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Kimberlé Crenshaw

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Intersectionality in Promoting Equality

The concept of intersectionality came to the fore in post-colonial studies and critical race feminism, where it formed part of a critique of how legal and advocacy campaigns which focused on single characteristics tended to ignore the individuals who existed at the intersections of multiple characteristics, such as Black women.¹ Since this time, intersectionality has been discussed and debated more broadly in academic circles and within the media in more recent years. Many see intersectionality as the key to understanding the unique nature of our identities. They view the recognition of intersectionality and intersectional discrimination as crucial to identifying the discrimination faced by individuals, and more broadly in addressing the structural factors that lead to such discrimination.² Yet, the concept of intersectionality has also faced strong criticism from those who say that it has little substance of its own and that it focuses too closely on the individual.³ As both a term and a concept, it is still largely unrecognised in equality law and arguments have been made as to whether the law, which largely treats protected grounds of discrimination as distinct categories, can effectively address intersectionality.⁴

The Equal Rights Trust spoke with two experts to discuss the contribution of the concept of intersectionality to advancing equality. Professor Kimberlé Crenshaw is a leading authority in the area of civil rights, black feminist legal theory, and race, racism and the law. She is widely known for her central role in the development of the idea of intersectionality. She is a Professor of Law at University of California, Los Angeles and Columbia Law School and

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- 1 See, for example, Crenshaw, K., "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color", *Stanford Law Review*, Vol. 43, 1991; and Kapur, R., "The Tragedy of Victimization Rhetoric: Resurrecting the 'Native' Subject in International Post-Colonial Feminist Legal Politics", *Harvard Human Rights Journal*, Vol. 15, 2002.
 - 2 May, V.M., *Pursuing Intersectionality: Unsettling Dominant Imaginaries*, Routledge, 2015, p. 21. For a discussion see Smith, B., "Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective", in this issue.
 - 3 See, for example, Nash, J., "Re-thinking intersectionality", *feminist review*, Vol. 89, 2008; and Conaghan, J., "Intersectionality and the Feminist Project in Law", in Grabman, E.D., Herman, D. and Krishnadas, J. (eds.), *Intersectionality and Beyond: Law, Power and the Politics of Location*, Routledge-Cavendish, 2009.
 - 4 Solanke, I., "Infusing the Silos in the Equality Act 2010 with Synergy", *Industrial Law Journal*, Vol. 40, 2011, p. 330.

is the founding director of the Center for Intersectionality and Social Policy Studies. Patricia Schulz is a member of the Committee on the Elimination of All Forms of Discrimination against Women and since her appointment to the Committee has been designated country rapporteur on several occasions. Previous to serving on the Committee, she was Director of the Federal Office for Gender Equality, Switzerland from 1994 to 2010. In her early career she worked as a barrister in Geneva and joined the Faculty of Law at Geneva University as a lecturer.

Equal Rights Trust: You are widely recognised for your expertise on equality and your work on intersectionality. How did you become involved in this area of work? What life experiences and major influences played a role in getting you to your present position?

Kimberlé Crenshaw: I grew up in the mid-western town of Canton, Ohio during a time when Black people were still being killed for trying to vote and broad swathes of the US remained under the grip of formal white supremacy. My parents were both what we used to call “race people,” meaning that they resisted the subordinate status of Black people and raised my brother and me to recognise and speak out against racial injustice. Being born and socialised into activism at a young age set the path for me to continue to challenge forms of discrimination that intersect with white supremacy. As I progressed from high school to college and then on to law school, I became active in contemporary issues around inequality. I graduated from Cornell University with a degree in Africana studies and government. I received a solid foundation about the political and economic dimensions of racial power, but fairly little about the gendered dimensions of racism. Gender tended to be marked as pertaining to women only, and there wasn’t a settled practice of integrating an explicit gender prism into race analysis, or *vice versa*.



Kimberlé Crenshaw

I moved on from Cornell to study at Harvard Law School, where I became involved with the struggle for faculty diversity. One of the moments of recognition for me about the consequences of a racial justice agenda that wasn’t gendered, and a gender justice agen-

da that wasn't raced, came to the fore when we were advocating for the inclusion of both people of colour and women. Hiring committees formed to look at candidates based on either gender or race, but neither committee came forward with recommendations of women of colour. It became clear that the gender committee thought that women of colour would be handled by the race committee and *vice versa*. It was evident to me that if anti-racism isn't explicitly gendered, or if feminism isn't explicitly raced, women who can come up under either race or gender don't actually come up at all. I also noticed that, even within our movements, the leadership of Black women was often marginalised. Finally, as I moved into graduate school, I found cases where Black women struggled to represent their own interests when those interests didn't align either with the way white women experienced sex discrimination or with how Black men experienced race discrimination. It was in trying to visualise what was missing in conventional ways of thinking about racism and sexism that I began to use the metaphor of the intersection to capture those experiences.

Patricia Schulz: The Second World War played an influential role in my upbringing. My mother was an American who lived in France and she came to Switzerland to marry my father during the war, so the war was very much part of their lives and fed into our discussions around the table. Later, while discussing the war at school, I was completely puzzled by what had happened. How could the Germans, who were so advanced culturally and technologically, be taken with the idea that they were allowed to exterminate other people? Jews, Roma, trade unionists, communists, homosexuals, socialists – those that were defined as “others”. This led me to think about the “us versus them” mentality, and it is a notion that has never left me. I could also see that some of the people killed were both foreigners and socialists, and that maybe they had been killed because of both of these identities. That was the first time I thought about the concept of discrimination, and I realised that it can go to such extremes as wanting to destroy people.



Patricia Schulz

When I was about 20, I realised that I was not going to be able to tackle all forms of discrimination – I was a feminist so I decided to concentrate on discrimination against women. At that time, Swiss legislation was still very backward, our Civil Code was patriarchal in defining women's and men's roles and organising a hierarchical relationship between them, which was reflected in many other laws and areas of life. For instance, women didn't have the right

to vote at the federal level, which I found hugely frustrating. I had a brother who was not interested in politics and who was allowed to vote, yet, although I was very interested in politics, I was not allowed to vote just because I was a woman.

I studied law because I wanted to understand the system that instituted these power relationships. After I got my degree in law and passed my bar exams, I worked as a barrister for four or five years. During this time, I took on a number of cases funded by legal aid, including representing women who were seeking a divorce. I was able to see how difficult it was for these women to access and claim their rights through the court system, and often this was because these women were foreigners. This was a very concrete experience of intersectionality at the start of my career as a lawyer, and it stayed with me even though I didn't have the word to name the phenomenon at the time.

Through my work as a feminist, including meeting with women from other countries, I came to realise that while being a woman was in itself an aggravating circumstance for any difficult situation, being poor, uneducated, Black in a white society, or a person with a disability, etc., would make your life even more difficult. It was then that I started to reflect on discrimination in a more theoretical way. I began working in the Faculty of Law at the University of Geneva and wrote a number of articles on discrimination against women. Finally, in 1994, I became the Director of the Federal Office for Gender Equality in Switzerland where the issue of intersectional discrimination became prominent in our work.

Equal Rights Trust: A range of different meanings are attributed to the term “intersectionality”. How would you define intersectionality? And could you provide an example?

Patricia Schulz: What I see as the heart of intersectionality is the dynamics between the various grounds of discrimination. It is not just the addition of different grounds of discrimination, but a negative synergy of the various elements that operates to deprive a person of their rights and to submit them to domination, discrimination and oppression – terms that you can find embedded in the literature on intersectionality. This accumulation is both fascinating and sometimes very difficult to grasp.

We see a lot of examples of intersectionality in our work at the Committee on the Elimination of Discrimination against Women. For example, if you consider a woman, her sex is the first ground on which she may be discriminated against, but this woman also belongs to an ethnic minority, she lives in a rural region, and she is illiterate. She is expelled from the land she used to live on because her husband died and his family took the land. When you consider all these elements and their interplay, you can see the dynamics that led to her being deprived of her rights and see she has been subjected to intersectional discrimination.

Kimberlé Crenshaw: I think of intersectionality as a term that captures the fact that systems of oppression are not singular; they overlap and intersect in the same way that power does. Many of us now would say “yes, of course” to that observation, but as far as prevailing practices in law and many other disciplines were concerned, racism was analysed as separate

and distinct from patriarchy, which in turn was framed as separate from class oppression. As a consequence, the understanding of any of these systems is rendered incomplete if little attention is paid to the ways in which sub-groups within larger groups experience subordinating structures.

The best example of intersectionality for me is *DeGraffenreid v General Motors*,⁵ a case of Black women in an industry that was racially segregated and gendered. This was one of the early cases that I encountered that prompted my effort to construct a framework to capture these overlapping dynamics. In this industry, jobs that were appropriate for women weren't appropriate for Black women and jobs that were appropriate for Black men weren't appropriate for Black women. This was because the gender logic of the workforce put women in front office jobs and the racial logic put Black people at the bottom of the labour hierarchy, definitely not in the front office. So these were gendered and raced structures that marginalised all women and marginalised all Blacks, but the consequence of the two together meant that Black women had virtually no space in the industry. This kind of intersectional subordination would be missed where racism is framed solely in terms of how non-white men are impacted or sexism is framed solely in terms of how white women are impacted.

One thing that has been missing in the uptake of intersectionality is recognition that it is a relationship between identities – that is a social categorisation – and structures. Some talk about intersectionality solely as a marker of multiple identities and others talk about intersectionality solely in terms of structures. The point is that structures are made legible through their impact on particular people, and particular people are situated within these structures in marginalised and subordinated ways because of who they are seen to be. They are not separate in a way that allows you to talk only in terms of identity or only in terms of structures. My sense is that the relationship between social categorisation and structures is now starting to be more recognised.

Equal Rights Trust: In most jurisdictions, equality law still adopts a model of discrimination which treats protected grounds as discrete categories which do not overlap or interact. In your work, what issues or cases of intersectional discrimination have you encountered that were not adequately addressed by this model?

Kimberlé Crenshaw: Most cases that involve intersectional discrimination are not adequately addressed. *DeGraffenreid v General Motors*, for instance, involved a situation where thinking of discrimination only in terms of race or only in terms of gender resulted in only a partial understanding of what was happening to Black women. The courts that heard these cases could have permitted Black women to represent themselves, and they could have interpreted the law to say that if you're protected from discrimination on any one ground of race or gender, then you're certainly protected from discrimination based on the combination of the two.

5 *DeGraffenreid v General Motors Assembly Division*, 558 F.2d 480.

The reason given by the Court in *DeGraffenreid* for not allowing Black women to combine race and gender was a concern that this would multiply and open a “Pandora’s Box”, with ever increasing sub-divisions of potential plaintiffs. This was policy reasoning, rather than strictly legal reasoning. The Court was also incorrect in its perception that allowing Black women to make a case on the basis of race and gender would constitute a preference for them because no one else could combine two causes of action to make a claim against an employer. What we see in this decision is the way that the law limits the opportunities to challenge race and gender hierarchies in employment and in other institutions. Additionally, we see an assumption that giving Black women the opportunity to challenge a form of discrimination that they alone face is seen as preferential treatment. But not allowing them to do so is not seen – as it should be – as discrimination against them.

Patricia Schulz: I want to discuss two aspects of our work at the CEDAW Committee, the first being the examination of states’ reports and the second being the individual communications under the Optional Protocol.

In its examination of states’ reports on their implementation of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee often sees that the reports describe instances of intersectional discrimination but without an awareness of what intersectional discrimination is. In these countries, the concept of intersectional discrimination still hasn’t been recognised in legislation or by the courts, and so the Committee asks these states to prohibit intersectional discrimination through anti-discrimination legislation. One problem with the majority of existing anti-discrimination legislation, and the majority of institutional systems, is that women are still forced to choose to bring a claim based either on discrimination on the grounds of sex or on another ground but cannot bring a claim on intersecting grounds or even more than one ground. This is true even of countries that otherwise have good gender equality legislation. If you have a woman who feels she has been discriminated against not only as a woman but also as a person with a disability, or due to her sexual orientation or gender identify, she will most likely not be able to have all of the dynamics of her case considered because the law only recognises one ground or because she has to decide which body to bring a claim before. Many bodies will only consider one aspect of a claim. For example, specialised bodies may deal only with race discrimination or only with discrimination based on disability. The actual harm carried out towards the woman will therefore not be fully examined and the compensation, if any is granted, may also differ depending on the body examining the case. There is therefore a need to consider the re-organisation of justice systems to break this silo mentality. One of the ways to change the system is to enable the various bodies to look into other grounds when these are meaningful in a case. Alternatively, systems can be entirely overhauled so that they can address intersectional discrimination. The Committee tries to raise awareness of the need for reform, and in our discussions with the delegations of states parties we highlight these issues in relation to access to justice and how discrimination is defined in national law.

When the Committee examines individual cases, we can clearly see that countries are ill-equipped to deal with cases of intersectional discrimination. For example, one case involved

a young Brazilian woman, Alyne da Silva Pimentel, who died while pregnant.⁶ We had to decide whether her death was due to the “normal” dysfunction of the health system or whether the treatment she received was due to gender discrimination. After a thorough analysis, we came to the conclusion that she had suffered intersectional discrimination; in addition to being a woman, she was poor and of African descent, and it was this combination of characteristics that led to her death. In our review of these cases, and in our review of states’ reports, we see it as our responsibility to try to clarify what intersectional discrimination is and how the state party could improve their response to it.

Equal Rights Trust: Intersectionality has gained prominence amongst academics but not yet been widely recognised in law and otherwise. To what extent have you found that lawyers, government and other stakeholders recognise that intersectional discrimination is a problem that needs to be addressed? What do you think is the biggest obstacle to its recognition?

Kimberlé Crenshaw: There are some communities outside of the academic world in which intersectionality has become more of a familiar concept outside. At the World Conference against Racism, for instance, intersectionality played a significant role in integrating gender issues into the international conversation about race, racism and xenophobia. Intersectionality has been explicitly taken up within human rights and international discourses for at least a decade. What the question points to is not so much intersectionality’s limited role outside of academic circles, but its limited circulation within a narrower sphere of political and governmental discourses. But it is the realised contemporary political discourses around racism or patriarchy that aren’t fully engaged with newer thinking of which intersectionality is part. One has to have a sense that racism is more than an individual level bias or prejudice, or that patriarchy is more than the rule of thumb over women. In order to talk about how those systems come together, you have to have a sense of the broader, structural ways that female-bodied people are subject to various forms of subordination and the ways that racialised hierarchies are still playing out. In a neoliberal moment where most disparities in society are increasingly articulated in terms of individual incapacity, the ability to talk about overlapping systems is even more rare. It is difficult to initiate conversations about how systems interact in the current moment, and this makes it much more challenging for a term like intersectionality to do the work that it needs to do.

An interesting example of stakeholder recognition of intersectionality is in the ongoing political campaign for president in the US. We’re witnessing a political campaign unlike any other that we’ve seen, at least in my lifetime, in which the traditional parameters of discourse have exploded and that is both good and bad. We’re seeing things being expressed on the right that haven’t been part of traditional politics in quite some time. At the same time we’re seeing things open up on the other end of the spectrum as well. Intersection-

6 *da Silva Pimentel v Brazil*, Communication No. 17/2008, UN Doc. CEDAW/C/49/D/17/2008, 27 September 2011.

ality has been mentioned in presidential debates and that is a new development. As with all things, there will always be contestation about how the concept will be defined and deployed. It remains to be seen whether the interventions will reflect conventional approaches to social problems or whether rhetoric about intersectionality will find substantive expression through specific policy.

Patricia Schulz: At the CEDAW Committee, many of the NGOs that send reports or come to our sessions provide us with excellent information on intersectionality. Many of the women who come to our sessions, including women with disabilities or women from other groups such as indigenous women, lesbian and transgender women, also explain their specific situation as being a woman and another “something”. We also see a number of governments aware of what intersectional discrimination is, although a large number are still not aware, or not sufficiently aware.

The main obstacles to the recognition of intersectionality are ignorance and stereotypes, and the “us versus them” mentality. There can be a refusal to open up to new views and to question one’s own practice, reflections, identity and values. It’s very uncomfortable to acknowledge that you may consciously or unconsciously have practised discrimination. In addition, I think the culture of some professional groups may also be an obstacle at times. For instance, we have seen judges who are often fairly reluctant to the idea that they should be building capacity. In my country, Switzerland, I have seen blatant cases of stereotyping by judges and some judges are not aware of the existence of stereotyping as a form of discrimination or of intersectional discrimination, and their blindness to these types of discrimination contributes to their preservation. For me, there is a need to raise awareness of the nature and frequency of intersectional discrimination and of the “us versus them” divide that is always present in each of us. We need to make it an individual and collective responsibility to be aware of our own mentality and the harm we can cause.

Equal Rights Trust: Some, such as Joanne Conaghan, argue that intersectional discrimination cannot be addressed by law because its complexity and focus on individual rather than group identity do not easily fit within prevailing models of non-discrimination law. In your view, is law able to address the problem of intersectional discrimination?

Patricia Schulz: I think the law *can* address the problem of intersectional discrimination but under certain conditions. Trying to address issues of economic and social justice in the language of the law is no easy task. Having to use the language of the law and the avenues that the law foresees brings a reduction of the complexity of the reality of discrimination. Intersectionality allows us to more easily recognise that a person is a composite of many aspects and identities, etc. This recognition reintroduces the complexity that the law tends to reduce.

If you design appropriate anti-discrimination legislation and imbue the institutions applying this legislation with an awareness of intersectional discrimination and of the dynamics be-

tween the various components of discriminatory treatment, there is no reason why the law cannot deal with intersectional discrimination. After all, it deals with other very complex issues. If you also review the organisation, the structure, and the mandates of the courts and the other institutions (the ombudspersons, the national human rights institutions, various commissions and committees, etc., that deal with human rights), to include intersectional discrimination, you can address intersectional discrimination in a competent way.

Kimberlé Crenshaw: Certainly there have been challenges in mobilising the law to address intersectional forms of discrimination but I would also resist analysis that over determines what the law can and cannot do. What the law has done does not exhaust its possibilities. One could have said a hundred years ago in the US that law could not fundamentally transform a white supremacist society because group identity did not fit within prevailing models of discrimination, at least not until that point in history. Yet, we know now that one of the most significant conceptual revolutions to happen in the twentieth century was a shift within law between an institution which more or less insulated and reproduced white supremacy. And it did so by for grounding notions of group harm and remediation. We can therefore never completely conclude what the law cannot do.

Of course it is clearly true that complexity is challenging for law, however, I would point out that the more significant problem is not complex *per se* but how it interacts with power. In my writing, I point out that white males are complex identities, particularly when they are challenging affirmative action and equal protection remedies.⁷ White male plaintiffs have challenged programmes arguing that in providing opportunities to white women and Black men they are discriminating against white men. It's a similar argument, although from a position of privilege, to the argument Black women have made. But courts, to my knowledge, have never said to white male plaintiffs "you can't make that claim because whites who are women are not being disadvantaged and men who are Black are not being discriminated against", which is essentially what has been said to Black women. White men start with a presumption of power within whatever regime, and Black women start without that. So, I think the question about what the law can do is indeed an important one but I think it's more important to talk about how the law insulates power and privilege rather than how it disassembles when dealing with complexity.

Equal Rights Trust: In your work, have you encountered any jurisdictions where law or policy encompasses discrimination and inequalities based on an intersection of characteristics? What lessons can be learned from these jurisdictions?

Patricia Schulz: In my work, I don't think I have seen the "model" country, even among the gender equality champions of northern Europe. We certainly see a number of countries that are moving in the right direction and where there is a clear recognition of intersectional dis-

7 Crenshaw, K., "Demarginalizing the intersection of race and sex: a Black feminist critique of anti-discrimination doctrine, feminist theory, and anti-racist policies", *University of Chicago Legal Forum*, Vol. 4, 1989.

crimination in the definition of discrimination. These countries try to deal with intersectional forms of discrimination in an efficient manner and I think we can learn a lot from them by examining how the combination of comprehensive anti-discrimination laws and action help overcome intersectional discrimination. These countries combine a recognition of the individual person's right to be protected against discrimination including multiple, intersecting discriminations, with taking action through affirmative action plans and legislation. Affirmative action has made us think about the connection between individual rights and collective rights. Intersectional discrimination goes a step further, considering multiple characteristics, intersecting identities and their dynamics.

Kimberlé Crenshaw: I wouldn't say it's a jurisdictional question, but rather there are some issues and types of cases where courts have been more receptive to the reality of intersectionality than others. Early on in the development of sexual harassment law, many of the first cases of sexual harassment were actually Black women plaintiffs who were challenging race and gender harassment in the workforce, but the courts tended only to pick up on the gender-based aspects of that harassment. So first of all, while intersectional vulnerabilities sometimes travel under the singular frame of gender discrimination, the dynamics underlying discrimination reflect vulnerability on the basis of both race and gender.

Second, courts have said that evidence of race bias should be analysed together with gender bias in some cases. The current challenge is determining how to go about doing this, and that's where there is difficulty in showing how the combination of the two actually makes a difference in the court's jurisprudence. There are some cases that have successfully done this. For example, in *Lam v University of Hawai'i*,⁸ a court rejected the defendant's effort to defend a law suit brought by a woman of colour by effectively separating the plaintiff's race and gender into two distinct claims. Beyond I think that, as in both the development of feminist anti-discrimination law and race-based anti-discrimination law, the more important point of departure is how the culture and advocacy campaigns conceptualise the problem of discrimination. Until we're able to think of racism in its full gendered dimension within our advocacy structures, it should not be surprising that law will not get far ahead of the way we, in our various advocacy modes, actually talk about these issues.

Equal Rights Trust: In 2000, the Committee on the Elimination of Racial Discrimination adopted a recommendation recognising the special impact of some forms of racial discrimination on women, and multiple discrimination is referred to in the Convention on the Rights of Persons with Disabilities. Have these recognitions of intersectional discrimination led to changes in how treaty bodies approach discrimination?

Patricia Schulz: The UN treaty bodies are now more aware of the reality and impact of intersectional discrimination. I think that they share in the idea that it is not just an addition of grounds of discrimination, and that they see the dynamics of the various grounds in opera-

8 *Lam v University of Hawai'i* 40 F.3d 1551 (9th Circ. 1994).

tion. They realise that by measuring the violations of human rights caused by intersectional discrimination, you can evaluate the impact of intersectional discrimination.

The treaty bodies try to have a coherent approach and to follow each other's work as much as possible. However, the nature of treaty bodies means that unfortunately most of the time, the members of the CEDAW Committee cannot meet with the members from other treaty bodies to discuss and further our thinking. Treaty bodies are not like a court system with judges sitting every day in chamber. Treaty body members are experts who come to Geneva for their sessions a few weeks per year, and apart from that they have other jobs and commitments. So the bodies try to generate collective evolution through their writing. I think that there is now more and more recognition of intersectionality and intersectional discrimination expressed by treaty bodies in their communications, in their inquiry reports and in their concluding observations and recommendations to states. In addition to the Committee on the Elimination of Racial Discrimination, other treaty bodies have dealt with intersectional discrimination in their General Recommendations. This is certainly the case for the CEDAW Committee, in its General Recommendations No. 28 (on core obligations of state parties),⁹ No. 30 (women in conflict, post-conflict and transition situations),¹⁰ No. 32 (gender dimensions of asylum, refugee status and statelessness),¹¹ and No. 34 (rural women).¹²

Kimberlé Crenshaw: I think that now is an important time to conceptualise and broaden how each form of discrimination has been framed. This question has been, to date, put to advocates, lawyers and individuals who have been struggling to have multiple forms of discrimination recognised. There have been many questions about what intersectionality does and does not do, both within law and within academic circles. My answer is that we learn what intersectionality does and does not do by asking those who are actually using it, by those who have utilised openings to make certain things possible that might not have been possible prior to the broadening of the conception of discrimination.

Equal Rights Trust: In your view, how important is the recognition of intersectionality to ensuring equality? What other factors beyond intersectionality need to be addressed?

Kimberlé Crenshaw: Some of the work that the African American Policy Forum and the Center for Intersectionality and Social Policy Studies have been doing together reveals how viewing

9 Committee on the Elimination of Discrimination against Women (CEDAW Committee), *General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc. CEDAW/C/GC/28, 16 December 2010.

10 CEDAW Committee, *General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations*, UN Doc. CEDAW/C/GC/30, 1 November 2013.

11 CEDAW Committee, *General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women*, UN Doc. CEDAW/C/GC/32, 14 November 2014.

12 CEDAW Committee, *General Recommendation No. 34, Rights of rural women*, UN Doc. CEDAW/C/GC/34, 4 March 2016.

social problems from an intersectional lens can be a critical point of departure in developing more robust advocacy against social injustice. For example, we have been working on the sexual abuse of women of colour by police officers which presents a classic case of intersectional vulnerability. Just this past year, for example, Daniel Holtzclaw, a police officer in Oklahoma, was accused of sexually assaulting 13 Black women in Oklahoma City. When we consider which women were more likely to be subject to state sanctioned violence, it is clear that each element of social marginality contributes to their vulnerability. Women who are racially stereotyped, socially marginal, and economically powerless, women who have been involved in the criminal justice system, women who may be homeless, women connected with the commercial sex industry, women who are facing disabilities or those who may be chemically dependent – all face heightened risks of abuse when they interact with abusive officers emboldened by the power of the badge. Holtzclaw is not alone in the US and likely not alone around the world. Acknowledging these intersectional vulnerabilities allows us to see state-sanctioned violence beyond the more familiar circumstance of Black bodies being beaten or shot by police, or to see that gender-based violence is not exclusively a private injury occurring between men and women. Intersectionality is a frame that prompts us to ask what falls between movements and what happens when these different systems of power and oppression overlap. But beyond visibility must be accountability. The need for greater accountability prompts us to think upstream about the individuals and institutions that must be held responsible for developing a practice that is deeper and more responsive to multiple and overlapping forms of discrimination. This is not simply a conceptual challenge but a political one. What are the levers that are available to push if we are to move beyond the rhetoric of acknowledging intersectional vulnerability to actually doing something about it? When we talk about intersectionality, we're talking about people who are marginal within the movements that represent them. There are power contestations that happen both within groups and also between them. This matrix of power must be navigated with the awareness that there are both moments of coalition between and among groups and that this means that we may sometimes act in concert and sometimes be in conflict at the same time.

Patricia Schulz: The awareness of intersectionality is a step in the right direction towards substantive equality. It takes us beyond just formal equality, having the same laws for women and men, to laws that will help overcome material, substantive inequality because they are better able to include reality. To take this step as a whole legal and political system, you need to raise awareness, to train multiple actors in the political and justice systems, to train law enforcement personnel and many other stakeholders such as educators, health personnel, social services and employers. It's definitely not something that happens overnight, but it's an in depth process of realisation and respect for what makes us diverse as human beings. We need to learn to respect and appreciate diversity and difference.

Among other factors to be addressed, I would include access to justice more broadly. Can you go to court and are the courts efficient, accountable, are their personnel well trained, are the judges corrupt? Do people know their rights? Is there legal aid if you don't have the financial means to pay for a lawyer? In short, is there good governance in the justice system? As I previously mentioned, stereotyping is another big issue; we see gender stereotypes in action

all the time, including by judges. Gender stereotyping in general and judicial gender stereotyping are discriminatory and deny the lived reality of people, whereas the recognition of intersectionality is the recognition of the lived reality of people, as much as the law manages to translate and include reality in its abstract concepts.

My last point is that even if intersectionality is adequately addressed in a country, in its legal system and its institutions, even if it's a clear concept and well applied, it will not replace political action or collective action outside the strict constraints of legal language and norms. So I see a need for a combination of elements, using intersectionality in the courts and all of the bodies tasked with developing and implementing the law, and also using it outside this context as an instrument in political discourse to make visible what often remains hidden – the way in which domination occurs and the way in which people's rights are violated.