

## **An introduction to intersectionality and how it relates to equality and human rights**

Electra Babouri<sup>i</sup>

Intersectionality broadly derives from the premise that people have multiple, shifting and layered identities. It recognises that when two or more elements of an individual's identity (including age, disability, gender and gender identity, race, religion or belief, and sexual orientation) simultaneously interact they become inseparable and this coupled with social determinants, economic status and broader context, create a unique and distinct experience.

Intersectionality seeks to capture how an individual's environment both internal (family and community) and external (state and society), including specific acts and policies can create both structural and dynamic consequences that define one's access to rights and opportunities and in many instances may reinforce inequalities. For example, if an intersectional approach is used with regards to addressing poverty a related analysis would 'not stop at finding that women are disproportionately poor in a given region, but would explore which groups of women are poorest, which policies and practices contribute to their poverty, how the historical and political situation contributes, and whether [...] policy initiatives are addressing the specific problems faced by different groups of women'<sup>ii</sup>.

For a number of decades scholars and others within the UK have explored how race, gender, class and so on converge arguing for the need to have a more holistic approach to tackle discrimination<sup>iii</sup>. Kimberlé Crenshaw has been credited for coining the term 'intersectionality' in 1989<sup>iv</sup>. Crenshaw highlighted 'how structural intersectionality [...] places' black women in the US 'at the intersection of race and gender' making 'their experience qualitatively different from that of white women', one that cannot be 'abstracted, compartmentalised, rendered additive or hierarchical'<sup>v</sup>. Crenshaw illustrated how disadvantage is likely to be more severe when race and gender intersect, by comparing it to when a car accident happens at a street intersection; as cars are travelling from different directions the damage is likely to be more severe<sup>vi</sup>.

### ***Multiple discrimination***

Multiple discrimination is often used on an international, European and national level as a generic term when referring to discrimination that occurs with two or more grounds but not necessarily when these converge. For example standard (or consecutive) multiple discrimination, is where an individual is discriminated on a number of different occasions, but because of different protected characteristics. Additive (or cumulative) discrimination, is where a person is discriminated against in relation to one particular event where two forms of discrimination happen at the same time but are not related to each other<sup>vii</sup>.

### ***Taking an intersectional approach***

By using intersectionality as a tool there is recognition that each individual has multiple and shifting identities. Seeing discrimination occurring in silos (for example single equality grounds such as disability or race) and having a one size fits all approach assumes similarities between inequalities and can often be ineffective and exclusive. The complexity by which people experience discrimination as a result of each nuanced intersection is not

acknowledged, often forcing those 'who experience intersectional discrimination to split their human rights concerns and prioritise certain aspects over others'<sup>viii</sup>.

As a result problems experienced by different groups are not viewed holistically and can be obscured or 'sub-sumed within one category of discrimination' leading ultimately to their human rights being denied<sup>ix</sup>. It has been argued that taking an intersectional approach could fragment people's movements, for example those campaigning for gender or race equality, into smaller identity groups and dilute or make less effective existing anti-discrimination provisions.

However, as highlighted by Verloo inequalities are 'deeply interconnected, maybe even interdependent' thus it is impossible for one group to fully reach equality while others haven't and inequalities remain<sup>x</sup>.

With an intersectional approach the particularities of an individual's experience can be understood thus policies and related programs can be tailored to meet specific needs and expand and deepen interventions to not exclude certain sub-groups.

In addition, intersectionality can help identify common points between people from different backgrounds and help promote collaboration between and across different equality movements and reduce conflicts and power struggles within and between different discriminated groups<sup>xi</sup>.

### ***Addressing intersectionality internationally***

Internationally, while the Universal Declaration of Human Rights (UDHR) 'promotes the universality and inter-relatedness of human rights, human rights architecture to some extent has formed in a way that focuses attention on an exclusive list of peoples whose rights may have been violated'<sup>xii</sup>. However, recently there has been a shift for wanting an intersectional approach recognising 'the interconnections between various forms of discrimination, such as racism, sexism and homophobia, and that different aspects of a person's identity may compound their vulnerability to human rights violations or their lack of access to redress'<sup>xiii</sup>.

For example in its preamble the United Nations Convention on the Rights of Persons with Disabilities (CRPD) notes its concern about the 'difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status'<sup>xiv</sup>.

Intersectionality has been used as a tool when talking about globalisation, violence against women, women in armed conflict, trafficking, development and migration.

Broadly speaking on a European level even though it has been recognised that multiple discrimination occurs there does not seem to be an official framework to address intersectionality. As noted in the European Commission's *Tackling Multiple Discrimination: Practices, policies and laws* report 'lack of documentation and statistical data makes the phenomenon of Multiple Discrimination less visible and lowers incentives to recognise the phenomenon and to find effective mechanisms to combat it'<sup>xv</sup>.

### ***Addressing intersectionality nationally***

In the UK intersectionality on the whole 'has not been integrated into legal remedies, policy making or appropriate data collection'<sup>xvi</sup>. The Equality Act 2010 includes a provision (Part 2, Chapter 2 s. 14) on dual discrimination that has not come in to force that seeks to address intersecting forms of discrimination, however this does not extend to more than two grounds and is limited to direct discrimination, excluding indirect discrimination and harassment<sup>xvii</sup>. (Note that currently it is government policy not to implement this section). The Public Sector Equality Duty (Section 149 of The Equality Act 2010) that has come in to force is seen as a proactive measure that can address intersectionality<sup>xviii</sup>. This Duty says public bodies, when carrying out their functions, must have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act; advance equality of opportunity; foster good relations. For example, the Duty could 'lead a local authority to provide funding for a black women's refuge for victims of domestic violence, with the aim of advancing equality of opportunity for women and, in particular, meeting the different needs of women from different groups'<sup>xix</sup>. Positive action too even though voluntary is seen by some as an additional tool that can help address intersectionality<sup>xx</sup>. Positive action 'means the steps that an employer can take 'to encourage people from groups with different needs or with a past track record of disadvantage or low participation to apply for jobs'<sup>xxi</sup>.

### ***Addressing intersectionality beyond the legal framework***

In addition to legal measures intersectionality can be addressed by recognising that these diversities exist and providing disaggregated data 'to expose patterns of discrimination that affect particular sub-groups of people as well as their geographical location. This can then be used to develop [and monitor] policies which can more effectively target the needs of those who are most disadvantaged by discrimination'<sup>xxii</sup>.

It is important to provide training to those creating policies and those delivering services to raise awareness of related issues and help with joining up between the work different agencies carry out. It is also important to create dialogue and increase participation of those that are affected by issues, to help with empowering them and identify good practice that actually does actually work on the ground. More research and case studies are needed to provide real examples of the impact of intersectionality to help broaden understanding. This can be aided by Non Governmental Organisations (NGOs) working more collaboratively and across multiple grounds to highlight the nuanced experiences of individuals.

London is a prime example of the existence of intersectionality due to the diversity of its population but also due to the diversity of opportunities and disadvantages faced by individuals. HEAR's report explores how intersectionality manifests itself in London and is a valuable contribution to the ever evolving literature and discourse on this subject to help understand issues both on a theoretical level and in practice. Here the literature review and variety of cases studies provided by NGOs working on the ground with the understanding and expertise of the issues bring to life how individuals experience intersectionality, highlighting the opportunities and challenges they face.

- <sup>i</sup> Electra Babouri is a researcher with a background in international law and indigenous rights. She has substantial experience working for national and international human rights NGOs in a research, policy and parliamentary capacity in countries including Australia and New Zealand. She has written on a number of subjects including hate crime, cultural and land rights, business and human rights. She currently is the Coordinator of the Equality and Diversity Forum, the UK's network of NGOs working on equality and human rights.
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<sup>xxii</sup> See xvi