an exploration of the topic of intersectionality from a racial justice perspective.
2. To inform the report, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ashwini K.P., issued a call for submissions addressed to States Members of the United Nations and other stakeholders, including civil society organizations, international organizations and national human rights institutions.¹ The Special Rapporteur extends her sincere gratitude to all Member States and other stakeholders who submitted information.

II. Intersectionality from a racial justice perspective

3. As outlined in her report to the Human Rights Council at its fifty-third session, the adoption of an intersectional approach to identifying and addressing contemporary forms of racism and racial discrimination is a central part of her vision for her tenure as Special Rapporteur.² The present report reflects this strategic focus. In it, the Special Rapporteur will highlight the importance of an intersectional approach to the understanding and eradication of all contemporary forms of racism and racial discrimination, including systemic racism.

A. Intersectionality

4. The concept of intersectionality emerged from the work of Black feminists in the United States of America.³ It emerged as a powerful critique of the mainstream feminist approach that negated the element of race in analysing discrimination and exclusion. Feminist and critical race scholar Kimberlé Crenshaw first articulated the term “intersectionality” in 1989 to describe the mutually compounding impact of race and gender-based discrimination on Black women.⁴ She highlighted how an approach whereby discrimination tended to be understood and codified in law as a single-axis experience, defined by membership of one particular group, was commonplace. She articulated how such an essentialist approach made the sum and complexity of the experiences of Black women, who sat at the intersection between race and gender, invisible. Taking such an approach “erases Black women in the conceptualization, identification and remediation of race and sex discrimination by limiting inquiry to the experiences of otherwise-privileged members of the group”.⁵ Her work addresses how this contributes to the marginalization of Black women in feminist theory and anti-racist politics and highlights the importance of looking at differences in the experiences of members of the same group, recognizing that the lived experiences of and discrimination and oppression faced by Black women are diverse and fundamentally different from what is experienced by white women and Black men. She asserts that, for Black women, “the intersectional experience is greater than the sum of racism and sexism”.⁶ The racism and discrimination faced by Black women cannot

¹ See <https://www.ohchr.org/en/calls-for-input/2025/call-input-intersectionality-racial-justice-perspective>.

² A/HRC/53/60, para. 44.

³ See, for example, Kimberlé Crenshaw, “Mapping the margins: intersectionality, identity politics, and violence against women of color”, *Stanford Law Review*, vol. 43, No. 6 (July, 1991); bell hooks, *Ain’t I a Woman: Black Women and Feminism* (Boston, United States, South End Press, 1982); bell hooks, *Feminist Theory: From Margin to Center* (Boston, United States, South End Press, 1984); and Combahee River Collective, “The Combahee River Collective statement, 1977”.

⁴ Crenshaw, “Mapping the margins”.

⁵ Kimberlé Crenshaw, “Demarginalizing the intersection of race and sex: a Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics” (*University of Chicago Legal Forum*, vol. 1989, No. 1).

⁶ Ibid.

therefore be effectively understood, addressed or remedied through the categorizations within dominant, single-axis approaches to such phenomena.

5. The concept of intersectionality has been further adopted and applied by feminists and scholars from many different marginalized groups to understand and analyse the intricacies of discrimination and exclusion. For example, scholars from Dalit, Indigenous and Muslim communities have further contributed to the development of the concept in the global South context. Scholars have highlighted the significance of elements such as caste, religion and ethnicity in understanding the complexities of discrimination and exclusion. The intersectional concept highlights caste and religion as a central axis of oppression in a larger global South context and expands the analysis of systemic oppression such as caste-based discrimination. These scholars have illustrated how Dalit women's bodies, cultural identities and work have historically been materially constructed and regulated through discourse by way of critical historiography, ethnographic inquiry and autobiographical writing. They have highlighted the fact that Dalit women remain marginalized, even in feminist academic spaces and communities, and have contended that any feminist account that refuses to recognize the oppressions of caste continues to be structurally flawed and complicit in the sustenance of the hierarchy of castes. By situating the lived experience of Dalit women in their specific social, sexual and cultural contexts and foregrounding caste as a constitutive axis of gendered subordination, Dalit feminist scholars and writers such as Baby Kamble, Urmila Pawar and Shailaja Paik have provided a critical grounding to dominant caste feminist paradigms and highlighted the intersectionalities of caste in understanding discrimination and caste-based violence and oppression.⁷

6. Intersectionality encompasses a degree of heterogeneity as to how it is understood and applied. While recognizing such diversity in understandings and applications of intersectionality, as well as the fluid nature of identity and lived experiences, the Special Rapporteur wishes to offer some definitional elements. As recently outlined by the United Nations High Commissioner for Human Rights, "intersecting forms of discrimination occur when a combination of two or more grounds interact with one another to produce distinct, unique and compounding experiences of discrimination. Grounds may include race, colour, descent, or national or ethnic origin; age; sex; gender; sexual orientation; gender identity; gender expression; sex characteristics; socioeconomic status; migration status; disability; minority status; Indigenous origin; health status; political or other opinion; religion or belief; or other status".⁸ As this definition captures, how grounds for discrimination interact with one another to produce specific experiences of discrimination that are greater than the sum of their parts is an important element of the concept of intersectionality.⁹

7. Using an intersectional lens uncovers human rights violations through the prism of multiple interlocking and socially constructed conditions, characteristics, statuses, experiences, identities and structures. Such a lens can be used to identify systemic and overlapping systems of oppression and privilege.¹⁰

8. In this respect, the Special Rapporteur wishes to highlight the definition of intersectionality offered by her predecessor: "The idea of intersectionality seeks to capture

⁷ Shailaja Paik, "Amchya Jalmachi chittarkatha (the bioscope of our lives): who is my ally?", *Economic and Political Weekly*, vol. 44, No. 40 (October 2009); and Urmila Pawar and Meenakshi Moon, *We Also Made History: Women in the Ambedkarite Movement* (Zubaan Books, 2004).

⁸ A/HRC/57/67, para. 3.

⁹ Crenshaw, "Mapping the margins"; United Nations network on racial discrimination and protection of minorities, *Guidance Note on Intersectionality, Racial Discrimination and Protection of Minorities*; and International Court of Justice, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion, 19 July 2024, Declaration of Judge Charlesworth, para. 4 (available at <https://www.icj-cij.org/case/186>).

¹⁰ United Nations network on racial discrimination and protection of minorities, *Guidance Note on Intersectionality, Racial Discrimination and Protection of Minorities*; and International Court of Justice, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion, 19 July 2024, Declaration of Judge Charlesworth, para. 4.

both the structural and dynamic consequences of the interaction between two or more forms of discrimination or systems of subordination. It specifically addresses the manner in which racism, patriarchy, economic disadvantage and other discriminatory systems contribute to the creation of layers of inequality that determine the relative positions of women and men, races and other groups. Moreover, it addresses the way that specific acts and policies create obstacles that exist along the intersecting axes, contributing actively to a dynamic of disempowerment.”¹¹

9. As well as uncovering systemic human rights violations, intersectionality allows for an understanding and centring of the lived experiences of those who experience systemic racism and discrimination. When discussing definitions, it is important to note that an intersectional lens should not be understood as being used only to uncover patterns of discrimination and systemic oppression in lived experiences. Intersectionality can also be defined as an enriching and enabling framework, given that it allows for the recognition of multiple and fluid sources of self and the diversity of the human experience.¹² Through the recognition of the diversity, autonomy and agency of those who have experienced discrimination, an intersectional lens can be a source of “social empowerment and reconstruction”.¹³

10. Intersectionality is both a concept and a framework that can guide responses to systemic racism and intersectional discrimination through exposing patterns of discrimination that may otherwise be hidden or overlooked in existing legal and policy frameworks.¹⁴ Intersectionality has laid the foundation for understanding that systemic violence, such as racial discrimination, including caste-based discrimination, and gender-based violence, are not just cumulative but interconnected. The foundational recognition of the intersectional nature of discrimination and related systemic violence calls for the adoption of an intersectional response to enhance the protection of marginalized racial and ethnic groups.¹⁵ An intersectional approach demands the identification and disruption of the power structures and privilege, which are often a result of colonialism, enslavement, caste oppression and patriarchy, as interconnected systems of historical and contemporary oppression and marginalization. It places the lived experiences of those who experience racial, multiple and intersecting forms of discrimination at the centre and calls for actively ensuring the recognition and enablement of their autonomy and agency. It also recognizes that the experiences of discrimination of racially and ethnically marginalized communities, including caste-oppressed communities, are complex, fluid and never monolithic; static, one-size-fits-all responses to racial discrimination and intersectional discrimination will not be effective. In addition, taking an intersectional approach to discrimination is effective at identifying and debunking the racialization, racial stereotyping and caste prejudices that all too often rely on portraying racial and ethnic groups, including caste-oppressed communities, as homogenous.

B. International human rights law framework

11. The principle of equality and non-discrimination is a cornerstone of international human rights law. Respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion is established as one of the purposes of the United Nations in Article 1 of the Charter of the United Nations. Furthermore, the Universal Declaration of Human Rights provides that everyone is entitled to all the rights and freedoms in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The core international human rights treaties have provisions that uphold equality and prohibit discrimination. The Special Rapporteur asserts that the comprehensive

¹¹ [A/HRC/41/54](#), para. 18.

¹² United Nations network on racial discrimination and protection of minorities, *Guidance Note on Intersectionality, Racial Discrimination and Protection of Minorities*.

¹³ Crenshaw, “Mapping the margins”.

¹⁴ [A/HRC/57/67](#), para. 5.

¹⁵ Human Rights Council resolution 47/21.

prohibition of discrimination within international human rights law extends to intersectional forms of discrimination, including systemic forms of such phenomena, as has been recognized by multiple human rights entities.¹⁶ In the present subsection, the Special Rapporteur will provide a non-exhaustive analysis of examples of the recognition of intersectionality within the international human rights law framework.

12. Several treaty bodies have included implicit and explicit references to intersectionality in their general comments and recommendations, building upon the concept of multiple discrimination. For example, in its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee on the Elimination of Racial Discrimination implicitly recognizes intersectionality by noting that racial discrimination does not always affect women and men equally or in the same way. It recognizes that both the manifestations of racial discrimination and their impacts may differ between men and women. It also recognizes that being a woman and belonging to a marginalized racial group may interact, creating specific impediments to accessing the right to remedy. The same Committee, in its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of all Forms of Racial Discrimination, discusses the scope of direct and indirect discrimination under the Convention and makes explicit reference to the inclusion of intersectionality (para. 7). In its general recommendation No. 37 (2024) on equality and freedom from racial discrimination in the enjoyment of the right to health, the Committee makes clear that intersectional discrimination is encompassed within the comprehensive prohibition of racial discrimination included in the Convention.

13. The Committee on the Elimination of Discrimination against Women has also provided important analysis of States' obligations to address intersectional discrimination. In its general recommendation No. 28 (2010) on the core obligations of States Parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee outlines the concept of intersectionality and sets out the obligations of States Parties to legally recognize and address intersectional discrimination, including through the adoption of special measures (para. 18). In its general recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems, the Committee defines "equal and inclusive representation" as fifty-fifty parity between women and men in all their diversity in terms of equal access to and equal power within decision-making systems. Also in that general recommendation, the Committee provides a road map for achieving parity and stresses the importance of an intersectional approach to achieving equal and inclusive representation for women in all their diversity.

14. The Committee on the Rights of Persons with Disabilities has also addressed intersectionality in its general comments. For example, in its general comment No. 3 (2016) on women and girls with disabilities, it offers a definition of the concept of intersectional discrimination, expresses concern about the prevalence of multiple discrimination and of intersectional discrimination against women with disabilities and recognizes that "structural, or systemic, discrimination is reflected in hidden or overt patterns of discriminatory institutional behaviour, discriminatory cultural traditions and discriminatory social norms and/or rules". In its general comment No. 6 (2018) on equality and non-discrimination, the Committee highlights the lack of recognition of intersectionality within national legal frameworks and elucidates the responsibilities of States to address intersectional discrimination.

15. The Committee on Economic, Social and Cultural Rights has elaborated upon States Parties' responsibilities to address intersectional analysis in the context of the progressive realization of economic, social and cultural rights. For example, in its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, the Committee makes clear that the intersection of two prohibited grounds of discrimination would constitute a violation of the International Covenant on Economic, Social and Cultural

¹⁶ See [A/HRC/57/67](#); and Office of the United Nations High Commissioner for Human Rights (OHCHR), *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation* (New York and Geneva, 2023).

Rights. The Committee's general comments No. 5 (1994) on persons with disabilities and No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights (2005) also incorporate the concept of intersectionality.

16. Special procedures have provided further guidance to States on their obligations to address intersectional discrimination under international human rights law.¹⁷ For example, the thematic report on global extractivism and racial equality¹⁸ of the Special Rapporteur's predecessor has been recognized for its comprehensive and systemic analysis of how the extractivism economy involves multiple and intersectional social categories and structures of domination.¹⁹ Another example is a report of the Working Group on discrimination against women and girls in which the Working Group established that, for legal guarantees of gender equality to benefit all women, implementation frameworks and strategies must be responsive to the intersections of sex-based discrimination with other grounds of discrimination, such as race, ethnicity, religion or belief, language, political affiliation, health, status, age, class, caste, national or social origin, property, birth, and sexual orientation and gender identity.²⁰

17. Other international human rights instruments also contain references to intersectionality. Notably, in the Durban Declaration and Programme of Action, it is recognized that, when referring to sexual violence as a weapon of war, "that the intersection of discrimination on the grounds of race and gender makes women and girls particularly vulnerable to this type of violence, which is often related to racism, racial discrimination, xenophobia and related intolerance". An expert group meeting on gender and racial discrimination held in Zagreb in 2000, in the run-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, explored in detail the intersection between race and gender. In the outcome document, the expert group stressed the importance of the development of a methodology that could be implemented to harness existing human rights standards to identify and address intersectional discrimination, including structural subordination.²¹ The Beijing Declaration and Platform for Action also contains an acknowledgement of the interlocking systems that affect women's enjoyment of their human rights. The United Nations High Commissioner for Human Rights and various United Nations agencies have also provided useful guidance on intersectionality.²²

18. The work of the international human rights system is complemented by the incorporation of some intersectional analysis by regional mechanisms. For example, the African Commission on Human and Peoples' Rights adopted the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa also contains specific provisions on the special protection of older women and women with disabilities. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women includes some intersectional analysis on the increased vulnerability of women on account of their race, ethnicity and/or migration status. Within the European system, key provisions on equality and non-discrimination, including article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and article 21 of the Charter of Fundamental Rights of the European Union, have consistently been interpreted according to a single-axis approach to discrimination.²³ However, there are

¹⁷ See, for example, [A/78/227](#), [A/HRC/13/23](#), [A/HRC/20/28](#), [A/HRC/30/56](#), [A/HRC/31/18/Add.2](#), [A/HRC/33/61/Add.2](#), [A/HRC/46/27](#), [A/HRC/50/28](#) and [A/HRC/52/40](#).

¹⁸ [A/HRC/41/54](#).

¹⁹ Jens T. Theilen, "Intersectionality's travels to international human rights law", *Michigan Journal of International Law*, vol. 45, No. 2.

²⁰ [A/HRC/20/28](#), para. 13.

²¹ [A/CONF.189/PC.2/20](#).

²² See, for example, [A/HRC/57/67](#); and United Nations network on racial discrimination and the protection of minorities, *Guidance Note on Intersectionality, Racial Discrimination and Protection of Minorities*.

²³ OHCHR, *Protecting Minority Rights*; and submission from European Union Agency for Fundamental Rights.

some recent examples of European Union policies and secondary legislation that incorporate intersectionality.²⁴

19. While stressing that existing human rights standards should be interpreted to include obligations for States to prevent, address and remedy intersectional forms of discrimination, the Special Rapporteur recognizes shortcomings in the international human rights framework from an intersectional perspective. Fundamentally, having separate international legal instruments designed to focus on discrimination affecting specific groups does not reflect an overarching intersectional approach.²⁵ In addition, notwithstanding the examples given above, the application of an intersectional approach to the analysis, findings and recommendations of the core human rights mechanisms has been inconsistent.²⁶ Moreover, the Special Rapporteur received information, in response to her public call for submissions to inform the present report, suggesting that some work of the United Nations human rights mechanisms has included only superficial references to intersectionality and/or depoliticized the concept by failing to include analysis of race, class and systemic oppression. Such submissions also contained descriptions of challenges faced by those from marginalized racial and ethnic groups, particularly from the global South, when trying to participate in the policy dialogues and decision-making of the United Nations human rights mechanisms.²⁷ While recognizing these significant challenges, the Special Rapporteur asserts that the international human rights law framework contains important obligations for States and other stakeholders to take an intersectional approach to addressing intersectional discrimination. The Special Rapporteur calls upon United Nations actors to address these gaps and challenges to help ensure the fulfilment of the potential of an intersectional approach to prevent, address and remedy systemic racism and intersectional discrimination.

C. Manifestations of intersectional discrimination

20. In the present subsection, the Special Rapporteur describes examples of manifestations of intersectional discrimination experienced by those from marginalized racial and ethnic groups, across regions, countries and societal domains. These examples are included to exemplify the way that manifestations of intersectional discrimination affect racialized groups and to reflect the inputs received from different stakeholders.²⁸

21. Information received by the Special Rapporteur about children of African descent in Brazil articulates how childhood should be understood as contextual and relational, and characterized and shaped by gender, race, ethnicity, social class and other categories. Children of African descent in Brazil are doubly subordinated to this asymmetry of power: both because they are children, that is, due to their age, and because of their race. This subordination among children of African descent in Brazil can manifest as lack of access to quality educational infrastructure and resources and disproportionate vulnerability to violence. Persistent racialized bullying within schools, due in part to insufficient efforts to address Eurocentric and colonial curricula and promote Afro-Brazilian culture and history in teaching, is another common experience of children of African descent. These manifestations of intersectional discrimination can have lasting effects on the lives of children of African descent due to the formative nature of education, further reinforcing marginalization.²⁹

22. The Special Rapporteur has also received information about the intersectional discrimination and systemic oppression experienced by migrant and domestic workers under the *kafalah* system in countries across the Middle East region. The *kafalah* system

²⁴ Submission from European Union Agency for Fundamental Rights.

²⁵ See [A/CONF.189/PC.2/20](#).

²⁶ Ibid.; submission from Sexual Rights Initiative; and Theilen, “Intersectionality’s travels to international human rights law”.

²⁷ Submission from Sexual Rights Initiative.

²⁸ Due to limitations of space, the Special Rapporteur cannot reflect all the information that she received about manifestations of intersectional discrimination.

²⁹ See [A/HRC/59/62/Add.1](#); and submission from Alana Institute and Geledés.

regulates the lives of tens of millions of migrant workers, including domestic workers, often from African and South Asian countries, who seek job opportunities in Middle Eastern countries. This system ties migrant workers' immigration status to their employers or sponsors and has contributed, in many cases, to workers being trapped in hazardous and exploitative conditions of labour and experiencing a range of related human rights violations. Women domestic workers are particularly vulnerable to exploitation and abuse because of the *kafalah* system and the fact that they live in employers' homes, which are not covered by labour regulation systems. Such domestic workers often experience violence, including sexual violence. The *kafalah* system reportedly reflects deep-rooted hierarchies based on race, gender, colour, religion and class, which are legacies of historical patterns of slavery in the region. Despite some reforms to the system, many migrant workers remain locked in conditions of oppression and exploitation.³⁰

23. Complex, systemic and intersectional patterns of discrimination particularly affect women from racially and ethnically marginalized communities in the criminal justice system in the United States, including women who have received the death sentence or who are at risk of being sentenced to death. The Special Rapporteur received information indicating that systemic racism and intersectional discrimination made women from marginalized racial and ethnic groups, including women of African descent and Latina women, more vulnerable to adverse life experiences, including living in poverty, having a disability and being exposed to gender-based violence. Research suggests that these adverse life experiences are common among women who have received the death penalty. Women from marginalized racial and ethnic groups also commonly face the compounded impact of racial and gender biases within the criminal justice system, shaped by legacies of enslavement and segregation, which can contribute to them receiving the death penalty, even if they have no prior violent criminal history.³¹

24. The Special Rapporteur received information about discriminatory laws targeting LGBTQ+ persons being introduced in the Russian Federation, with distinct and compounding effects on those experiencing discrimination and marginalization on multiple and intersecting grounds. Such laws, including a ban on gender-affirming therapy and the Supreme Court banning the LGBTQ+ movement and designating it as “extremist” and extending a “gay propaganda ban” to prohibit any offline and online “promotion of non-traditional sexual relations” to those of all ages. The introduction and expansion of discriminatory laws and the interlinked and mutually reinforcing social stereotyping and hostility that accompanies such legislative repression have a disproportionately harmful impact on individuals who face additional forms of marginalization based on gender, ethnicity, religion, age, or regional origin. These overlapping vulnerabilities, experienced differently by a diverse range of persons, result in compounded exclusion, heightened risks and structural invisibility.³²

25. Roma persons across Europe experience systemic exclusion in education, employment, healthcare, including sexual and reproductive health services, and housing. Racialized stereotyping, hate speech and hate-motivated violence further exacerbate their marginalization, revealing the deep-rooted racial injustices that they face. Roma persons face this structural, institutional and intersectional discrimination and social exclusion on multiple grounds including ethnicity, race, class, traditional work and occupation, descent, migration status and/or education. Roma women, young people, older persons, LGBTQ+ persons and persons with disabilities face compounded manifestations of this systemic discrimination based on age, gender, sexual orientation and disability. For example, Roma

³⁰ See [CERD/C/QAT/CO/22-23](#); [CERD/C/KWT/CO/21-24](#); [CERD/C/ARE/CO/18-21](#); [CERD/C/LBN/CO/23-24](#); [CERD/C/SAU/CO/10-11](#); Katie McQue, “Every day I cry”: 50 women talk about life as a domestic worker under the Gulf’s kafala system”, The Guardian, 25 April 2024; and submission from Amman Centre for Human Rights.

³¹ See [A/HRC/56/68/Add.1](#); and submission from Advocates for Human Rights, Cornell Center on the Death Penalty Worldwide and World Coalition Against the Death Penalty.

³² See communications RUS 20/2023, RUS 28/2023 and RUS 11/2024 (available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>). See also submission from Coming Out, Crisis Group “Marem” and Northern Caucasus SOS Crisis Group.

women are disproportionately affected by gender-based violence and forced sterilizations, which often occur with impunity.³³ Moreover, in some European countries, Roma persons aged under 15 and/or Roma persons aged over 65 are more likely than non-Roma persons of the same age to live in poverty. Young Roma persons are more likely to experience harassment motivated by their ethnicity.³⁴ Studies show that, on average, Roma women live 11 years less than their non-Roma counterparts. The life expectancy gap is most pronounced in Croatia (15.7 years for women) and Czechia (13.4 years for men).³⁵ This pattern emphasizes the compounded effect of ethnicity and gender on life expectancy, with Roma women facing some of the worst outcomes.

26. Against the background of the occupation and ongoing systemic violence in the Occupied Palestinian Territory, Palestinian women and girls are at heightened risk of grave human rights violations and increased economic and social marginalization. The massive destruction has caused irreparable damage, subjecting Palestinian women and girls to a protracted humanitarian crisis with no access to basic food and healthcare. The combined impact of race, religion and geography exacerbates the marginalization of Palestinian women and girls. Such intersectional impacts of the policies of Israel on women and children have been recognized. For example, the settlement policy and control of water resources by Israel in the West Bank mean that supplying water to Israeli settlements is prioritized, at the expense of Palestinian communities. Resulting water shortages in some Palestinian communities affect Palestinian women and girls in particular, because they have additional needs for water for hygiene. There has also been a decline in the agricultural sector as a result of the policies of Israel, which has disproportionately affected employment opportunities for Palestinian women, further exacerbating their exclusion, financial instability, marginalization and oppression.³⁶

27. Dalit persons in South Asian countries, including Bangladesh, India, Nepal, Pakistan and Sri Lanka, face intersectional discrimination stemming from overlapping identities of caste, gender, sexual orientation, economic status, disability and religion. These intersecting factors reinforce marginalization, limiting access to education, employment, health, political participation and justice among Dalit persons. For example, 70.4 per cent of Dalit women reported difficulty in accessing healthcare when they needed it.³⁷ These challenges are the result of systemic caste-based discrimination, inadequate healthcare infrastructure in marginalized areas, and economic vulnerabilities. This triple-layered marginalization, often termed “tripartite marginalization”, is rooted in caste, gender and poverty, further exacerbating their exclusion from essential health services. Dalit women are particularly affected and are disproportionately trapped in informal, hazardous labour situations, such as manual scavenging.³⁸ The interconnection between caste and occupation further exacerbates the status of Dalit women, particularly in the context of manual scavenging. A vast majority of those occupied in manual scavenging are Dalit women who are subjected

³³ A/HRC/32/44, para. 57; CERD/C/SVK/CO/13, paras. 30 and 31; CERD/C/CZE/CO/12-13, paras. 19 and 20; and submission from Global Forum of Communities Discriminated on Work and Descent.

³⁴ Submission from European Union Agency for Fundamental Rights.

³⁵ European Union Agency for Fundamental Rights, *Roma in 10 European Countries* (Vienna, 2022), p. 47.

³⁶ See the conference room paper of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel entitled “‘More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”, available on the web page of the fifty-eighth session of the Human Rights Council, at <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session58/list-reports>; and International Court of Justice, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion, 19 July 2024, Declaration of Judge Charlesworth, para. 6.

³⁷ India, Ministry of Health and Family Welfare, *National Family Health Survey (NFHS-4): 2015-16* (Mumbai, 2017), table 11.21.

³⁸ “Manual scavenging” is manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a railway track or in such other spaces or premises before the excreta fully decomposes (see <https://ncsk.nic.in/sites/default/files/manualsca-act19913635738516382444610.pdf>).

to persistent discrimination, including denial of access to basic facilities such as clean water, healthcare and goods and services.³⁹ Dalit persons with disabilities also face restricted access to adaptive employment, exacerbating poverty. Caste and gender-based violence reinforce social hierarchies and often occur with impunity due to systemic discrimination within justice institutions. Manifestations of this violence differ between countries in South Asia and include trafficking and forced prostitution, sexual violence against Dalit women to enforce caste-based oppression and forced religious conversions and marriages of Dalit and minority girls. In Nepal, a high proportion of survivors of trafficking in persons are Dalit women. Women who are Badi Dalit, a subcategory of Dalit, are subjected to historical stereotypes and prejudices and remain highly vulnerable to trafficking and forced prostitution.⁴⁰ LGBTQ+ Dalit persons are also at high risk of physical and sexual violence. Dalit children face corporal punishment and severe social exclusion in schools. Dalit children with disabilities face heightened risks of abuse due to lack of accessible support.⁴¹

28. The experiences of people of African descent and Indigenous Peoples in the criminal justice and prison systems in Mexico reflect systemic and intersectional forms of oppression and discrimination. There is reportedly a dominant discourse of *mestizaje* identity in Mexico. The *mestizaje* identity purportedly reflects a mix of European and Indigenous cultures and has been in place since the nineteenth century. It has become a central point in the “invisibilization” of racism against people of African descent and Indigenous peoples, even though such racial discrimination permeates all parts of society and many institutions because of its systemic nature. The “invisibilization” of systemic racism and intersecting discrimination is exacerbated by the absence of the recognition of race as grounds for discrimination within the national legal framework. The systemic and intersectional discrimination experienced in diverse ways by people of African descent and Indigenous Peoples can be based on race, ethnicity, skin colour, gender and/or poverty. One manifestation of this systemic and intersectional discrimination is the experiences of people of African descent and Indigenous Peoples in the criminal justice and prison systems. The lack of an intercultural perspective in the justice system can lead to discriminatory practices, including racial profiling by law enforcement officials, the fabrication of crimes based upon racial stereotypes about the “dangerousness” of those from marginalized racial and ethnic groups, arbitrary detention and racial bias among actors within the criminal justice system.⁴²

D. Elements of an intersectional approach

29. Recognizing the manifestations of systemic racism and intersectional discrimination affecting racialized groups, as exemplified in the previous subsection, demands that an intersectional approach be taken to effectively address such phenomena through effective human rights-based laws, policies and programmes. In the present subsection, the Special Rapporteur explores the essential and interconnected elements of an intersectional approach to addressing systemic racism and intersecting discrimination.

Systemic, racial and historical analysis

30. Systemic, racial and historical analyses of discrimination, oppression and marginalization, as well as analysis of privilege, are essential elements of an intersectional lens and approach. Such analyses can serve to address the denial of past atrocities and existing manifestations of systemic racism and confront and disrupt the legacies of the past

³⁹ Human Rights Watch, *Cleaning Human Waste: “Manual Scavenging,” Caste, and Discrimination in India* (2014).

⁴⁰ Amnesty International, “‘No-one cares’: descent-based discrimination against Dalits in Nepal” (London, 2024), p. 22.

⁴¹ Submissions from International Dalit Solidarity Network and African Sovereignty and Reparations Representatives. See also CERD/C/NPL/CO/17-23 and CERD/C/PAK/CO/24-26; and submissions from National Council for Women Leaders and Dalit Human Rights Defenders Network.

⁴² See CERD/C/MEX/CO/22-24; and submissions from ASILEGAL and RacismoMX.

and ongoing oppression.⁴³ It is therefore vital that such analyses inform all measures to address systemic racism and intersectional discrimination. The Special Rapporteur is concerned about information regarding the superficial and inconsistent use of the term “intersectionality” without accompanying analysis of race, class, caste and privilege and the oppressive systems that are at the root of the different layers of inequalities commonly experienced by those from marginalized racial and ethnic groups.⁴⁴ This reflects a concerning erasure of the foundational elements of an intersectional approach, which risks diluting the transformative potential of the concept and framework to disrupt and dismantle systemic racism and intersectional discrimination.

31. It is more likely that intersectionality will be applied in a tokenistic and depoliticized manner in legislative, policy and decision-making spaces that have historically been racially exclusionary. Being aware of such risks and proactively applying systemic, racial and historical analysis to contemporary patterns of racism and intersectional discrimination and their root causes are therefore vital. Such systemic, racial and historical analysis should inform the planning, implementation, monitoring and evaluation of all measures taken as part of an intersectional approach. The lived experiences of those with experience of systemic racism and intersectional discrimination and racially and ethnically disaggregated data can both be important tools to inform such analysis.

Centring lived experiences through full and effective representation and participation

32. The diverse and fluid lived experiences of those who have faced systemic racism and intersectional discrimination are an important element of an intersectional approach. Lived experiences provide authenticity and insight into the dynamics and manifestations of multiple and intersecting forms of discrimination and can inform vital systemic, racial and historical analysis. They can also offer a sound basis, alongside disaggregated data, as discussed below, for the development, implementation and evaluation of measures to address multiple and intersecting forms of discrimination. Listening to those with experiences of systemic racism and intersectional discrimination also helps avoid assumptions and stereotyping, which can often present marginalized racial and ethnic groups as monolithic. Focusing on lived experiences within an intersectional framework helps preserve authenticity and prevents the appropriation of marginalized experiences. It moreover recognizes the autonomy and agency of those with experiences of systemic racism and intersectional discrimination. The full and effective representation and participation of marginalized racial and ethnic groups and caste-oppressed communities within all policy, legal and other decision-making spaces are vital in this respect. The right to participation is enshrined within international human rights law, including article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination and articles 19, 21 and 25 of the International Covenant on Civil and Political Rights.

33. Despite these provisions in international human rights law and the importance of representation and participation to an intersectional approach, those with lived experiences of facing multiple and intersecting forms of discrimination often face barriers to realizing their rights in this regard. While the Special Rapporteur welcomes the information she received from States such as Azerbaijan, El Salvador, Germany and Spain about efforts to include the right to participation of those from marginalized racial and ethnic groups in national policy measures, she also received concerning information about barriers to representation and participation in a range of contexts. These include Dalit communities experiencing low representation in policymaking in India; people of African descent not being able to adequately realize their right to representation and participation in the United States; the exclusion of women from minority groups in decision-making in Middle Eastern countries; and racialized groups, particularly those from the global South, facing barriers to participation in the work of the United Nations human rights mechanisms.⁴⁵ Barriers to participation and representation persist despite the courageous and sustained efforts of anti-

⁴³ See A/HRC/57/67.

⁴⁴ Submissions from Sexual Rights Initiative and RacismoMX.

⁴⁵ Submissions from African Sovereignty and Reparations Representatives, International Dalit Solidarity Network, Zagros Centre for Human Rights and Sexual Rights Initiative.

racism advocates, including human rights defenders, to fight against systemic racism and intersectional discrimination.

34. Addressing these barriers and realizing the right to participation in public affairs among those affected by systemic racism and intersectional discrimination requires a multifaceted approach. Special measures that integrate consideration of intersectional discrimination, including to ensure political representation,⁴⁶ have an important role to play in ensuring representation and participation in policy, legal and other decision-making spaces, as discussed below. Special measures should be complemented by other steps to ensure participation. In this regard, the Special Rapporteur encourages the implementation of the guidance note of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled “How to effectively implement the right to participate in public affairs: a spotlight on people of African descent”.⁴⁷ In the guidance note, the Office stresses the importance of a range of measures to ensure participation, including developing specific formal and permanent mechanisms that enable sustained participation, ensuring diversity and inclusion in participatory processes, providing adequate budgetary and human resources to ensure meaningful, inclusive and safe participation processes and developing channels for participation and outreach that are attuned to the needs of marginalized racial and ethnic groups. While noting the focus on people of African descent within the guidance note, the Special Rapporteur highlights the applicability of recommended measures to all those affected by systemic racism and intersectional discrimination.

Intersectional special measures

35. In her previous report to the General Assembly,⁴⁸ the Special Rapporteur articulated the valuable role that special measures could play in addressing systemic racism and guaranteeing those from marginalized racial and ethnic groups the full and equal enjoyment of human rights and fundamental freedoms. Special measures in domains such as education, employment and political representation can be a tool for ensuring the participation of those from marginalized racial and ethnic groups and facilitating their socioeconomic empowerment, thereby serving to dismantle some of the complex and interrelated facets of systemic racism. The representation of those from racially and ethnically marginalized groups in different institutions and domains can also play an important role in ensuring that societal discourse and decision-making reflect diverse and lived experiences, approaches, viewpoints and prerequisites.

36. Special measures have significant potential to contribute to progress on understanding and addressing systemic racism in a substantial manner. However, to fulfil this potential, it is necessary to ensure comprehensive consideration of the lived experiences of intersectional discrimination in the development, implementation, monitoring and evaluation of special measures. An inadequate focus on intersecting forms of discrimination creates a risk that the most marginalized within racial and ethnic groups will not benefit from special measures.

37. Other human rights mechanisms have also stressed the importance of taking multiple and intersectional discrimination into consideration in the design and implementation of all special measures. For example, the Committee on the Elimination of Racial Discrimination has recommended, in its concluding observations, that States Parties adopt special measures to address intersectional forms of discrimination.⁴⁹ Moreover, as outlined above, the Committee on the Elimination of Discrimination against Women has outlined States Parties’ obligations to adopt special measures to address intersectional forms of discrimination.⁵⁰ Legal guarantees and implementation frameworks and strategies must also integrate special measures to reach women who face multiple forms of discrimination, such

⁴⁶ [A/79/316](#), paras. 26–28.

⁴⁷ Geneva, 2023.

⁴⁸ [A/79/316](#).

⁴⁹ [CERD/C/BRA/CO/18-20](#), paras. 14 and 19 (c); and [CERD/C/PRT/CO/18-19](#), para. 14.

⁵⁰ General recommendation No. 28 (2010) on the core obligations of States Parties under article 2 of the Convention, para. 18; and general recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems.

as rural and Indigenous women, women with disabilities, women living in poverty and women facing other forms of marginalization.⁵¹ In addition, the United Nations Declaration on the Rights of Indigenous Peoples sets out the obligation of States to take special measures to ensure the continuing improvement of the economic and social conditions of Indigenous Peoples. Such measures must take intersecting forms of discrimination affecting Indigenous elders, women, youth, children and persons with disabilities into consideration (art. 21 (2)).

38. Special measures that effectively integrate consideration of intersectionality constitute an important component of an intersectional approach to equality and non-discrimination. Therefore, the Special Rapporteur is concerned about the lack of special measures that consider intersectionality.⁵² One challenge in designing and implementing effective special measures is the lack of disaggregated data on the situation of those with experiences of intersectional discrimination, as elaborated upon below. Another important challenge is growing pushback against special measures, and anti-racism measures more generally, in many parts of the world. This is driven by increasing anti-rights narratives, which have effectively tapped into existing social biases and apathy towards special measures, gender equality and anti-racism policies, often informed by experiences of privilege, to legitimize rollbacks of special measures without consideration of the intersectional impact.⁵³ States should invest significant additional resources into overcoming such challenges in order to ensure the provision of robust special measures that integrate considerations of intersectionality, as a key element of an intersectional approach to discrimination.

Disaggregated data

39. Collecting data that are disaggregated by race, ethnicity, caste and all other identities and grounds for discrimination and are able to capture intersectionality was consistently described as being an important element of an intersectional approach in the submissions.⁵⁴ Many United Nations human rights entities, including the Special Rapporteur, have also highlighted the importance of the collection and publication of disaggregated data and recommended that States strengthen and expand their efforts in this regard, including by capturing intersectional discrimination.⁵⁵ Data that are fully disaggregated, collected according to the principles of consent and self-identification and effectively capture intersectional discrimination play an important role in recognizing the existence, experiences and heritage of racialized persons and groups. Disaggregated and intersectional data are therefore a powerful tool to tackle the “invisibilization” of racialized communities and their experiences. Data can also challenge racial stereotypes and reveal systemic disparities and inequalities affecting marginalized racial and ethnic groups.⁵⁶

40. Disaggregated and intersectional data can also support effective targeting, monitoring and evaluation of the effectiveness of legislation, policies and programmes to address systemic racism and intersectional discrimination, including special measures, as discussed above. Disaggregated quantitative data can be complemented and contextualized

⁵¹ [A/HRC/20/28](#), para. 13.

⁵² Submissions from Switzerland, African Sovereignty and Reparations Representatives and Geledés.

⁵³ See [A/79/316](#); and submission from African Sovereignty and Reparations Representatives.

⁵⁴ Submissions from European Union Agency for Fundamental Rights, Geledés, Careers in Colour, African Sovereignty and Reparations Representatives, RacismoMX, Ontario Human Rights Commission, Zagros Centre for Human Rights, Human Rights Institute of Catalonia and Prometheus Institute for Democracy and Human Rights.

⁵⁵ See, for example, [A/70/335](#); [A/79/316](#); [A/HRC/23/50](#); [A/HRC/42/59](#); [A/HRC/57/67](#); [CERD/C/ZAF/CO/9-11](#); [CERD/C/PRT/CO/18-19](#); Committee on the Rights of the Child, general comment No. 26 (2023) on children’s rights and the environment, with a special focus on climate change, para. 15; and OHCHR, “Disaggregated data to advance the human rights of people of African descent: progress and challenges” (2023).

⁵⁶ See [A/70/335](#), [A/77/333](#) and [A/79/316](#).

by qualitative data that capture the lived experiences of those who have been affected by intersectional discrimination.⁵⁷

41. Given the important role that disaggregated and intersectional data can play in adopting intersectional approaches to discrimination, the Special Rapporteur is concerned about multiple reports of the lack of such data in many States. Some States collect little in the way of disaggregated data. Others may collect data that are partially disaggregated but not include all relevant identities and/or grounds for discrimination. For example, in several European countries, national origin is included in data collection, while race and ethnicity are excluded.⁵⁸ The use of such proxies for race and ethnicity undermines the effectiveness of data and contributes to the “invisibilization” of marginalized race and ethnic groups and their experiences.⁵⁹ Some States may include disaggregation within some data-collection tools, such as the census, but not mainstream this level of disaggregation into all government data. For example, in Mexico, participants in the census can reportedly identify as being of African descent but data on occupation, employment, security and health are not disaggregated in the same way.⁶⁰ States that do collect some forms of disaggregated data commonly do not do so in a way that captures the situation of those experiencing intersectional discrimination.⁶¹

42. While recognizing the challenges that States can face in collecting fully disaggregated data that capture intersectionality, the Special Rapporteur stresses the important role that such data play in the development of an intersectional approach. She asserts that the challenges faced by States can be overcome by adherence to self-identification and consent, alignment with human rights law and guidelines and the full and effective participation of those with lived experiences of systemic racism and intersectional discrimination in the design, implementation and evaluation of data collection and analysis systems.⁶²

Recognition of multiple and intersectional discrimination within national legal frameworks

43. Evolving beyond what Kimberlé Crenshaw described as the “single-axis framework that is dominant in antidiscrimination law”⁶³ to recognize and address intersectional forms of discrimination within national legal frameworks is an important element of an intersectional approach. Legal recognition of multiple and intersectional discrimination within comprehensive anti-discrimination legislation ensures that it is prohibited within national legal frameworks. Failure to provide such legal recognition contributes to the “invisibilization” of marginalized racial and ethnic groups and the true extent of their experiences of discrimination and the resulting harms. Comprehensive anti-discrimination legislation, inclusive of multiple and intersectional discrimination, also provides the legal basis necessary for those affected by intersectional discrimination to access effective remedies, as will be explored further below.

44. As outlined in the international human rights law framework above, several United Nations human rights bodies have recommended that intersectional discrimination be included within the prohibition of discrimination articulated within multiple treaties and therefore codified in the national legal frameworks of States. Despite these recommendations, limited progress has been made in moving away from a single-axis

⁵⁷ See [A/HRC/57/67](#).

⁵⁸ OHCHR, “Disaggregated data to advance the human rights of people of African descent”.

⁵⁹ Center for Intersectional Justice, “Intersectional discrimination in Europe: relevance, challenges and ways forward” (European Network Against Racism).

⁶⁰ Submission from RacismoMX.

⁶¹ Submissions from European Union Agency for Fundamental Rights, Geledés, Careers in Colour, African Sovereignty and Reparations Representatives, RacismoMX, Ontario Human Rights Commission, Zagros Centre for Human Rights, Human Rights Institute of Catalonia and Prometheus Institute for Democracy and Human Rights.

⁶² OHCHR, “Disaggregated data to advance the human rights of people of African descent”; and OHCHR, “A human rights-based approach to data: leaving no behind in the 2030 Agenda for Sustainable Development” (Geneva, 2018).

⁶³ “Demarginalizing the intersection of race and sex”.

framework within anti-discrimination law.⁶⁴ The Special Rapporteur received information from stakeholders articulating the lack of legal recognition of intersectional discrimination within national legal frameworks across multiple countries and regions.⁶⁵ The Special Rapporteur welcomes information from some States on efforts to include multiple and intersecting forms of discrimination within relevant legal frameworks.⁶⁶

45. The lack of action to integrate multiple and intersectional discrimination into many national legal frameworks is a significant challenge in implementing an intersectional approach. A related challenge is weak implementation of existing anti-discrimination legislation in many countries around the world.⁶⁷ Amending anti-discrimination legislation to include intersectional forms of discrimination will not be effective unless it is accompanied by correlative action to more rigorously implement such legislation. Another challenge is complexity in defining intersectional discrimination for the purpose of legal recognition and prohibition. The Special Rapporteur stresses the importance of ensuring that the process of defining intersectional discrimination is grounded in the lived experiences of affected groups and individuals and encourages the full and effective participation of all marginalized racial and ethnic groups in all relevant legislative processes. Systemic, racial and historical analysis is also important to the process of codification and legal interpretation of intersectionality. As stated by one academic: “What an intersectional approach to discrimination law would result in is not the creation of endless new discrete identity categories for every possible permutation of identity, but rather an open-textured legal approach that would examine underlying structures of inequality when assessing discrimination claims.”⁶⁸

Intersectional remedies

46. The impact of single-axis approaches within non-discrimination law on access to remedy has been included in intersectionality discourse since its emergence. Kimberlé Crewshaw’s seminal work explores the barriers that Black women face in accessing judicial remedies for intersectional discrimination. Her work cites specific cases in the United States whereby the claims of Black women of intersecting forms of discrimination within employment were explicitly denied by courts based on a lack of legal recognition of intersectionality.⁶⁹

47. Significant barriers in accessing intersectional remedies persist. Many courts in different countries and regions continue to interpret and adjudicate discrimination claims according to singular grounds.⁷⁰ For example, the European Court of Human Rights has reportedly not explicitly recognized intersectionality in any of its judgments, despite the extensive lived experiences of intersectional discrimination among marginalized racial and ethnic groups in Europe.⁷¹ Other complaint bodies also may offer narrow remedies that do not reflect intersectional experiences.⁷² The Special Rapporteur did not receive any information about effective access to intersectional remedies.

48. Lack of access to intersectional remedies is fundamentally linked to the single-axis framework that persists in much anti-discrimination law, as discussed above, but other

⁶⁴ Submission from Sexual Rights Initiative.

⁶⁵ Submissions from Switzerland, European Union Agency for Fundamental Rights, African Sovereignty and Reparations Representatives, RacismoMX, Coming Out and Zagros Centre for Human Rights.

⁶⁶ Submissions from Germany and Spain.

⁶⁷ See [A/HRC/57/67](#); and submissions from Zagros Centre for Human Rights and National Council for Women Leaders and Dalit Human Rights Defenders Network.

⁶⁸ Ben Smith, “Intersectional discrimination and substantive equality: a comparative and theoretical perspective”, *The Equal Rights Review*, vol. 16 (2018).

⁶⁹ “Demarginalizing the intersection of race and sex”.

⁷⁰ Smith, “Intersectional discrimination and substantive equality”; and OHCHR, *Protecting Minority Rights*.

⁷¹ Center for Intersectional Justice, “Intersectional discrimination in Europe”; and submission from European Union Agency for Fundamental Rights.

⁷² See [A/HRC/57/67](#).

factors can also play a role. Gaps in disaggregated data that capture intersectionality can be an impediment to providing evidence of intersectional discrimination. Judicial interpretation of the scope of anti-discrimination provisions can also narrow remedies, particularly in countries where those with experiences of systemic racism and intersectional discrimination are not adequately represented within the judiciary and broader legal system. Those from marginalized racial and ethnic groups can also face more general barriers, including discrimination among judicial professionals, lack of adequate access to legal aid, geographical isolation from judicial systems and/or lack of adequate reasonable accommodations for persons with disabilities, to accessing remedy.⁷³

49. The Special Rapporteur urges States to address these barriers, as effective remedies for systemic racism and intersectional discrimination must be grounded in an intersectional approach. It is vital to further highlight the importance of reparatory justice to addressing systemic racism and intersectional discrimination. Broadening the scope of anti-discrimination laws is important but an intersectional approach goes deeper and demands the identification, acknowledgement and remedy of the systemic nature of racism and intersectional discrimination, as driven by crimes against humanity relating to colonialism, enslavement, apartheid, caste oppression and patriarchy and related legacies of ongoing oppression. There has been no comprehensive reparatory justice to date for the harms suffered because of these crimes against humanity and the related oppressive systems. The unremedied nature of past and, in some cases, ongoing atrocities fundamentally perpetuates continuing systemic racism and intersectional discrimination.⁷⁴ Therefore, a comprehensive and structural approach to reparatory justice that accounts for historical wrongs and the persistent structures of racial inequality, discrimination and subordination and intersectional approaches to effectively addressing contemporary manifestations of racism are interconnected and mutually reinforcing.

E. Conclusions and recommendations

50. **Intersectionality is a powerful concept and framework for addressing systemic racism and intersecting forms of discrimination, oppression, marginalization and related human rights violations. It emerged from critical race theory and Black feminism and was further adopted and developed by various historically marginalized communities. It is an important approach to disrupting and dismantling systemic racism and intersectional discrimination. As intersectionality becomes increasingly integrated into mainstream human rights discourse, it is opportune and necessary to recentre racial justice “as a fundamental and indispensable aspect”⁷⁵ within dialogue about the concept and framework. Moreover, it is timely to highlight the importance and transformative potential of an intersectional approach, amid unprecedented pushback on human rights, gender equality and anti-racism efforts.**

51. **The international human rights law framework includes obligations for States to prevent, address and remedy systemic racism and intersectional discrimination. Despite such obligations, manifestations of intersectional discrimination affecting racialized groups persist across countries and regions. To address systemic racism and intersectional discrimination, urgent and bold action should be taken by States to implement an intersectional approach, inclusive of all the key elements outlined by the Special Rapporteur. Moreover, States, particularly those who benefited the most from colonialism and enslavement, must invest in comprehensive and structural reparatory justice approaches that account for historical wrongs and the persistent structures of racial inequality, discrimination and subordination.**

⁷³ Submissions from Zagros Centre of Human Rights and African Sovereignty and Reparations Representatives.

⁷⁴ See [A/74/321](#) and [A/78/317](#).

⁷⁵ Submission from Sexual Rights Initiative.

52. The Special Rapporteur recommends that States:

(a) Centre the lived experiences of affected persons and groups within the development, implementation, monitoring and evaluation of all elements of an intersectional approach and gender perspective, through ensuring their full, effective and meaningful participation in all policy, legal and other decision-making spaces;

(b) Improve the accessibility of policy, legal and other decision-making spaces through the provision of any necessary reasonable accommodations and by addressing any barriers to access faced by those with experiences of intersectional discrimination;

(c) Integrate systemic, racial and historical analysis into the development, implementation and monitoring of all responses to racism and intersectional discrimination;

(d) Ensure that comprehensive anti-discrimination legislation, which includes the recognition and prohibition of multiple and intersectional discrimination, is in place;

(e) Ensure that the process of legally defining multiple and intersectional discrimination is grounded in the lived experiences of all affected persons and groups through their full and effective participation in relevant legislative processes;

(f) Step up efforts to effectively implement laws and policies addressing discrimination;

(g) Ensure comprehensive consideration of intersectional discrimination in the design and implementation of all special measures;

(h) Consult with and seek the active participation of persons and groups affected by systemic racism and intersectional discrimination in the design and implementation of special measures, in line with an overall approach to intersectional discrimination that is centred around the lived experiences of affected persons and groups;

(i) Raise public awareness about the importance and role of special measures to combat intersectional discrimination and systemic inequalities to tackle growing pushback;

(j) Ensure the collection of comprehensive data disaggregated on the basis of race, ethnicity, caste and all intersecting grounds for discrimination and develop data systems that can capture multiple and intersectional forms of discrimination and provide meaningful insight into the full and varied experiences of affected persons and groups (in this respect, quantitative data can be complemented by qualitative data on lived experiences of intersectional discrimination);

(k) Ensure that all data-collection activities are conducted in line with international human rights law provisions and relevant guidance, including “Disaggregated data to advance the human rights of people of African descent: progress and challenges” and “A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development”;

(l) Provide disaggregated and intersectional data in reports to the United Nations human rights monitoring bodies, including treaty bodies, special procedures and the universal periodic review;

(m) Guarantee that those from marginalized racial and ethnic groups, including caste-oppressed communities, who experience intersectional discrimination can access effective remedies; to be effective, such remedies must be intersectional in that they reflect the full extent of experiences of discrimination and the resulting harms;

(n) Address the structures of oppression and correlative privilege that perpetuate systemic racism and intersectional discrimination through the development and implementation of comprehensive and intersectional reparatory

justice approaches that acknowledge and fully remediate the harms of historical atrocities, particularly relating to colonialism, enslavement, caste oppression and patriarchy;

(o) Ensure that reparatory justice approaches, as a key element of an intersectional approach, are grounded in the lived experiences of those who have faced systemic racism and intersectional discrimination.

53. The Special Rapporteur recommends that United Nations human rights mechanisms, OHCHR and other United Nations entities:

(a) Provide technical assistance and other relevant forms of support to Member States to develop, implement, monitor and evaluate intersectional approaches to systemic racism and intersectional discrimination;

(b) Continue and expand efforts to integrate intersectional analysis and data into their findings and recommendations. Such intersectional analysis should consistently include consideration of systemic, racial and historical factors that have an impact on human rights issues;

(c) Continue and expand joint work to further develop and deepen the integration of an intersectional approach into the international human rights law framework;

(d) Commit to mainstreaming consideration of systemic racism and intersectional discrimination into the work of all United Nations entities;

(e) Take all steps possible, within resource constraints, to address barriers experienced by persons and groups affected by systemic racism and intersectional discrimination, particularly those from the global South, when trying to access and participate in the work and decision-making of the United Nations human rights mechanisms.
