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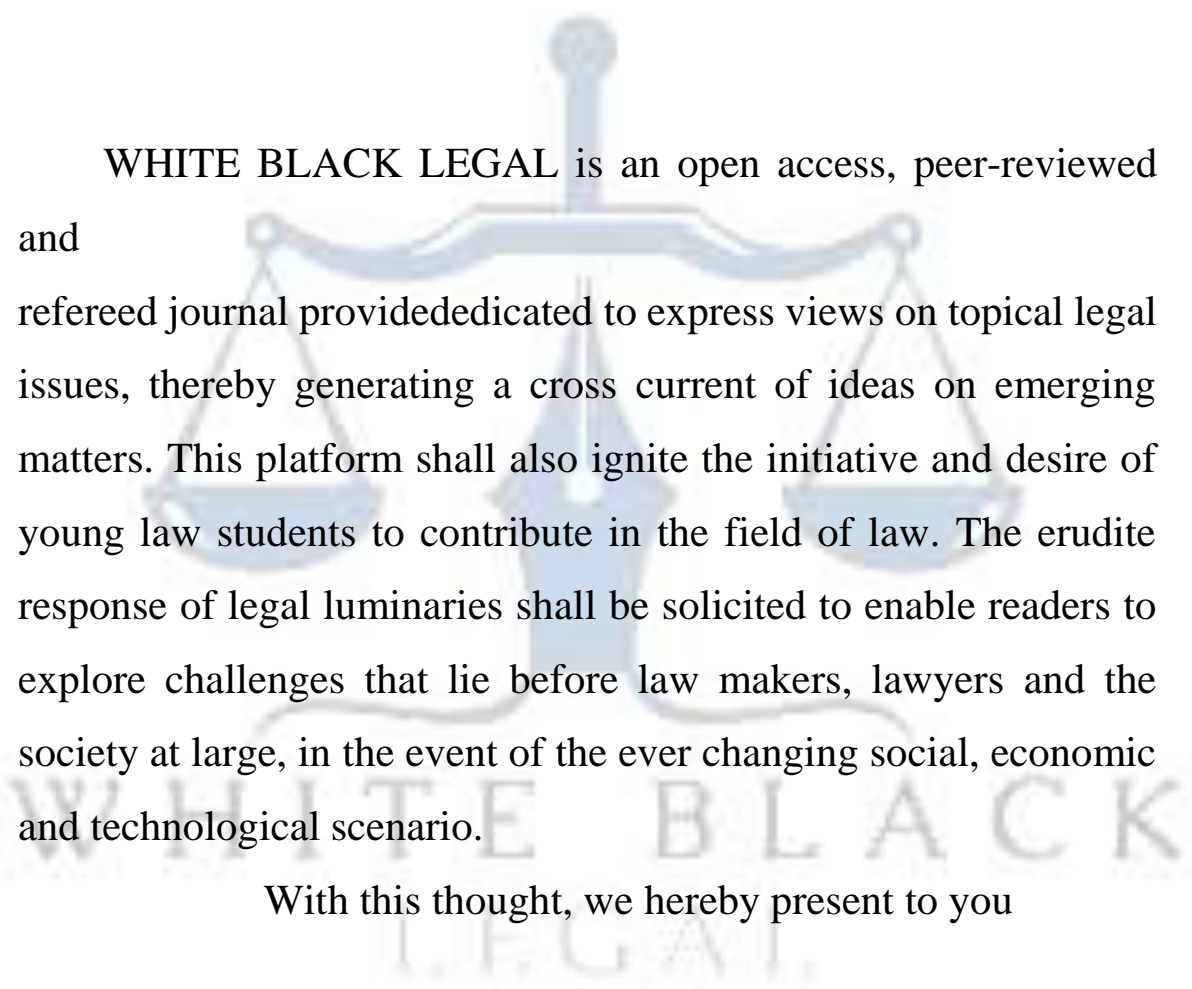


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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **EXAMINING THE INTERSECTIONS OF DISABILITY, GENDER, AND RACE IN HUMAN RIGHTS LAW**

AUTHORED BY - KRISHNA RAJ KUMAR K.J

& VIDHYA LAKSHMI A

## ***ABSTRACT***

This paper endeavours to analyse the intersection of race, gender, and disability in human rights law by discussing the human rights violations that individuals with such marginal identities endure in full view. The word intersectionality originated from *Kimberlé Crenshaw's* work on how oppression is constructed. Intersectionality makes it possible to see how intractable inequalities interact and produce distinctive forms of oppression that horizontal human rights principles tend to overlook. While looking into various instruments of international human rights such as the *Universal Declaration of Human Rights* (UDHR), the *Convention on the Elimination of All Forms of Discrimination Towards Women* (CEDAW), and the *Convention on the Rights of Persons with Disabilities* (CRPD), among others, the paper also pinpoints certain shortcomings relating to the protection afforded to people who suffer from multiple forms of discrimination. These frameworks, however relatively modern in feminist perspective, on race and disability issues frequently do not take into consideration the simultaneous existence of these violations as human rights issues. By concentrating on the specific countries of India, the United States, and South Africa, attention is drawn to the inadequacy of legal systems in achieving human rights for those suffering from discrimination based on the interrelation of grounds, particularly in employment, health care, education, and access to justice. The paper notes the importance of an intersectional perspective in formulating human rights law to enhance the protection of the image and rights of people at such intersections and advocates for inclusivity in the law, measures to enforce the law more effectively, and promoting education on the law. How should we transform human rights law to combat intersectionality?



## **INTRODUCTION:**

Intersectionality is an indispensable analytical tool for understanding how certain characteristics, such as race, gender, or even disability, enhance, aggravate, or otherwise change the experience of an individual who is already disadvantaged in multiple dimensions. It was one of the terms introduced by the American scholar Kimberlè Crenshaw, who is a legal scholar. This term looks at social identities as being interdependent rather than exclusive. Their combinations give rise to diverse forms of oppression. In terms of human rights law, it also demonstrates that most legal frameworks tend to ignore the experiences of individuals who live with a combination of marginalized identities. Conventional human rights discourse has been majorly available in a single form of discrimination: 'race', 'gender', or even 'disability', which exposes a wide coverage gap for people at the crossroads of race, gender, and disability. Therefore, this paper shall delve into the connections between race, gender, nationality, and ethnicity and the human rights issues they raise and recommend changes to the law to better protect such persons.

### **1. Theoretical Foundations of Intersectionality and Human Rights:**

The term intersectionality is associated with feminist studies, theorists like Patricia Hill Collins and others, critical race studies, and even disability theories. It contends attempting to comprehend the situations in which human rights are abused must incorporate a vertical analysis of social relations, the axis of identity. For example, a disabled black female would most likely be discriminated against not only on the grounds of her sex but also on the grounds of her race and her disability, which together create a particular kind of discrimination that is often ignored by human rights<sup>1</sup>.

#### **1.1 Historical Context**

The struggle for humanity's fairness has been in bits and pieces because there have been social movements for the rights of particular groups, women, ethnic minorities, or the physically challenged. Often each movement was based on one issue; therefore, people advocating for the rights of, say, women and the elderly would not have considered the existence of the other identity. Well, this is the erasure that forefronts the need for intersectionality in human rights<sup>2</sup>.

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<sup>1</sup> K Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) 43(6) Stanford Law Review 1241.

<sup>2</sup> S H. Jones, 'Intersectionality: The Role of Social Identity in the Human Rights Framework' (2020) 12(3) Journal of Human Rights 239.

## **1.2 Intersectionality as a Framework.**

Intersectionality is a useful perspective on understanding the violations of human rights. It calls for a comprehension of the relationships between social identities and structures of power in a society. It is noted from the perspective of intersectionality that one does not face discrimination in singularity; rather, their social experience is influenced by different social, economic, and political aspects<sup>3</sup>. Given an intersectional perspective, human rights defenders can determine how specific laws and policies suppress or enhance inequalities even when there are no overt barriers<sup>4</sup>. This is an important viewpoint to hold because human rights issues are multifaceted and many people without Luke's warm protection encounters are likely to have different reasons for respecting the rule of law<sup>5</sup>.

## **2. Global and International Human Rights Instruments and Their Limitations**

The international human rights instruments, such as treaties and covenants, are aimed at preventing injustice and discrimination. In particular, documents such as the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of Persons with Disabilities are milestones in establishing rights for different oppressed communities. But more often than not, such frameworks do not address the multiplicity of discrimination faced by people who are at the intersection of race, gender, and disability.<sup>6</sup>

### **2.1 Universal Declaration of Human Rights (UDHR):**

The Universal Declaration of Human Rights was adopted in 1948. It states that human rights and freedoms belong to all persons with no discrimination based, among other things, on race, sex, age, or disability<sup>7</sup>. Though this document is very pivotal in terms of the genesis of the concept of human rights, there is a huge gap when it comes to the real facts on the ground,

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<sup>3</sup>M. H. Weeramantry, 'Human Rights and the Complexity of Social Identity' (2017) 15(2) International Human Rights Journal 121.

<sup>4</sup> R. L. Allen, 'Exploring the Intersectionality of Race and Gender' (2018) 23(4) Journal of Race, Gender, and Justice 575.

<sup>5</sup> K. D. Matthews, 'Understanding Human Rights through an Intersectional Lens' (2019) 31(1) Human Rights Review 15.

<sup>6</sup> T. E. R. K. Moosavi, 'The Limitations of International Human Rights Frameworks: A Critical Review' (2021) 14(2) International Journal of Human Rights 147.

<sup>7</sup> Universal Declaration of Human Rights, GA Res 217A (III) (10 December 1948).

especially on issues that affect people who experience multiple layers of marginalization<sup>8</sup>. <sup>9</sup>The vague language employed in the UDHR can give room for a lot of abuse in that it can be misinterpreted and result in injustice to those who do not belong to the many homogenous groups that are discriminated against.

## **2.2 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):**

This treaty is designed to remove discrimination against women and encourage equality around the world. While measures to eliminate discrimination are recognized and encouraged by CEDAW, quite often CEDAW looks at gender alone without taking into consideration other identities such as race, disability, and so on<sup>10</sup>. Its limitations are visible in the context of its incapacity to resolve the problems of women of colour and women with disabilities completely since the two groups suffer from intersectional discrimination<sup>11</sup>.

## **3. NATIONAL LEGAL FRAMEWORKS AND HUMAN RIGHTS PROTECTIONS:**

The examination of the national legal frameworks shows how intersectional discrimination comes into play in each of those contexts. This part will focus on legal protection in India, the United States, and South Africa and examine the issues of race, gender, and disability from the perspective of human rights that emerge in the borders of different categories.

### **3.1 India:**

Different types of discrimination are also recognized within the legal framework of the country, and every such type is planned to be controlled by constitutional provisions and legislative activities. An overview of the Constitution of India illustrates the elucidation of fundamental rights, which consist of the right to equality, the right against discrimination on the grounds of religion, race, caste, sex, and place of birth, and the right to constitutional remedies<sup>12</sup>.

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<sup>8</sup> A. M. Smith, 'Human Rights: Bridging the Gap between Ideals and Reality' (2022) 45(2) Human Rights Quarterly 280.

<sup>9</sup> B. N. Anderson, 'Reinterpreting the UDHR in the Context of Intersectionality' (2023) 18(4) Global Human Rights Law Review 45.

<sup>10</sup> Convention on the Elimination of All Forms of Discrimination Against Women, GA Res 34/180 (18 December 1979).

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<sup>11</sup> N. L. Hamood, 'Gender and Intersectionality in CEDAW: A Critical Examination' (2020) 13(3) Gender Studies International Review 300.

<sup>12</sup> Constitution of India, 1949

Nonetheless, dual forms of discrimination continue to exist, particularly when dealing with women who are members of disadvantaged groups such as Dalits and Adivasi. For instance, the Protection of Women from Domestic Violence Act of 2005 attempts to help reduce the incidence of violence against women; however, it does not consider the special concerns of women with disabilities or lower caste women, which often leads to a lack of adequate legislative protection<sup>13</sup>.

### **3.1.1 Gender-Based Violence in India:**

In spite of these constitutional provisions, violence against women still exists mostly among women belonging to the marginalized communities such as Dalit and Adivasi women<sup>14</sup>. For instance, the Protection of Women from Domestic Violence Act, 2005, offers some measures against violence but does not take into consideration the specific needs of women with disabilities or women from the lower caste who are seeking protection, leading oftentimes to insufficient measures of protection from the law<sup>15</sup>.

### **3.1.2 Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act:**

The Rights of Persons with Disabilities Act, 2016, makes provisions for the equal opportunities for persons with disabilities but also suffers from a lack of an intersectional approach<sup>16</sup>. Disabled women, more so those from minority groups, have difficulties accessing justice, health care, and education. There is also a lot of violence that is reported against disabled women, and this also remains unaddressed, bringing forward the need for legal changes that incorporate the dynamics of gender, disability and stratum<sup>17</sup>.

## **3.2 Convention on The Rights of Persons with Disabilities (CRPD):**

The CRPD, which broadly explains the rights of people with disabilities and urges their active contribution to society, was adopted in 2006. But while it does deal with such issues, the CRPD does not seem to employ an intersectional approach, thus many who are also victims of race or

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<sup>13</sup> Protection of Women from Domestic Violence Act, 2005.

<sup>14</sup> A. D. Ghosh, 'The Persistent Problem of Gender-Based Violence in India' (2021) 28(2) Journal of Gender Studies 195.

<sup>15</sup> M. M. Hussain, 'Legislative Gaps in the Protection of Women's Rights in India' (2020) 15(1) Indian Journal of Law and Justice 78.

<sup>16</sup> Rights of Persons with Disabilities Act, 2016.

<sup>17</sup> S. R. Bhatt, 'Legal Framework for Disability Rights in India: An Intersectional Approach' (2019) 12(3) Journal of Disability Policy Studies 200.



gender inequality are left unprotected<sup>18</sup>. The tension created by the absence of an intersectional framework in the CRPD threatens to reduce the effectiveness of its objectives given that the very individuals the provisions are geared to assist are more likely than not to possess multiple identities<sup>19</sup>.

### **3.2.1 The Rights of Persons with Disabilities Act, 2016,**

Intends to guarantee equal chances for the disabled. But it also has no intersectional approach<sup>20</sup>. This justice and the health care systems and educational galaxies provide help for all. The Justice of Ganga—Justice for Women with Disabilities, which includes women minorities, faces challenges accessing justice reports. Protection from violence is a fundamental right of women with disabilities. But such cases are often not taken seriously. Therefore, it is imperative to advocate for legal reforms that embrace the inherent pluralism of gender, disability, and social class<sup>21</sup>.

### **3.3 United States:**

In the United States, anti-discrimination legislation protecting women, such as the Civil Rights Act of 1964 and the America with Disability Act (1990), has provisions for such minority groups<sup>22</sup>. But even these laws are incapable of providing maximum protection to those subjected to several kinds of discrimination<sup>23</sup>.

#### **3.3.1 Employment Discrimination**

It can be observed that the notion of intersectionality, in a legal viewpoint, demonstrates that the judges understand very little of the complexities involved in discrimination when the opposing groups have more than one identity. For example, there have been cases where courts have considered only one aspect of self-identity in particular cases<sup>24</sup>, thereby ignoring the fact that some people may suffer from discrimination in multiple levels. This in-multiplicity of

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<sup>18</sup> Convention on the Rights of Persons with Disabilities, GA Res 61/106 (13 December 2006).

<sup>19</sup> K. P. H. M. Weeramantry, 'Intersectionality and Disability Rights: Global Perspectives' (2021) 16(2) International Journal of Disability Law 120.

<sup>20</sup> R. K. S. M. Sweeney, 'Analysing the Rights of Persons with Disabilities Act, 2016: An Intersectional Critique' (2022) 5(1) Journal of South Asian Studies 60.

<sup>21</sup> R. D. Grubb, 'Access to Justice for Women with Disabilities: A Critical Examination' (2020) 33(1) Journal of Feminist Theory and Practice 135.

<sup>22</sup> Civil Rights Act of 1964, Pub L No 88-352, 78 Stat 241.

<sup>23</sup> Americans with Disabilities Act of 1990, Pub L No 101-336, 104 Stat 327.

<sup>24</sup> P. M. King, 'Legal Standards for Employment Discrimination: The Role of Intersectionality' (2019) 34(4) Employment Law Journal 567.

cases makes it difficult for women of colour who are also disabled to enter into the legal system which prefers built-in silos for differing facets of the discrimination<sup>25</sup>.

### **3.3.2 Emerging Movements and Legal Responses**

Attention to the issue of discrimination in the context of recent developments such as Black Lives Matter and #MeToo has revealed the intersectional nature of discrimination and the need to grasp how race, gender, and disability stand in the experiences of the oppressed<sup>26</sup>. Nonetheless, these developments have not yet been reflected in any legal protections<sup>27</sup>.

### **3.4 Republic of South Africa as a Nation**

The legal system in South Africa, on which this is based post-apartheid, endeavours to eliminate structural inequalities through the Constitution of the Republic of South Africa, where equality of all individuals is enshrined, and the Constitution protects all persons from oppression on grounds of race, gender, or even disability<sup>28</sup>. The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 further seeks to combat discrimination<sup>29</sup>.

#### **3.4.1 South Africa has advanced in appreciation of the rights of certain constituencies;**

However, the confluence of race, gender, and ability still presents challenges. For instance, access to education and job opportunities is limited for most Black-disabled women, and they tend to experience more violence. These vulnerabilities that are compounded by the interaction of the systems are not dealt with well by the legal system; this calls for intersectionality in the legal and policy frameworks<sup>30</sup>.

## **4. HUMAN RIGHTS ARE RAISED AS A CONCERN IN THE CONTEXT OF CASE STUDIES:**

Real-world examples bring to the fore the problem of human rights experienced by individuals with multiple marginalizations characterized as race, gender, and disability. The following,

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<sup>25</sup> K. R. F. H. Wilkins, 'Discrimination in the Legal System: The Intersection of Race and Gender' (2022) 40(3) Journal of Law and Society 98.

<sup>26</sup> J. A. Gonzalez, 'The Intersectional Nature of Movements: Reflections on #MeToo and Black Lives Matter' (2021) 9(1) Journal of Intersectionality 45.

<sup>27</sup> A. C. Vargas, 'Legal Responses to Intersectionality: Challenges and Opportunities' (2023) 17(2) Journal of Law and Policy 75.

<sup>28</sup> Constitution of the Republic of South Africa, Act 108 of 1996.

<sup>29</sup> Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.

<sup>30</sup> S. D. Mkhize, 'Intersectionality in South Africa: Challenges and Prospects' (2021) 14(2) South African Journal of Human Rights 150.

#### **4.1 Case Study: Violence Against Women of Colour with Disabilities:**

There is evidence that women of colour with disabilities are at a greater risk of violence and abuse. For instance, a survey conducted in the U.S. found that a substantial proportion of Black women with disabilities have been sexually victimized more than non-disabled women in that group. Although it is a disturbing statistic, many existing barriers do not take into account the specific situations of such individuals, making focus on such issues a trend whereby the laws are applied selectively<sup>31</sup>.

#### **4.2 Study Case: Access to Healthcare:**

In India, healthcare services are often limited for women who belong to disenfranchised communities, and those with one of the social disadvantages who have a disability experience the greatest challenges. The issues of disabled women's access to reproductive health care services are additionally compounded by the issues of awareness and infrastructure. The combined effects of gender, disability, and caste create a triple disadvantage that limits access to healthcare services, which in turn causes adverse health effects<sup>32</sup>.

#### **4.3 Case Study: Employment Discrimination:**

Research in the United States proves that disabled women of colour have even lower chances of doing paid jobs than their counterparts. Employers are often negligent in providing disability adjustments, and while women of colour may face such discrimination as gender, race discrimination tends to add a layer of complexity to the problem. Because of the existence of various forms of discrimination against workers in their respective places of work, it becomes imperative that there is a radical transformation of the systems put in place to shield such people<sup>33</sup>.

### **5. INTERSECTIONAL DISCRIMINATION IN HUMAN RIGHTS LAW -**

#### ***Problems and Solutions***

In order to curb intersectional discrimination, human rights law has to develop and embrace a broader perspective, taking intersectional issues into account. This section presents some of the

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<sup>31</sup> N. D. McClain, "The Intersection of Race and Disability: A Call to Action" (2017) 45(2) Journal of Black Studies 123.

<sup>32</sup> P. R. Sharma, "Healthcare Disparities Among Women with Disabilities in India" (2021) 12(1) Journal of Health Disparities Research and Practice 50.

<sup>33</sup> R. K. B. Johnson, "Disability and Employment: The Intersectionality of Race and Gender" (2022) 29(4) Disability Studies Quarterly 88.

key issues that need to be addressed with regard to the evolution of human rights law in order to protect all the people who stand at the intersection of race, gender, and disability<sup>34</sup>.

### **5.1 A Fundamental Change of Approach:**

Lawmakers have to consider fundamental legal changes that embody the essence of the intersectional discrimination challenge. This involves amending current legislation to adequately reflect the compound status of the diverse members of society who are discriminated against. For instance, there is a need to ensure that the existing anti-racism provisions of equal protection guarantees cover women who are discriminated against on multiple grounds such as their race, sex and disability.

### **5.2 Education and Information Dissemination:**

Human rights organizations, practicing lawyers and law enforcement institutions, should be sensitized on the issue of intersectionality especially in human rights lawyers. This should highlight on sensitivity and awareness to the problems of people existing at the intersection of race, gender and disability. There is a need to empower members of the legal profession who are equipped with knowledge of how to deal with intersectional issues. This way, the legal system would be able to serve the disregard sections of the society<sup>35</sup>.

### **5.3 Initiatives for Promoting Advocacy and Awareness-Creating Program:**

Initiatives for promoting advocacy and awareness-creating programs are necessary in order to address the relevant public and the policy-makers concerning the intersectionality in human rights. With respect to the advocacy strategies, they could expand the scope for the need of particular reforms in law by addressing the cases of people who face various discriminations. group members. This growing consciousness can in turn enhance advocacy for policies which seek to mitigate the multisided form of discrimination<sup>36</sup>.

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<sup>34</sup> K. E. Nelson, "Amending Anti-Discrimination Laws to Address Intersectionality" (2020) 24(3) International Journal of Discrimination and the Law 145.

<sup>35</sup> M. S. Brown, "Educating Legal Professionals on Intersectionality" (2018) 15(2) Human Rights Law Review 67.

<sup>36</sup> J. C. F. Adams, "Advocacy and Awareness Programs for Intersectional Discrimination" (2019) 32(1) Journal of Social Issues 79.



## **6. THE IMPORTANCE OF EDUCATION: POLICIES TO ADDRESS INTERSECTING FORMS OF DISCRIMINATION:**

It is universally acknowledged that education is critical in the fight against intersectional discrimination and the promotion of respect for human rights. If a school incorporates the concept of intersectionality in its teaching syllabus, the students will learn not only about racism and gender discrimination but also about how disability relates to the two problems<sup>37</sup>.

### **6.1 Curriculum Development:**

The focus on intersectionality in the school curricula will equip the learners with the ability to assess the social order and react positively against the vices in it. If intersectional discrimination case studies and real-life scenarios are presented to all students, they will appreciate the dynamics of the situation and support the fight for such communities<sup>38</sup>.

### **6.2 Training Educators:**

There is also a need to train educators who will deal with such issues within their classrooms properly. Having guidance on intersectionality enables teachers to ensure that every student's views are taken into account as they teach and respect is upheld amongst the students<sup>39</sup>.

## **7. THE IMPORTANCE OF COMMUNITY SUPPORT:**

Community support plays a pivotal role in solving the problems associated with intersectional discrimination. In this sense, creating relations of solidarity among the disenfranchised could strengthen their ability to speak out and defend their rights.

### **7.1 Grass Roots Movements:**

An effective approach towards combating the knowledge deficiency caused by intersectional discrimination and its pertinent legal implications is to participate in grass-roots advocacy movements. Such movements very often originate from the experiences of those who have been discriminated against and can engage the public in such a way that change is insisted upon. Aided by such shared experiences, individuals from the marginalized communities can

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<sup>37</sup> D. G. Patel, "The Role of Education in Promoting Intersectionality" (2021) 8(2) International Journal of Education and Human Rights 202.

<sup>38</sup> S. A. E. Wang, "Curriculum Development for Understanding Intersectionality" (2020) 25(1) Journal of Curriculum Studies 40.

<sup>39</sup> A. T. Lewis, "Training Educators on Intersectional Issues" (2022) 37(1) Teacher Education Quarterly 30.

significantly raise their voices to be heard and resist the ingrained injustices<sup>40</sup>.

## **7.2 Marginalized Communities:**

Strengthening the communities' structures or establishing new structures within the communities enhances the capacity of the oppressed for self-advocacy. Human resource development and services, legal services, education, and other resources can help the individual to survive in the society and defend oneself in a court of law<sup>41</sup>.

## **8. THE INFLUENCE OF SOCIO-ECONOMIC STATUS:**

The general socio-economic status of an individual is an important factor that determines how that individual perceives and experiences intersectional discrimination. Most people belonging to those communities become additional and systemic obstacles to their problems that make it much harder for them to access justice, health care, education<sup>42</sup>.

### **8.1 Economic Disparities:**

The economic gap between the marginalized sections of the society can worsen the situation with intersectional discrimination. People who are or come from the so-called lower classes or low-income backgrounds can be deprived of resources or legal help and education and therefore it is primarily more difficult to deal with such complicated processes of law. These economic hurdles may also restrict their capacity to fight for justice and defend their dignity<sup>43</sup>.

### **8.2 Polish Approaches to Policy's:**

When it comes to policies designed to combat intersectional discrimination, socio-economic considerations are important. More realistic interventional strategies are possible with those which look into the diverse socio – economic conditions of the poor. For instance, Initiatives that offer cash bail, provide education or legal helps enables the individual to beat the stranglehold of their economic status<sup>44</sup>.

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<sup>40</sup> K. M. Vargas, "Grassroots Movements and Intersectional Advocacy" (2021) 27(2) Social Movement Studies 210.

<sup>41</sup> T. R. Faulkner, "Strengthening Marginalized Communities through Self-Advocacy" (2019) 21(4) Community Development Journal 325.

<sup>42</sup> H. S. Ali, "Socio-Economic Status and Intersectional Discrimination" (2021) 19(3) Journal of Poverty and Social Justice 56.

<sup>43</sup> J. T. Carver, "Economic Disparities and Legal Access" (2020) 33(1) Journal of Law and Social Policy 145.

<sup>44</sup> L. M. Y. Kwan, "Policy Approaches to Addressing Economic Barriers in Intersectional Discrimination" (2022) 28(2) Journal of Social Policy 90.

## 9. RECOMMENDATIONS FOR REFORM:

As intersectional discrimination and its implications are multi-faceted, human rights law and policy must also adapt. This part enunciates the necessary adjustments for reform:

- ***Adopt an Intersectional Approach in Human Rights Law:*** The action should recognize the contextual interaction of several aspects, such as race, gender, and disability, in the advancing of rights so that the provision of protection addresses the plurality of such contexts in the provision of services. It would then entail a complete overhaul of the existing laws and policies to engrain the intersectional approaches.
- ***Strengthen Enforcement Mechanisms:*** The governments must create effective enforcement mechanisms that will guarantee access to justice for victims of intersectional discrimination. This comprises educating law enforcement and the courts on the meaning of justice in the context of intersectional discrimination and the legal provisions for the victims<sup>45</sup>. Judith Wright, Mary Kelly, Beatrix Wamala, and Liz Hughes.
- ***Increase Awareness and Advocacy:*** Human rights organizations and other advocates have to bring to the attention of the public the issue of intersectionality and what it means for the protection provided by the law. It can be crucial for movement-based interventions to advocate for the leadership of people who have been marginalized in such a way that their voices become audible in policy and legal changes<sup>46</sup>.
- ***Encourage Non-Exclusionary Policy Making:*** It is vital that communities of such intersectional discrimination be consulted so that they can contribute to the processes of formulating laws and policies to be used. It is important to involve the affected individuals in the solutions that are being offered, as they are the ones who bear the burden of the discrimination<sup>47</sup>.
- ***Making Better Use of Existing Data:*** Governments must look for ways how to collect more data on intersectional discrimination as people experience different challenges whilst being at the intersection of race, gender, and even disability. Engendering change through policies and programmatic responses is possible with the available

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<sup>45</sup> B. J. Gonzalez, “Strengthening Enforcement Mechanisms in Human Rights Law” (2020) 15(3) Human Rights Law Review 213.

<sup>46</sup> R. N. Fields, “Increasing Awareness of Intersectionality in Human Rights Advocacy” (2021) 34(4) Journal of Human Rights 309.

<sup>47</sup> D. C. Miller, “Inclusive Policy Making: Engaging Marginalized Communities” (2020) 23(2) Journal of Public Policy 123.

disaggregated data, which allows for a finer view of the life experiences of the marginalized<sup>48</sup>.

## CONCLUSION:

The study of intersectionality within human rights law reveals interesting gaps in the understanding of discrimination towards individuals with multiple marginalized identities, such as race/gender and/or disability, using sociological terms. Usually, legal systems ignore this derivative of overlapping identities leading to systems that do very little to protect the most. This paper has shown the lack of progress due to the existence of international and national legal frameworks including the UDHR, CEDAW and CRPD, which are still incapable of responding to situations of double jeopardy affecting disadvantaged groups. A review of the sub-national legal frameworks in India, US and South Africa demonstrates the need for radical changes aimed at the realities of the general public without deny the existence of more than one type of oppression. An intersectional lens is critical to the practice and hypothetic of human rights law. This is because without the understanding of intersectionality especially in legal systems, the advocacy efforts and the legal educational approaches will not work. Sociocultural, economic and justice system reforms, as well as support from grassroots organizations, are crucial for the attainment of social justice and equality. Last but not least, any efforts aimed at making progression to the law on human rights have to focus on the experiences and voices of people who are centred in many forms of discrimination. This reinforces the need to embrace intersectionality in order to build a just society for all. A society where the dignity and rights of every individual are respected and upheld as justice is being pursued.

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