

Intersectional Justice

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INTRODUCTION

1. WHAT IS INTERSECTIONALITY AND WHY IT MATTERS FOR INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL JUSTICE

Intersectionality, first articulated by Kimberlé Crenshaw in 1989, is a conceptual framework that recognizes how multiple forms of discrimination, such as race, gender, class, and sexuality, interact and reinforce one another, shaping unique experiences of marginalization and harm. Crenshaw's work, particularly in "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," highlighted the necessity of accounting for multiple, intersecting identities to understand how social structures produce and perpetuate inequality fully.

Over the past decades, intersectionality has become a key concept in feminist theory, anti-racist activism, and social justice movements, and has gradually entered the discourse of human rights advocacy. Its core insight is that power relations do not operate in isolation, but rather build upon and interact with one another, producing complex and compounded forms of disadvantage (Hill Collins and Bilge, 2020). As such, intersectionality is increasingly invoked as a necessary tool for understanding and addressing the multi-layered realities of discrimination and violence, particularly in contexts of mass violence and international crimes.

In most contexts of mass violence, both perpetrators and victims are situated within multiple, intersecting systems of structural discrimination and oppression. These systems form the backdrop for the harms and criminal conduct that international human rights law (IHRL) and international criminal law (ICL) seek to address. Yet, despite the widespread recognition of intersectionality in academic and activist circles, its uptake in human rights law and international justice institutions has been relatively slow and inconsistent. While bodies such as the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination against Women (CEDAW) have begun to reference intersectionality as a relevant principle, the application of intersectional analysis in practice remains superficial and underdeveloped (Bond, 2021). Most ICL jurisprudence, for example, tends to homogenize protected groups and overlooks the intersecting structural factors that drive violence and shape the experiences of victims. This single-axis approach not only fails

to capture the root causes of international crimes but also limits the effectiveness of legal remedies and the prevention of future violations.

The importance of intersectionality for international justice lies in its potential to illuminate the dynamics of inequality and social harm experienced by historically marginalized individuals and groups. By unpacking how interlinked systems of discrimination operate, intersectionality enables a sounder understanding of both criminal conduct and the multi-faceted harms suffered by victims. This, in turn, is essential for designing effective legal and policy responses that address the realities of those most vulnerable to compounded forms of oppression.

Despite its promise, the integration of intersectionality into international legal frameworks faces significant challenges. Intersectionality is often invoked in principle but rarely operationalized as a coherent methodology in international courts or human rights institutions. The reasons for this are manifold, including institutional inertia, political sensitivities, and the complexities of translating intersectional theory into legal practice. Nevertheless, there is a growing consensus among scholars (Davis, 2015) and advocates that a more explicit and systematic application of intersectionality is necessary for realizing the foundational aims of human rights and international justice: to protect the dignity, freedom, and equality of all individuals, especially those at the intersections of multiple forms of marginalization.

2. INTERSECTIONALITY AND GAPS IN INTERNATIONAL HUMAN RIGHTS LAW

2.1 BRIEF OVERVIEW OF INTERSECTIONALITY'S LIMITED OPERATIONALISATION IN MAJOR HUMAN RIGHTS TREATIES AND INSTITUTIONS

The intersectionality's influence on human rights institutions has been complex and marked by both explicit references and more implicit, nuanced influences. As intersectionality "travels" into these institutional contexts, its meaning and impact are shaped by the conditions and power dynamics at play, often resulting in a shift away from its original, insurrectionary force. A central tension in this process is whether human rights bodies use intersectionality as a theory of identity or as a framework for analysing structures of oppression (Crenshaw, 2011). While Black feminist thought has long insisted that identity and structural analysis are inseparable (and that identity can serve as a site of resistance against systems of subordination), institutional practice frequently disconnects these elements, leading to a depoliticized and decontextualized application of intersectionality (Crenshaw, 1991). This detachment from the analysis of hierarchy and subordination has arguably made intersectionality more mobile and widely referenced, but less disruptive to entrenched power relations (Carastathis, 2016).

The operationalisation of intersectionality in major human rights treaties and institutions can be observed through both explicit and implicit references. A key breakthrough for explicit invocation came with the 2001 Durban World Conference against Racism, where Kimberlé Crenshaw's contributions helped frame intersectionality as a lens for understanding the structural and dynamic consequences of overlapping forms of discrimination (Crenshaw, 2000). Since then, intersectionality has appeared in UN resolutions, Special Rapporteur reports, and expert group meetings, particularly in the context of gender mainstreaming and the analysis of multiple forms of discrimination. For example, the UN Commission on Human Rights has recognized the importance of examining the intersection of multiple forms of discrimination from a gender perspective, and Special Rapporteurs on violence against women and racism have called for intersectional approaches to understanding layered inequalities. Notably, the 2019 report by the Special Rapporteur on Contemporary Forms of Racism, Tendayi Achiume, took an explicitly intersectional perspective in analysing the extractivism economy's gendered and racialized impacts, while the Special Rapporteur on the Right to Food has critiqued the systemic and intersectional nature of violence in global food systems.

Despite these advancements, the presence of intersectionality in international human rights law remains largely confined to non-binding statements, thematic reports, and policy discourse, rather than being embedded in the binding standards or enforcement mechanisms of major treaties, and limited to committees aimed at interpreting the global human rights treaties. The UN Human Rights Committee recognized headscarf bans as "intersectional discrimination" against Muslim women, acknowledging how gender and religion intersect to compound harm (*Seyma Turkan v. Kurkey*, 2013). However, such cases are exceptions, with

most decisions lacking intersectional analysis. Instead, treaty bodies have increasingly addressed intersectionality through general recommendations. The CERD Committee highlighted in 2000 that racial discrimination can uniquely target women due to gender, later explicitly adopting intersectionality to address overlapping discrimination grounds. Similarly, the CRPD Committee emphasized that women with disabilities face intersectional discrimination, citing forced sterilization and reproductive rights violations. The CEDAW Committee declared intersectionality fundamental to understanding state obligations, linking gender discrimination to race, ethnicity, class, caste, sexual orientation, and gender identity. In collaboration with the Committee on the Rights of the Child, CEDAW urged states to combat harmful practices rooted in intersecting discrimination.

Regional organizations, such as the African Commission on Human and Peoples' Rights, have called for recognition of intersectional discrimination on multiple grounds. However, most treaty bodies, including those at the UN, tend to reference intersectionality mainly in general recommendations, focusing on intersecting "grounds" or "factors" like race, gender, and age, rather than addressing the deeper power structures, such as colonialism, patriarchy, or capitalism, that create and sustain these inequalities.

This approach often reduces intersectionality to a checklist of categories, lacking the critical engagement with systems of domination that Black feminist thought and intersectionality's origins demand. As a result, general recommendations by treaty bodies are less incisive than the more substantive analyses sometimes produced by Special Rapporteurs, who have greater flexibility and, at times, a stronger commitment to structural critique. Moreover, explicit references to intersectionality are rare in individual case decisions and concluding observations, appearing more often in abstract documents with broad reach but limited practical consequence. These dynamic risks render intersectionality a symbolic gesture rather than a transformative tool, as naming the concept does not always translate into meaningful legal or policy change. In some legal systems, intersectionality is only discussed in "other spaces" such as dissenting opinions, workshops, or soft law, rather than in binding judgments or majority opinions.

According to the current state of the art, intersectionality's operationalisation in major human rights treaties and institutions is partial and uneven, shaped by institutional inertia, selective uptake, and persistent global power hierarchies. Its transformative potential is often constrained by its assimilation into existing institutional logics and the dominance of identity-based approaches, leaving its promise for reshaping international human rights law only partially fulfilled.

2.1.1 Limits of a "strict approach"

The *Gosselin v Quebec* case before the Supreme Court of Canada (2002) challenged a welfare regulation that gave adults under 30 only a third of the social assistance provided to older recipients. Louise Gosselin, representing tens of thousands of young people, argued that this policy was unconstitutional and perpetuated harmful stereotypes about young, poor welfare recipients as unmotivated to work (Brodsky, 2004). The regulation failed to consider that many claimants were not only young but also poor, female, and, in some cases, living with mental health issues, factors that together created deeper vulnerability.

The Supreme Court, however, analysed the case solely on the basis of age, concluding that there was no discrimination because young people were not historically disadvantaged as a group, and that the government's intention was to promote autonomy and workforce participation. This narrow, single-axis approach ignored the complex reality of Gosselin's experience, where multiple factors, youth, poverty, gender, and health, interacted to create unique and compounded disadvantages. The Court's focus on legislative intent and abstract notions of dignity further sidelined the actual lived experiences and needs of those affected (Sampson, 2006).

This case underscores the major flaw of a single-axis approach: it isolates one characteristic (such as age) and fails to recognize how overlapping identities and circumstances (such as being young, poor, a woman, and struggling with mental health) can produce distinct and more severe forms of marginalization. By not applying an intersectional analysis, the Court overlooked the cumulative effects of multiple disadvantages and the indirect harms caused by the policy. Intersectionality would have enabled a more accurate understanding of how different forms of discrimination intersect and reinforce each other, leading to more just and effective legal protection for those at the crossroads of multiple oppressions.

Ultimately, *Gosselin v Quebec* shows that rigidly applying the law along a single ground of discrimination risks erasing the complexity of real lives and perpetuating systemic injustice. Intersectionality is crucial for capturing the full scope of disadvantage and for ensuring that legal and policy responses address the realities of those most marginalised.

This national-level example raises the question of how much more severe and far-reaching the consequences of a lack of an intersectional approach might be at the level of international courts, an issue that will be examined below.

III. Intersectionality in International Adjudication

3.1 How International Courts and Bodies Have Addressed (or Overlooked) Intersectional Claims

Despite the theoretical recognition of intersectionality in international human rights discourse, its implementation in adjudication remains highly selective. International courts, including the European Court of Human Rights (ECtHR), the Inter-American Court of Human Rights (IACtHR), and treaty-monitoring bodies such as the Human Rights Committee (HRC), have shown inconsistent engagement with intersectional claims.

Historically, international adjudicatory mechanisms have approached human rights violations through a singular lens; a one-dimensional approach; primarily addressing discrimination on one ground - race, gender, or religion - without accounting for the compounding impact of multiple identities. This has led to partial or insufficient remedies for victims whose experiences of discrimination cannot be disaggregated or simplified into convenient categories.

The ECtHR, for example, has shown some progress in addressing multiple grounds of discrimination under Article 14 of the European Convention on Human Rights, as illustrated in the case *Carvalho Pinto de Sousa Morais v. Portugal* (2017), where the Court recognized gender and age discrimination in a medical negligence case. However, the Court fell short of articulating a robust intersectional framework and did not explicitly acknowledge the interconnected nature of the discrimination involved.

However, UN treaty bodies such as the Committee on the Elimination of Discrimination Against Women (CEDAW) have been more proactive. In fact, General Recommendation No. 28 (2010) of CEDAW explicitly refers to intersectionality, urging states to consider how various forms of discrimination may combine to affect women differently. Nonetheless, even in these cases, operationalizing intersectionality in jurisprudence remains underdeveloped.

The lack of intersectional analysis often leads to judicial invisibility of certain communities. For example, women of colour or disabled LGBTQ individuals may fall through the cracks of legal frameworks that treat race, gender, and sexual orientation as separate domains. This legal fragmentation perpetuates marginalization rather than dismantling it.

3.2 Case Study: Invisibility of LGBTQ Communities in Litigation in Select Countries

Intersectional invisibility is particularly pronounced for the LGBTQ community, especially when identities of persons intersect with race, socio-economic status, or disability. In many jurisdictions, even when LGBTQ rights are legally recognized, enforcement mechanisms are weak, and court systems often fail to provide meaningful redress due to implicit bias or legal conservatism.

For instance, in countries like Russia, Nigeria, and parts of Southeast Asia, LGBTQ individuals - particularly trans women of colour or rural LGBTQ youth - are virtually absent

from strategic litigation cases, not because their rights are not violated, but because the legal system is not accessible or receptive to their claims. In India, while the decriminalization of homosexuality in *Navtej Singh Johar v. Union of India* (2018) was a landmark victory, the litigation primarily centered on elite, urban, cisgender gay men, leaving many trans and working-class queer voices unheard.

Moreover, the very framing of cases in litigation often marginalizes LGBTQ people. In asylum adjudication, queer claimants from conservative societies face the burden of "proving" their identity and persecution in terms acceptable to Western norms; often reinforcing racial and cultural hierarchies within human rights law. Studies have shown that lesbian asylum seekers, particularly those from the Middle East and Sub-Saharan Africa, face significantly lower acceptance rates than their male counterparts due to stereotypes and disbelief in the credibility of their narratives.

International mechanisms, such as the UN Independent Expert on Sexual Orientation and Gender Identity (SOGI), have highlighted these gaps. Yet without enforceable obligations on states or robust mechanisms for LGBTQ legal empowerment, intersectional invisibility continues to plague global human rights adjudication.

IV. Barriers to Justice for Stateless and Marginalized Groups

4.1 Challenges Faced by Stateless Groups (e.g., Roma, Rohingya) in Accessing Justice

Statelessness presents one of the most severe barriers to justice. Without formal nationality, stateless persons are deprived of access to courts, education, healthcare, and political participation. This issue is exacerbated when statelessness intersects with ethnic, religious, or gender identity – as seen in the cases of the Roma in Europe and the Rohingya in Myanmar and Bangladesh.

International law recognizes the right to a nationality under the Universal Declaration of Human Rights (Article 15) and the 1954 Convention Relating to the Status of Stateless Persons. However, enforcement remains weak. Stateless populations face practical and systemic obstacles such as lack of documentation, discriminatory citizenship laws, and institutional racism.

The Roma, one of Europe's largest and most marginalized ethnic minorities, suffer widespread statelessness due to discriminatory nationality laws in countries such as Serbia and Ukraine. In many instances, Roma are even unable to register births due to bureaucratic or spatial exclusion from state institutions. This lack of documentation perpetuates a cycle of marginalization, as individuals are then denied access to social services, housing, and legal remedies.

The Rohingya, a Muslim minority group in Myanmar, have been rendered stateless since the 1982 Citizenship Law. This law institutionalizes racial and religious discrimination by denying citizenship to groups not recognized as indigenous under the government's "national

racism" framework. Consequently, the Rohingya are excluded from public life, denied access to courts, and subjected to egregious human rights abuses, including mass killings and displacement, all without legal recourse.

International justice mechanisms, including the International Criminal Court (ICC), have only recently begun to address some of these abuses. However, the lack of state cooperation, innate biases, and jurisdictional limitations often leave stateless populations without effective redress.

4.2 Case Study: Legal Invisibility and Lack of Remedies for Roma and Rohingya

The legal invisibility of both Roma and Rohingya populations illustrates the compounded effects of intersectional discrimination. In *D.H. and Others v. Czech Republic* (2007), the ECtHR found that Roma children had been disproportionately placed in special schools for those with "mild mental disabilities." While the ruling acknowledged racial discrimination, it failed to address the deeper structural intersectionality of ethnicity, class, and education policy that enabled such segregation.

Regarding the Rohingya on the other hand, the ICJ's 2019 ruling in *The Gambia v. Myanmar* was a critical moment. The Court issued provisional measures against Myanmar for violations of the Genocide Convention. However, as a state-centric tribunal, the ICJ's effectiveness remains limited in offering direct remedies to individuals or actually changing conditions on the ground. Further, Rohingya individuals, especially women and girls are also disproportionately affected, facing sexual violence in refugee camps, and continuing to lack access to courts and reparations.

These cases illustrate how international legal mechanisms, while symbolically powerful, often fail to deliver actual justice to stateless groups unless backed by political will, local advocacy, and inclusive legal frameworks. The structural exclusions of statelessness - combined with race, religion, and gender – sort of create the perfect storm of invisibility in international justice.

V. Indigenous Peoples and Environmental Justice

5.1 Disproportionate Impact of Environmental Harm on Indigenous Communities

Indigenous peoples worldwide bear the brunt of environmental degradation, despite contributing the least to global ecological harm. Their traditional lands are often sites of resource extraction, deforestation, and pollution, leading to loss of biodiversity, cultural dislocation, and threats to physical and spiritual health.

Environmental harm intersects with colonial legacies, racial hierarchies, and economic marginalization to disproportionately affect indigenous communities. In Canada, the United States, Brazil, and Australia, extractive industries like mining, logging, and oil drilling

continue to operate on Indigenous land without free, prior, and informed consent (FPIC) – a crucial principle enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

For indigenous women, environmental degradation is also closely linked with gender-based violence. In North America, proximity to extractive industry “man camps” has been correlated with increased rates of missing and murdered indigenous women. In the Amazon, deforestation has directly disrupted community life and increased vulnerability to displacement, exploitation, and health crises.

Despite these grave realities, international environmental law has largely failed to incorporate indigenous epistemologies and participatory frameworks, rendering indigenous concerns peripheral in climate litigation and sustainability discourses.

5.1.1 Why International Justice Mechanisms Have Failed to Provide Redress

Although international human rights law has evolved to recognize the rights of indigenous peoples, particularly through UNDRIP, ILO Convention 169, and rulings by regional human rights courts, its implementation remains fraught, distant, and theoretical.

The IACtHR has delivered several landmark judgments in favour of Indigenous land rights, such as *Saramaka People v. Suriname* (2007), affirming FPIC. Yet compliance by states remains uneven. Additionally, many international courts and environmental treaties lack enforcement mechanisms or indigenous representation.

At the international level, regarding climate-related discussions, indigenous peoples are often relegated to observer status in bodies like the UNFCCC. Their holistic approaches to land and water are rarely even integrated into national adaptation plans or legal frameworks.

Structural inequality within states, combined with the lack of binding international obligations on corporate actors, exacerbates this gap. As multinational corporations continue to drive ecological destruction with impunity, Indigenous communities are left without effective avenues for justice.

5.1.2 Case Study: Environmental Justice Failures for Amazonian or Arctic Indigenous Peoples

The Amazon basin, home to hundreds of Indigenous groups, is increasingly targeted by agribusiness, illegal logging, and mining. In Brazil, under successive governments, protections for indigenous reserves have weakened. The 2019 oil spill on the Brazilian coast and fires in the Amazon demonstrated how indigenous territories are disproportionately affected without adequate state response or legal redress.

In the Arctic, the indigenous Sámi people face threats from mining, climate change, and infrastructure development. The ECtHR case *Johnsson and Others v. Sweden* (2021) highlights challenges to Sámi reindeer herding rights, where traditional land use collides with environmental conservation laws and economic interests. The Court did not fully apply an

intersectional or indigenous rights-based analysis, further reducing the already rare case to a narrow interpretation of land access.

These failures point to a deep disconnect between international environmental governance and indigenous sovereignty. Without centering indigenous knowledge, participation, and justice, international mechanisms will continue to fall short of addressing the environmental crises indigenous peoples face.

6. MOVING FORWARD: THE ROLE OF A CRIMES AGAINST HUMANITY (CAH) CONVENTION

United Nations Member States are currently drafting articles from the International Law Commission (ILC) as the foundation for a new treaty on crimes against humanity. This process presents a historic opportunity to embed a gender-responsive, survivor-centred, and intersectional perspective into the core of international criminal law. In October 2024, more than 80 international NGOs, legal practitioners, academics, and activists jointly urged U.N. Member States to seize this moment to reflect the lessons and achievements of the past quarter-century in the new treaty. If adopted, this treaty would address critical gaps in the current international legal framework by obligating states to prevent and punish crimes against humanity (Sadat, 2021).

This moment echoes the transformative impact that previous atrocities, such as those in Bosnia and Rwanda, had on the Rome Statute, where global outrage led to the explicit criminalisation of forced pregnancy. Today, the international community faces similarly urgent challenges, such as the gender apartheid imposed on women in Afghanistan and the ongoing slave trade targeting migrants in Libya.

Significant progress is already evident in the draft articles, particularly in the ILC's decision to move beyond the Rome Statute's narrow definition of "gender," acknowledging the evolution of international human rights and criminal law. Legal experts and advocates have proposed concrete measures for strengthening the treaty, such as enhancing protections against reproductive violence, explicitly criminalizing the slave trade and gender apartheid, formally recognizing forced marriage, and broadening protections for victims and survivors. A robust and forward-looking crimes against humanity treaty should also enshrine a non-discrimination clause, ensuring alignment with international human rights law, and establish an independent monitoring body to oversee implementation, promote progressive interpretation, and track advancements in gender justice. The treaty development process itself must be inclusive, with meaningful participation from women, gender minorities, and survivors at every stage, ensuring their perspectives shape both the substance and implementation of the treaty (van Groll, 2023).

A Crimes Against Humanity treaty that explicitly adopts an intersectional approach would represent a major advance for international law and the protection of marginalised groups. By incorporating intersectionality in the treaty's definitions, obligations, and implementation mechanisms, States would be required to recognise and address the complex realities faced by victims whose experiences of harm are shaped by multiple, overlapping identities, such as women from ethnic minorities, LGBTQ+ individuals, or persons with disabilities in conflict zones. This would ensure that legal responses and reparations are not one-size-fits-all but are tailored to the actual lived experiences of survivors.

Crimes like reproductive violence, gender apartheid, and forced marriage would be addressed with language that reflects the realities of all affected groups, including those who do not fit

traditional gender or social categories. Additionally, the inclusion of robust non-discrimination provisions would obligate States to interpret and apply the treaty in line with international human rights law, protecting against exclusion on the basis of race, gender, age, disability, and other intersecting statuses. Intersectionality would signal a commitment to justice that reflects the true diversity of victims' experiences and the structural nature of many crimes against humanity, encouraging national and international courts to adopt more context-sensitive, fair, and inclusive approaches

Civil society organizations are calling on States to use this pivotal opportunity to combat impunity, set new standards for international justice, and correct existing gaps and regressions in the law. To achieve this, States must adopt a gender-competent, survivor-centric, and intersectional approach throughout the treaty's development and application, ensuring that the new convention on crimes against humanity truly reflects the diversity and complexity of those it seeks to protect.

6.1 GENDERING INTERNATIONAL LAW AND JUSTICE THROUGH THE CAH CONVENTION

A CAH Convention also represents a pivotal moment for international law to finally place gender justice at its core. Gender-based violence and oppression have too often been treated as peripheral issues, shaped by frameworks that reflect male-dominated perspectives and frequently overlook the unique experiences of women, girls, and gender minorities. The result has been a persistent gap in protection, accountability, and redress for those who suffer gendered harms, particularly in contexts where such violence is structural and systemic.

A gender perspective is essential for the CAH Convention because it recognizes that gender-based crimes are not isolated incidents but are frequently woven into the fabric of broader systems of power and exclusion. By acknowledging how gender shapes both the perpetration and impact of crimes against humanity, the Convention can ensure that legal responses are truly responsive to the realities faced by survivors. This means moving beyond narrow or binary definitions of gender and instead adopting an approach that is inclusive of all gender identities and expressions, reflecting the diversity of those affected by these crimes.

Integrating a gender lens into the CAH Convention would also help dismantle entrenched hierarchies and challenge the social norms that allow gender-based violence to persist. It would empower survivors by centering their voices and experiences in justice processes, ensuring that reparations and remedies are meaningful and transformative. Moreover, by setting new standards for the recognition and prosecution of gender-based crimes, such as gender apartheid, forced marriage, and reproductive violence, the Convention would send a powerful signal that the international community is committed to addressing the root causes of gender oppression and to achieving true equality and justice.

State interventions during the October 2024 debates further highlight this shift. For example, a broad coalition of States has consistently supported the codification of gender apartheid as a crime against humanity. Afghanistan, in particular, has emphasized the devastating impact of

the Taliban's institutionalised gender apartheid, describing it as an assault on the very foundation of Afghan society and a broader strategy of persecution that the international community cannot ignore. Other States, such as Colombia, Spain, and Myanmar, have underscored the need to include a gender perspective, noting the unique and disproportionate impact of crimes against humanity on women and girls. Spain and the Nordic Group have pointed out that the CAH Convention could reflect evolving definitions under customary international law and contribute to greater prevention and accountability for grave human rights violations, including sexual and gender-based crimes.

The call for a survivor-centric approach has also gained traction, with Denmark, El Salvador, Poland, and Mongolia all voicing support for justice processes that prioritize the needs and agency of survivors, including child victims. These interventions demonstrate a shared commitment to ensuring that the CAH Convention not only addresses gender-based crimes but does so in a way that is meaningful, inclusive, and transformative.

By embracing this comprehensive gender perspective, the CAH Convention has the potential to become a landmark instrument, one that finally places gender justice at the center of international accountability and paves the way for a more inclusive and equitable system of global justice. This is not only a matter of rights, but a necessary evolution for the legitimacy and effectiveness of international law itself.

CONCLUSION

The analysis presented in this report underscores a fundamental truth: systemic oppression is never singular. Discrimination and violence operate through interconnected structures of power: race, gender, class, disability, and more, creating compounded harms for marginalised groups. Yet, as demonstrated by the gaps in international human rights law and adjudication, legal frameworks have consistently failed to address these overlapping realities. The growing recognition of intersectionality in international human rights discourse marks a crucial shift toward acknowledging the complexity of human identities and the multifaceted nature of discrimination. However, this recognition has yet to translate consistently into international adjudication, policy, or access to justice for marginalized groups.

As demonstrated across the domains of international adjudication, statelessness, and environmental justice, current legal and institutional frameworks often fall short in addressing the lived realities of individuals who face overlapping forms of discrimination. Whether in the invisibility of LGBTQ individuals in litigation, the systemic exclusion of stateless groups such as the Roma and Rohingya, or the disproportionate environmental harms inflicted on indigenous communities, the limitations of single-axis approaches remain glaring.

International courts and treaty bodies have made incremental progress in integrating intersectional perspectives, but these efforts are fragmented and underdeveloped. In many cases, adjudicatory bodies either fail to recognize the compound nature of violations or lack the structural mandates and capacities to deliver meaningful redress. This gap in legal

reasoning and institutional response reinforces the very inequalities international law aims to dismantle. Moreover, procedural and substantive barriers, ranging from jurisdictional limitations to political inertia, continue to obstruct justice for the most vulnerable. The persistence of legal invisibility among groups like stateless women, indigenous LGBTQ persons, or environmental defenders from marginalized backgrounds underscores the need for systemic reform. The Crimes Against Humanity (CAH) Convention represents, among others, a good opportunity to start correcting these failures. The urgency is clear. Will we replicate the status quo, or seize this chance to redefine international law as a tool, *inter alia*, for liberation from oppressions? The answer will determine whether the promise of intersectional justice remains aspirational or becomes reality.

To bridge these gaps, it is essential for international human rights actors - courts, UN bodies, states, and civil society - to embed intersectionality not only in rhetoric but in practice. This includes rethinking litigation strategies, reforming adjudicatory procedures, ensuring meaningful participation from marginalized groups, and embracing alternative legal traditions and epistemologies, especially those rooted in Indigenous worldviews. Only through a genuinely intersectional approach can international justice mechanisms hope to fulfil their promise of universality, equality, and dignity for all.

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