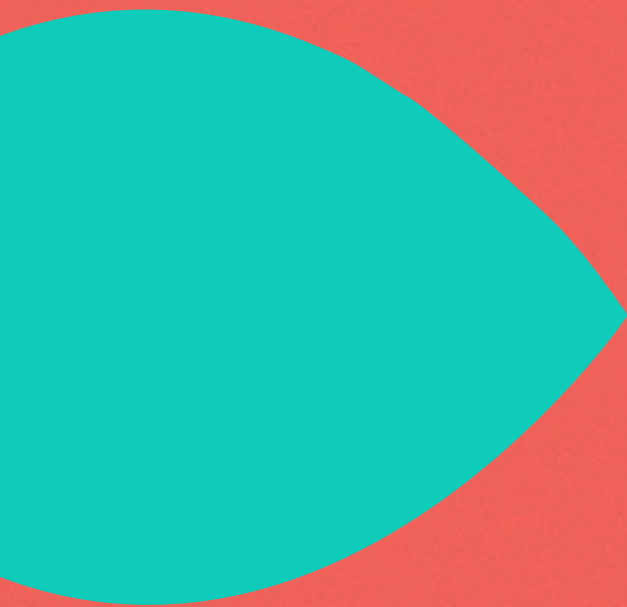
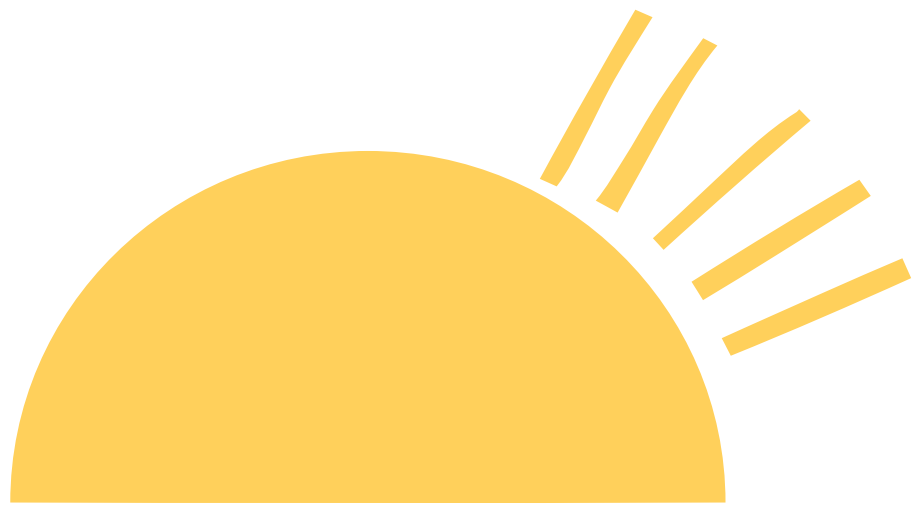




Intersectionality from a racial justice perspective

Advocating for an understanding
of systems of oppression
in the UN human rights system





Submitted by: Sexual Rights Initiative (SRI)

To read our full submission to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance:
<https://www.sexualrightsinitiative.org/resources/sri-submission-sr-contemporary-forms-racism-intersectionality-racial-justice-perspective>

Introduction

This publication is a summary of a submission, sent to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in March 2025 in response to a call for input by the mandate to inform the report on this topic, which was presented to the Human Rights Council in June 2025. In this submission, SRI provided a critique of the trends and gaps observed over the recent years regarding steps taken to apply an intersectionality framework within the context of UN human rights bodies. The submission highlighted several concerns and their implications for human rights analysis: the erasure of race and class; the treatment of groups as fixed and homogeneous; the use of “intersectionality language” without addressing how intersecting systems of oppression actually operate; and the resulting fragmentation of issues and rights-holders. This submission also examined and made recommendations to remove barriers to participation in the development of UN human rights norms and standards of individuals with lived experience of racism and intersecting forms of discrimination. Finally, the submission made recommendations to reverse these trends and to contribute to more consistent racial justice and intersectional analysis throughout UN human rights work.

Intersectionality in the UN human rights system



In recent years, the language of intersectionality has become increasingly present in UN human rights discourse (often in the form of “multiple and intersecting forms of discrimination”). However, intersectionality has not always retained its original meaning in that context. In many ways, it has been co-opted, depoliticised and diluted in various parts of the human rights system.

UN references to “multiple and intersecting forms of discrimination” often lack race and class analysis. In doing so, they dilute the radical critique of white supremacy, patriarchy, and other systems of oppression that is inherent to intersectionality, as well as its complication of any sense of gender, sex, class, or race as singular and discrete identities. Paradoxically, a Black feminist framework developed to look specifically at the operation of racial and gender discrimination is now often used without race analysis, as a box-ticking and virtue-signalling exercise.

While an exhaustive analysis of the use of the language and concept of intersectionality by UN human rights bodies would be impossible, the Sexual Rights Initiative has observed several trends and gaps over years of feminist advocacy for an intersectional perspective in UN human rights work, as well as in several SRI side events and conversations on the topic.

Our monitoring of UN human rights mechanisms points to several trends:



- At the Human Rights Council, the term “intersectionality” is rarely used verbatim in Human Rights Council resolutions. A prevalence of vague, general references to “multiple and intersecting forms of discrimination” indicates a tendency to lump different forms and manifestations of discrimination together, without necessarily examining the root causes or specific operation of systems of oppression, or the corresponding States obligations to remedy the related human rights violations. In Kimberlé Crenshaw’s words, “intersectionality can get used as a blanket term to mean, “Well, it’s complicated.” Sometimes, “It’s complicated” is an excuse not to do anything.”

Over the years, Human Rights Council negotiations have shown a pattern: many Global North states use intersectionality-adjacent language for virtue-signalling, while simultaneously resisting efforts to meaningfully address systemic racism, classism, colonialism, and economic inequalities between countries. It is often used and interpreted in negotiations as a proxy for sexual orientation and gender identity.

- The use of intersectionality-related language has also increased in recent years in Universal Periodic Review recommendations issued by recommending States to States under review. While many of these recommendations do not specifically refer to any specific discrimination ground or group of rights-holders (apart from “women and girls”), several recommendations include a listing of groups and/or discrimination grounds. Within those, however, a minority of recommendations refer to racial discrimination, to race or ethnicity as discrimination grounds, or to rights-holders subjected to it.
- Many of SRI’s observations regarding the use of intersectionality by UN human rights Special Procedures were confirmed in a research project by Leonor Mendes Fernandes, Theresa Emily Niklas, Hio Ian Lam and Shakeeba Moidu from the Graduate Institute in Geneva. The project was commissioned by SRI and aimed to assess when and how Special Procedures use the language of intersectionality in their thematic reports. One of the findings of this research project was that Special Procedures thematic reports display a general lack of explicit engagement with systems of oppression - specifically with race and class - unless this was prompted by the topic of the report or of the mandate itself.

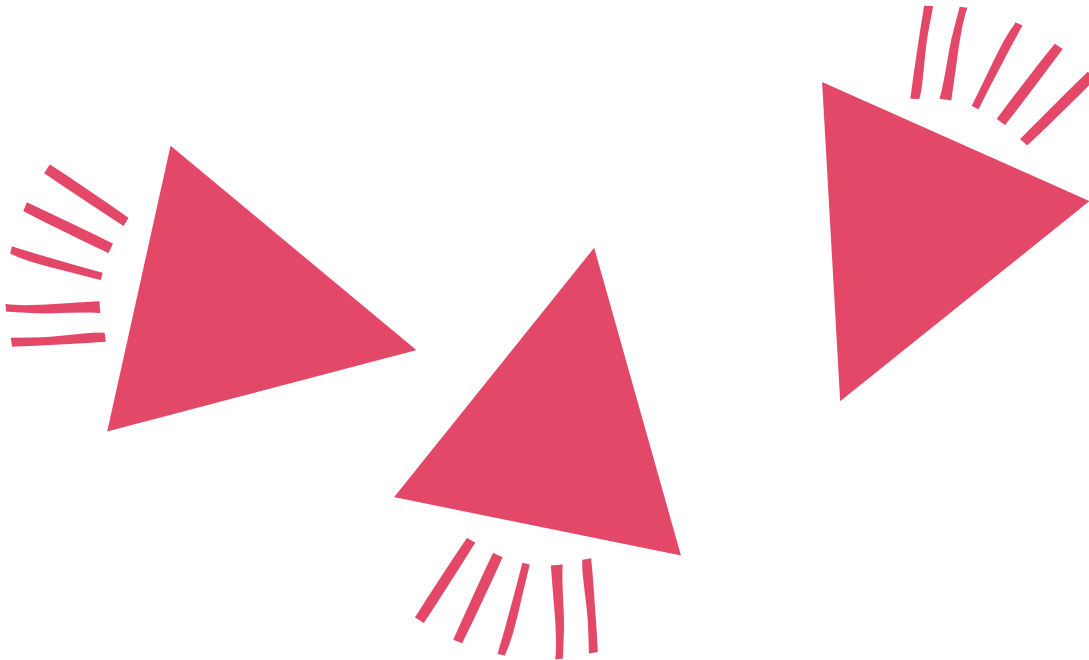
Gaps and trends

Fragmenting, essentialist and additive approaches

Intersectionality is essential precisely because laws and policies have traditionally shied away from multiplicity and the overlapping threads that constitute the tapestry of a person's life and identity, **preferring instead to see rights claimants as featureless, “universal” legal entities. However, at the UN, as in many other policy, judicial and quasi-judicial bodies, intersectionality has often taken the form of an additive approach that ignores the relationship between the multiple oppressions that are in operation, and what Felipe Jaramillo Ruiz described as “a tendency to merely acknowledge more and more identities, including those outside the immediate scope of the treaty mandate, but without providing tools to encourage party states to examine the complexities of the intersecting forms of discrimination.”** **Angela P. Harris'** description of essentialism is relevant in this context:

“The notion that there is a monolithic “women’s experience” that can be described independent of other facets of experience like race, class, and sexual orientation is one I refer to [...] as “gender essentialism.” A corollary to gender essentialism is “racial essentialism” - the belief that there is a monolithic “Black Experience” [...]. The source of gender and racial essentialism (and all other essentialisms, for the list of categories could be infinitely multiplied) is the second voice, the voice that claims to speak for all. The result of essentialism is to reduce the lives of people who experience multiple forms of oppression to additional problems: ‘racism + sexism = straight black women’s experience,’ or ‘racism + sexism + homophobia = black lesbian experience’. Thus, in an essentialist world, black women’s experience will always be forcibly fragmented before being subjected to analysis, as those who are “only interested in race” and those who are “only interested in gender” take their slices of our lives.”¹

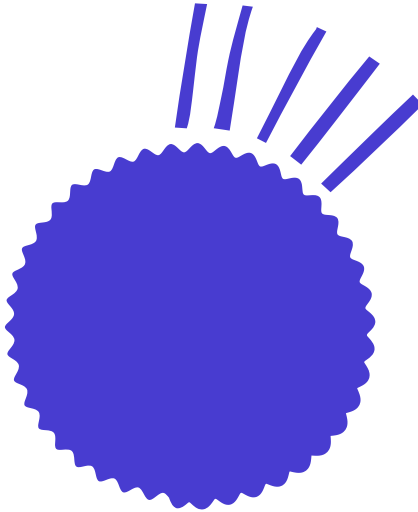
1. Harris, Angela P. “Race and Essentialism in Feminist Legal Theory.” *Stanford Law Review*, vol. 42, no. 3, 1990, pp. 581–616. <https://doi.org/10.2307/1228886>, pages 588–589. As also cited in the SRI submission to the Office of the High Commissioner for Human Rights on the elimination of discrimination against women and girls in sports (2019), para. 15.



While UN listings of groups of rights-holders subjected to “multiple and intersecting forms of discrimination” may aim to contribute to intersectional analysis and recommendations, when they are not accompanied by a **deeper examination of the workings of systems of oppression, they risk essentializing the groups listed as if they were fixed and homogenous.** Such an approach often privileges single aspects of identity over intersectionality and obscures and devalues the experiences of people whose identities consist of multiple attributes, each of which can lead to discrimination on its own, but which together form the whole of a person’s experience that is bigger than the sum of the individual parts.

This approach can also lead to portraying the groups or identities highlighted as inherently “vulnerable” instead of visibilising the structural dimensions and root causes of human rights violations, as well as the corresponding State responsibilities and failures. This can serve to individualise systemic issues, or to promote responses purporting to “protect” people without regard for their autonomy. **Privileging single aspects of identity or viewing groups as homogenous and fixed can also lend itself to harmful claims that there are inherent hierarchies, tensions or conflicts between rights or rights-holders, as if human rights were a zero-sum game.**

The fragmentation of human rights into siloed issues, treaties, bodies, and groups of rights-holders can contribute to addressing interlinked issues of race, gender, disability or poverty as if they were separate. This can also be found in the fragmentation of UN human rights bodies and mandates tasked with addressing racial discrimination in separate mandated activities, and the very few opportunities within their formal working methods to convene and discuss issues relevant to their respective mandates, which may benefit from coordinated or joint work and discussions.



During the SRI webinar “Race matters: Examining the workings of race and gender in the UN human rights system,” Dominique Day also commented on the fragmentation of race and gender, specifically, in opposition to intersectionality :

*“The concept of fragmentation [is] directly opposed to our framings of intersectionality. Every panellist has talked about intersectionality as the ways in which we understand our identities to be coalitional; **the way race and gender shouldn’t be separate. There’s violence to us as individuals. There’s violence to us as communities when we look to really separate out the ways we understand our identities into this convenient taxonomy, this convenient classification, where I have to choose between my race, my gender, my sexual orientation and my gender identity. And while that taxonomy may be convenient for some, it’s a fragmentation of identity that powerfully diminishes our collective capacity for liberation. [...] We see not just occasional or unintentional fragmentation of identity, but the explicit and ongoing fragmentation of African identities, community identities, family in the trade or trafficking of enslaved Africans and maintaining a system of colonial and oppression during enslavement, and so this idea of fragmenting family, fragmenting identity, [...] has long been a way that power systems maintain their power. [...] That fragmentation of that community into parts, some of which are disposable, some of which are available for exploitation and abuse, that fragmentation necessarily cuts against our liberatory potential. So the benefit of intersectionality is that it is a direct counter to this idea of fragmentation.”**²*

2. Dominique Day’s intervention at 51m19s: <https://youtu.be/r0ovIgwIAFw?si=Vfwp5WD1I9VdVJJ->

Invisibilisation of racism and colonialism

Discourses relating to women's human rights at the UN often universalise the category 'woman,' and, given the strong presence of dominant ideologies of race and gender, end up **excluding racialised women, as well as other marginalised women and people**. As **Saidiya Hartman noted**, "the stipulation of abstract equality produces white entitlement and black subjection in its promulgation of formal equality. [...] Abstract universality presumes particular forms of embodiment and excludes or marginalises others." While Hartman's statement was made in response to the United States context, **it can also be applied to the United Nations** and much of international human rights discourse. **Sylvia Tamale** has pointed to the CEDAW Committee's efforts to address intersectional discrimination in its General Recommendations, Concluding Observations, Inquiry Procedures, and Individual Communications because **most of the text of the Convention did not adequately address or envision intersectional discrimination, after a treaty-making process dominated by "white middle-class women from the global North [who] tended to take a single-axis analysis of women's oppression based on particularized patriarchy."**

In this context, and as noted above, **the terminology of intersectionality has often been deployed by powerful States at the UN to avoid naming and addressing racism and colonialism, while often alluding to sexual orientation and gender identity**. States' simultaneous use of intersectionality language and refusal to address race and racial discrimination was noted by Dr Joia Crear Perry during her intervention in a Human Rights Council panel discussion on "**Gender and diversity: strengthening the intersectional perspective in the work of the Council**" in 2020. Dr Tlaleng Mofokeng, Special Rapporteur on the right to health, **has also commented** on the gentrification of intersectionality and reproductive justice frameworks in global spaces: **although references to these terms have increased, they rarely credit the Black women and women of color who brought them to the fore, informed by real lived experiences, or substantially contribute to the original aim of combating systems of oppression.**

At the United Nations and in much of international human rights discourse, the myth according to which colonisation was at worst a ‘regrettable’ accident of the past that bears little relation to contemporary racism or to power imbalances at the UN and beyond lives on. One of the manifestations of this denial, as noted by the previous Special Rapporteur on Racism, is the marginalization of the Durban Declaration and Programme of Action, its blueprint for action for racial justice and its recognition of the ongoing effects of colonialism and slavery “at all levels of the United Nations” and by the States among the “greatest beneficiaries” of colonialism, slavery and current unequal economic and political arrangements. Within the UN Secretariat too, a report by the UN Secretary General has found an urgent need to take more effective action against racism and racial discrimination in the institution.

As noted by the previous Special Rapporteur on racism,

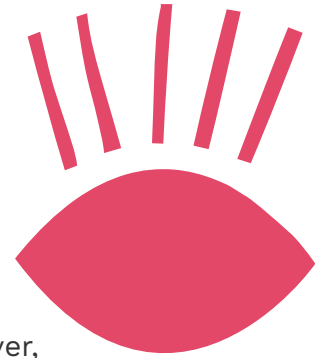
“Too often within the United Nations human rights system, global structural inequality rooted in the histories and political economies of colonial and other forms of imperial subordination receives limited attention. This neglect is at odds with the principles of equality and non-discrimination that must be at the core of the United Nations system, if this system is to maintain a commitment to universalism. To neglect the global structures of inequality and the global systems that promote or permit the consistent exploitation of certain nations and geographic regions at the expense of others is to endorse an “international” system that exists largely for the benefit of powerful nations and their transnational corporations.”³

In spite of this, broad movement and civil society mobilisation have also led to some important UN advances, to the erosion of the longstanding refusal to grapple with the ongoing and historical impacts of colonialism and racism, and to the recognition of the relevance of intersectionality in that context.

The mandate of the Special Rapporteur on racism has been essential in this regard, along with other anti-racist UN mandates, and should continue playing a leading role in articulating calls for racial justice, reparations, and a fairer international economic order as integral to gender equality and other human rights struggles, and engaging with other parts of the human rights architecture to that effect.

3. Report of the Special Rapporteur on racism focusing on global extractivism and racial equality, A/HRC/41/54, para. 17

Invisibilization of class-based discrimination



As the previous **Special Rapporteur on Racism has noted**, in many contexts, “class discrimination is also racial discrimination.” However, the UN human rights system has occasionally but **insufficiently** named and engaged with class, despite its severe and wide-ranging impacts and despite the prohibition against discrimination based on social origin, **property** or birth **in article 2 of the UDHR, article 2(2) of the ICESCR, and article 2(1) of the ICCPR** - prohibitions which have been **“virtually ignored by Governments, United Nations human rights bodies and commentators”**, as commented by the previous Special Rapporteur on poverty.

Just as it is important that intersectional analysis be deployed to name and engage explicitly with patriarchal, racist and ableist systems of oppression, **it must name, challenge and engage with capitalism** as the system entrenching and exploiting class-based discrimination and poverty. **Such an analysis articulates poverty not as the result of individual attributes, or as an “unfortunate by-product” of a certain system, but rather as an inherent feature of a society economically structured around class and exploitation by powerful actors invested in maintaining poverty, which is an essential condition for the realisation of their interests.**

This also means that analyses of poverty and human rights on the international stage **must recognise the central historical and contemporary role of colonial exploitation, extraction and impoverishment** of the Global South in the construction of ‘welfare states’ in the north, and the vested interest of Northern states in maintaining an economically and racially discriminatory **economic status quo**.



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Recommendations

- (Re-)politicise intersectionality, with all its anti-racist, decolonial, and anti-capitalist dimensions
- Intersectionality should form the basis for international human rights norms and standards. Every aspect of human rights normative development should incorporate race, ethnicity, caste, gender, class, disability, religion, and other discrimination grounds.
- Racial discrimination and its intersections with other forms of discrimination, as well as its links with historical and contemporary colonialism, should be incorporated in all aspects of the work of the UN human rights system, including in OHCHR's work and support to UN human rights mechanisms. This would include deep and frequent engagement among UN human rights bodies and mandates to:
 - ◇ Integrate race, class, gender, disability, and decolonial analysis across their work, and ensure that the existence of dedicated mandates on some of these issues does not preclude other mandates from addressing them throughout their work – whether or not it is done while using “intersectional” language, or on the contrary, taking an intersectional approach without naming it as such.
 - ◇ Ensure that intersectional analysis engages with the colonial and capitalist enterprise that invented race to justify enslavement, colonial conquest, exploitation and countless atrocities for profit.
 - ◇ Ensure that intersectional terminology is not used in the absence of deeper analysis about the operation of systems of oppression.
 - ◇ Regularly review the extent to which UN human rights bodies integrate race, decolonial and intersectional analysis in their work and recommendations, to be discussed with mandate-holders and OHCHR support staff. For Special Procedures, this could be a standing item on the agenda of the Annual Meeting of Special Procedures and on the induction of new mandate-holders, with the participation of activists and civil society.





- ◇ Encourage more joint reports by several Special Procedures to address racial discrimination from an intersectional perspective in areas and issues usually considered separately, building on the collaborative work already taking place for communications, press releases and previous joint thematic reports, as well as more joint treaty body work, building on past and ongoing initiatives of joint General Recommendations/Comments.
- ◇ Echo the calls for reparations for colonialism, racism, apartheid, environmental degradation, and examine the impact of unpaid reparations on their respective mandates, building on the work done by several mandates and bodies, and contributing to the various initiatives for reparatory justice, including as part of the second International Decade for people of African Descent.
- Challenge barriers to the participation and leadership of racialised rights-holders subject to intersectional discrimination in UN spaces
 - ◇ Challenge the discriminatory visa requirements and denials by Switzerland and the United States, which exclude so many racialised and Global South activists and experts from accessing the UN headquarters and participating in the development of human rights norms and standards. In addition to changing existing requirements, one option could be to institute a special visa for participating in UN activities.
 - ◇ Recommend moving UN human rights bodies to a Global South country with more open visa policies.
 - ◇ Encourage all Special Procedures mandate-holders and OHCHR support staff to adopt open, participatory working methods for their engagement with civil society and rights-holders, and to question dominant knowledge production sites and processes that privilege white, Global North perspectives, and the racial discrimination impacting who are deemed “experts” on any given topic.
 - ◇ Recommend adhering to the Feminist Accessibility Protocol, in line with the calls made during the 58th session of the Human Rights Council by the Special Rapporteur on the rights of persons with disabilities and by several organisations of women with disabilities.





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