

**From “Using” to “Doing” Intersectionality at the UN: Zooming in on Special
Procedures**

In partnership with Sexual Rights Initiative (SRI) Geneva

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Note

This file is an excerpt of our report, which includes only parts of the executive summary, literature review, and appendix. The table of contents as well as the list of references should provide the reader, however, with an understanding of the scope of our analysis. Given that this report was not supposed to be published but aimed to inform SRI internally, SRI has asked us to maintain confidentiality. We are grateful that they have nevertheless agreed for us to publish this excerpt.

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Executive Summary

This report is the result of a student research project commissioned by Sexual Rights Initiative (SRI). It analyzes the use and understanding of intersectionality language in eight of the 2022 annual thematic reports of the UN Special Procedures, which include the mandates by

- the Special Rapporteur on extreme poverty and human rights,
- the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,
- the Special Rapporteur on violence against women and girls, its causes and consequences,
- the Special Rapporteur on contemporary forms of slavery, including its causes and consequences,
- the Independent Expert on the enjoyment of all human rights by older persons,
- the Working Group on discrimination against women and girls,
- the Special Rapporteur on the rights of persons with disabilities,
- the Special Rapporteur on trafficking in persons, especially women and children, and
- the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

[...]

First, the report reviews the origins, development, and criticisms of the concept “intersectionality,” as well as how the concept has been thus far mobilized within the United Nations. This serves as a theoretical foundation for our feminist, poststructuralist methodological approach and allows us to develop a framework through which we can disclose which locations, violations, and identities are being addressed from an intersectional perspective in the reports of our interest. This framework identified work to be intersectional if multiple of the following points were present:

- a) Human rights violations and misdoings are acknowledged.
- b) (Interacting) systems of oppression which have enabled and reproduced said human rights violations are acknowledged (for example, patriarchy, racism, capitalism, etc.).
- c) Solutions/recommendations are directed towards addressing both the human-right violations themselves and fixing the systems which enabled them.

- d) The report shows an understanding that identities are not fixed; for example, talking about race does not exclude talking about ethnic minorities.

To evaluate the extent to which each of the reports makes effective use of intersectionality language, or provides a thorough understanding of intersectionality, more thoroughly, we make use of a top-down coding approach with the help of our framework. Based on their relative adherence to each of this framework's criteria, the results reveal that UN Special Procedures thematic reports have varying levels of engagement with intersectionality.

While some reports demonstrate a comprehensive understanding, most of the reports fall short of a critical engagement with intersecting identities and forms of discrimination. Based on the apparent discrepancy between superficial and *de facto* engagement with intersectionality, our results hint at the necessity for UN Special Procedures to return to intersectionality scholarship. Doing so will help paint a better picture of the impact of interacting systems of oppression on those who are disproportionately affected by human rights violations, and encourage compelling and targeted recommendations to each stakeholder involved. For meaningful intersectionality work to be conducted, we encourage the usage of categorized data, critical examination of data collection methods, a revamped emphasis on power relations while acknowledging human rights violations, and advocacy for dismantling systems of oppression.

Literature Review

Intersectionality Origins

The term "intersectionality" was coined in the late 1980s, but concepts underlying it have a long history in feminist and anti-racist movements many years before. In the 1950s and 1960s, during the Civil Rights Movement in the United States, Black women activists fought for racial equality and an end to discrimination and segregation. In the 1960s and 1970s, although feminism was embraced by many people of color and indigenous people, the second-wave feminist movement became predominantly led by White women. This prompted a hegemony of White feminist discourse, as the movement almost exclusively focused on White women's experiences of oppression while ignoring how race, sexuality, class, and age influenced these. (*Second Wave Feminism Primary Sources & History*, n.d.) In this context, Black women scholars and activists like bell hooks, Angela Davis, and Patricia Hill Collins paid close attention to how gender and racial inequality impacted Black women's reality (hooks, 1981; 1984). These and other scholars sought to address how Black women encountered particular experiences due to their race *and* gender.

The first and most influential representation of this viewpoint was the Combahee River Collective's "A Black Feminist Statement" (1977). This collective was a Boston-based Black feminist lesbian organization which focused on issues of race, gender, and sexuality. It was founded in response to sexism in movements of Black liberation and civil rights, as well as racism experienced by Black women in feminist movements (Smith, 1983). The Statement contends that racial, sexual, and class-based oppression cannot be distinguished from one another since these systems co-occur; this multiplicity creates "simultaneous oppressions" for many women of color (Smith, 1983; Combahee River Collective, 1977). Although the Statement did not mention the term "intersectionality," the formative language used herein largely contributed to Kimberle Crenshaw's first articulation of intersectionality (1989).

Crenshaw first put forth the term "intersectionality" as a metaphor to critique the single-axis framework that dominates anti-discrimination law, feminist theory, and antiracist politics. Crenshaw suggested an intersectional scheme to identity, highlighting how certain systems of oppression are privileged over others, and consequently produce Black women's diverse and complex experiences of oppression (Crenshaw, 1989; 1991). Through examples from Title VII

cases,¹ rape law, and welfare policy, Crenshaw shows how Black women are marginalized and their experiences omitted from these areas (1989).

Crenshaw summarizes this complexity in the specific context of legal proceedings by providing an analogy of car accidents at an intersection:

If an accident happens in an intersection, it can be caused by cars traveling from any number of directions and, sometimes, from all of them. Similarly, if a Black woman is harmed because she is in the intersection, her injury could result from sex discrimination or race discrimination. (1989, p. 12)

Crenshaw's groundbreaking article is recognized as pioneering work for Black feminist thought. It exposes limitations of existing legal doctrines, theories, and policies that fail to address the complexity and diversity of oppression. At the time, Crenshaw's detailed mapping of intersectionality demonstrated how intersectionality may be a tool for empowerment and social justice, to stand against the exclusivity and essentialism of most mainstream identity politics (1990).

Patricia Hill Collins, another leading Black feminist scholar, further developed Crenshaw's analysis of intersectionality by introducing the concept of "matrix of domination," which is interpreted as a paradigm that explains issues of oppression that deal with race, class, and gender (1990). Collins argued that one should concretely and dialectically consider these intersecting influences and the power relations behind them in the context of a situated standpoint. Standpoint theory suggests that an individual's social position shapes their understanding of the world and affects how they perceive social inequality (Harding, 2004). Collins argues that it is crucial to consider the standpoints of marginalized individuals when analyzing the matrix of domination, as these standpoints offer distinctive perspectives on the ways in which oppression operates (Collins, 1990).

Since its inception, intersectionality has been used to different ends and in varying contexts to (re)address various gender issues. The concept continues to develop in the context of the fourth wave of feminism, thanks to the continuous efforts of scholars such as Leslie McCall (2005), Ange Marie Hancock (2007), and Vivian May (2015). Social science fields such as political science, sociology, anthropology, cultural studies, and communication studies continue to find ways to incorporate this theory's core mission into their work and fields of research.

¹ "Title VII cases" are cases that involve Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination based on race, color, religion, sex and national origin.

Criticism and Development of Intersectionality Theory

With its increase in popularity across a wide range of disciplines, intersectionality has also been subject to a great deal of criticism. Most prominently, many have criticized intersectionality for being primarily concerned with Black women and women of color, consequently neglecting other categories.² Puar (2012), for example, notes that in this usage, intersectionality has reduced women of color to an *Other* who “must invariably be shown to be resistant, subversive, or articulating a grievance” (p. 52). In other words, “woman of color” has become a rigid category, which can lead to the persistence of certain stereotypes associated with this category. Some argue that intersectionality has hence contributed to the suffering of women of color instead of amplifying their voices in a meaningful way (Keuchenius & Mügge, 2020, p. 361). Puar further argues that the focus on women of color has been excusing white feminists from doing anti-racist work (2012, p. 63).

A second point of criticism pertains to the whitewashing of intersectionality. Bilge emphasizes how intersectionality has lost its transformative potential, by becoming a “catch-all” feminist solution for Western policy-makers, especially in the UN human rights context (2013, as cited in Keuchenius & Mügge, 2020, p. 361). Similarly, Puar’s (2007) concept of homonationalism refers to the ways in which homosexuality is appropriated for certain discourses, often patriotic or militarized, which create a racialized divide between *us* and the *Other*, the “civilized and the savage” (Rao, 2020, p. 33). This kind of discourse often serves the purpose of so-called pinkwashing. For example, Israel utilizes gay rights and culture to justify its interventions in and colonization of Palestine (Darwich & Maikey, 2014). Likewise, intersectionality has been used as a buzzword for “diversity.” In the context of our analysis of intersectionality this is crucial, because homonationalism points to ways in which non-normative intersectional categories have been appropriated to serve systems of oppression.

Menon (2015) further contends that the reason for intersectionality’s popularity globally is because it has been adopted by international institutions that have the financial means to promote the concepts they find most attractive. As a consequence, “intersectionality helps perform the function of *governmentalizing* and *depoliticizing gender* [emphasis added],” the latter of which is a result of using “women” to justify Western interventions in developing countries (Menon, 2015, p. 42). In addition, Puar suggests that the “language of intersectionality [...] substitutes for intersectional analysis itself” (2012, p. 53). That is to say

² The term “category” itself has been highly contested. It is used here for the purpose of simplicity to denote other factors that determine a person’s identity, privileges, and discriminatory experiences, including disability, sexual orientation, socioeconomic status, caste, migratory background, religious belief, etc.

that while reports, for example, by the UN may explicitly refer to intersectionality, these reports do not entail an investigation of the intersecting discriminations and privileges that systems subject individuals to. Therefore, Menon (2015) concludes that intersectionality as a concept is more useful to international actors who use it to justify their policies - particularly in the Global South - than it is to feminism.

Additionally, when it was first introduced, intersectionality was not a new concept to many Southern scholars. Rather, they have long been aware of the intersecting nature of issues of gender, sexuality, religion, and race: “intersectionality has [just] provided a name to a pre-existing theoretical and political commitment” (Nash, as cit. in Menon, 2015, p. 38). For example, Jane Bennett in her article on African feminist debates on gender and violence notes that the term lesbian “cannot be automatically separated either from questions of masculinity or from issues of heterosexuality, nor can it be separated from questions of religion, racialization, class, and the meaning of post-independence nation-building” (2010, p. 37) - not once making explicit mention of the term intersectionality. This exemplifies the ways in which Eurocentrism racializes knowledge and often ignores knowledge produced in the Global South - intersectionality is no exception to this (Oyewumi, 2002).

Overall, several authors argue that intersectionality has severe limitations and must therefore be problematized in order to remain relevant and applicable. Menon questions the very purpose of intersectionality theory, and points out that, given different historical and cultural contexts, “identities” can vary in roles, and “not all of the potential identities available in a society to a person or a group may be relevant at all times for them” (2015, p. 43). In similar fashion, Puar criticizes the fact that intersectionality appears to be “trapped within the logic of identity” (2012, p. 60). In sum, intersectionality must be flexible enough to be adaptable across diverse cultural, geographical, political, and academic contexts; and particular attention should be paid to the power structures that create categories of identity.

Across the world, there are varying understandings of intersectionality. Keuchenius and Mügge (2020, pp. 369-370) have identified three distinct conceptualizations of intersectionality in the Global North. The first, “The Black Feminist Core”, is primarily US-based and focuses largely on questions of race and gender. The second understanding, “Categorically Extended Intersectionality”, is largely based in continental Europe and the UK. Here, the focus is on intersectionality as an analytical framework, and special attention is paid to ethnicity and migration rather than race. The third community of understanding is formed by “The Intersectionality Psychologists.” While in the US intersectionality has emerged from social movements and the activist work of Black feminists, Puar contends that the “newfound interest

in intersectionality [in Europe] signals a belated recognition of the need to theorize racial difference” (2012, p. 55).

In the Global South, Tamale (2020) notes, for example, that in the specific context of Africa, intersectionality has a strong decolonizing purpose because on the one hand, it shows African people that their truth is different from some universalist, Eurocentric, homonationalist, declared “truth,” and that there is a reason for their discomfort. On the other hand, intersectionality offers them the tools to challenge these Eurocentric narratives. In this sense, the concept fulfills a rather pragmatic, practical, and empowering role, and this is just one example of what intersectionality can do in a non-Western context where women carry “a disproportionate burden of poverty, disease, and unpaid care work” (Tamale, 2020, p. 74).

Responding to the criticisms of intersectionality and taking into consideration the development and the way in which the concept has been appropriated, a number of suggestions have been put forward about how to improve the concept itself, to make the best use of it.

First, given that “by now nearly everything about intersectionality is contested” (Keucheni & Mügge, 2020, p. 361), it is useful to look at what intersectionality *does* rather than what it *is*, as suggested by Cho and colleagues (2013). The authors call for more profound engagement with the hitherto existing literature on intersectionality, given that much of the work already done has “amplified its [intersectionality’s] generative focus as an analytical *tool* to capture and *engage* contextual dynamics of power [emphasis added]” (Cho et al., 2013, p. 788). The words “tool” and “engage” hint at the practical dimension of intersectionality. By doing so, greater “theoretical, methodological, substantive, and political literacy” can be achieved, without requiring consensus and unanimity across all fields which are interested in the study of intersectionality (Cho et al., 2013, p. 792).

Correspondingly, Puar suggests that the concept must be complicated and supplemented with the notion of *assemblage*: “no matter how intersectional our models of subjectivity, no matter how attuned to locational politics of space, place, and scale, these formulations may still limit us if they presume the automatic primacy and singularity of the disciplinary subject and its identitarian interpellation” (2007, as cited in Taylor et al., 2010, p. 3). In other words, intersectionality limits us in thinking beyond boundaries because intersectional analysis continues to be tied to disciplines, categories, and bodies. Assemblages offer the rather anarchic and more flexible idea that identities are fluid, continuously changing and mingling among each other to different extents at different times and in different contexts.

Taking all these points into consideration, intersectionality has the potential to overcome disciplinary and methodological perimeters. However, given that intersectionality is

such a broad and diverse subject, a much larger number of methodologies is required to thoroughly engage with it (McCall, 2005, p. 1774). We will later develop our own methodological approach to intersectionality in the context of the UN Special Procedures.

Intersectionality Within the UN System and Other IOs

The term “intersectionality” has been present in human rights discourse for quite some time now, although often not making explicit use of the term. For example, the 1991 Guidelines on the Protection of Refugee Women, the 1993 Declaration on the Elimination of Violence against Women, and the 1995 Beijing Declaration and Platform for Action addressed multiple intersections of discriminations, however, without referring to the intersectionality concept (Chow, 2016). The use of intersectionality within UN human rights treaty bodies became more prevalent in the early 2000s: the Tenth Meeting of the Chairpersons of the Human Rights Treaty Bodies on Integrating the Gender Perspective into the Work of the UN Human Rights Treaty Bodies in 1998 could be considered a crucial turning point. It encouraged exploration of the impact of gender on human rights and moderately paved the way for the development of state legislations and policies to address intersectional discrimination (Chow, 2016).

The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in 2001 recognized the impact of globalization on marginalized groups, such as poor people, women, and people of color (Blackwell & Naber, 2002). With respect to the intersectional approach within the UN, this occasion contributed to the creation of international standards to which states could be held accountable. Moreover, it helped foster a discussion about oppressions that are experienced by people around the world and helped define racism more broadly, and how it complexly interacts with other forms of oppression. In addition, the WCAR offered a chance to investigate intersectional analysis in a way that would advance human rights evaluations past the gender-plus formulation of the Beijing Platform for Action (Bond, 2003).

To promote better understanding and addressing of intersectional human rights abuses, several changes within the UN system can be considered. These include the possibility of a joint recommendation from Committees focusing on racial discrimination, discrimination against women, and human rights, as well as the appointment of Committee Liaisons to encourage collaboration across different treaties. Additionally, joint reports from the Special Rapporteurs on Violence Against Women and Racism and Xenophobia can further enhance intersectionality within the UN. These structural changes aim to improve coordination and cooperation in addressing complex human rights issues. (Bond, 2003).

Authors such as Chow (2016) and Bond (2003) have emphasized the limitations of using intersectionality solely within the context of women and gender issues, however, its potential to revive the UN human rights system has not been dismissed. One of the reasons that intersectionality has the potential to transform the human rights system within the UN is its context specificity: “The intersectional analysis in itself by no means implies that the same response should be utilized in response to all forms of discrimination. The very strength of the intersectional approach is in its ability to be context specific. This context-specificity means that, for example, (i) the precise gravity, (ii) the historical background and institutional nature, and (iii) all the human rights of the alleged perpetrator(s) and victim(s) can all be taken on board.” (Ghanea, 2013, p. 948).

A further intersectional development can be seen with the creation of the United Nations Network on Racial Discrimination and Protection of Minorities in 2012,³ which launched a guidance note on Intersectionality, Racial Discrimination and Protection of Minorities. While calling upon the UN System to eliminate racial discrimination and enhance protection of minorities, it encourages a structural approach of intersectionality by recommending to address structural inequalities including social norms (United Nations Network on Racial Discrimination and Protection of Minorities, 2022).

This guidance note also orients itself in line with the often-cited UN “human rights based approach” to development. When applied rigorously, this human-rights based approach can have the potential to complement and facilitate intersectional structural analysis of the implementation of human rights. This is based on the understanding that all development programs and cooperations in all sectors should facilitate human rights as laid down in the Universal Declaration of Human Rights. It focuses on building the capacity of “duty bearers” and “right holders” to fulfill their duty and claim their rights, respectively (United Nations Sustainable Development Group Human Rights Working Group, 2003). A human-rights based approach should support sustainable development by analyzing and addressing unjust power relations, which are often the culprit of many development problems. Crenshaw’s conception of intersectionality is highly relevant to this approach’s end: to address the inequalities and discriminatory practices, one must break away from focusing exclusively on gender and acknowledge the privilege and oppression that other identities can produce through systemic discriminatory practices (de jure and de facto).

³ More than 20 UN Departments, Organizations, Programs, and Funds are represented by the Network. <https://www.ohchr.org/en/minorities/un-network-racial-discrimination-and-protection-minorities>

Sexual Rights Initiative (SRI) and Intersectionality

[...]

In order to make use of the concept of intersectionality to its fullest extent and avoid employing it as a “fix-all” for every human rights issue, the UN should look to further acknowledge the structural issues which generate the institutional, interpersonal, or individual human-rights problems it purports to fix. Based on SRI's guidance and foundation pillars (SRI, personal communication, March 1, 2023), and building on the present literature review, the following desk review will consider work to be intersectional when...

- a) Human rights violations and misdoings are acknowledged;
 - i) Attention is paid to the power imbalance between the violators and the victims
i.e. the impact of these human rights violations.
- b) (Interacting) systems of oppression which have enabled and reproduced said human rights violations are acknowledged (for example, patriarchy, racism, capitalism, etc.);
- c) Solutions/recommendations are directed towards addressing both the human-right violations themselves and fixing the systems which enabled them.
- d) The report shows an understanding that identities are not fixed; for example, talking about race does not exclude talking about ethnic minorities.

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Analysis: Special Procedures and Annual Thematic Reports

Stage 1

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Appendix B

Visualization of Stage 2 Results Summary



