

INTERSECTIONALITY IN THE
HUMAN RIGHTS LEGAL
FRAMEWORK ON VIOLENCE
AGAINST WOMEN

While gender has become a cornerstone of the current human rights framework on violence against women (VAW), a new theoretical concept has been gaining ground and becoming increasingly visible: intersectionality. In response, this book clarifies three main aspects of the incorporation of intersectionality: it identifies the theoretical and practical implications in relation to VAW; reveals to what extent intersectionality is incorporated in the current human rights framework on VAW; and it provides empirical evidence of the potential benefits and advantages for cases of VAW derived from the application of intersectionality. This book presents a comprehensive view of approaches within three jurisdictions – the United Nations, the Council of Europe and the Inter-American System – and will appeal to human rights scholars, lawyers and other practitioners, particularly those interested in VAW and diversity.

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AT THE CENTRE OR THE MARGINS?

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It is clear to me, though, that the most interesting approaches within intersectionality are those which focus on the socio-structural nature of inequality. These are the ones that can truly address the roots and consequences of unequal positioning due to the always intersecting grounds of gender, race, class and so on. Moreover, the relevance of gender in understanding such positioning is confirmed by intersectional research. Now, human rights, particularly in relation to the paradigm of equality that it promotes, deals poorly with socio-structural inequality. Although some differences across human rights systems are found, they generally look at discrimination as based on identities, focusing on groups. This approach may, at the very best, reflect the earliest intersectional approach, which focused on groups at a particular intersection. For this reason,

this book should not be read as promoting the adoption of a group-based approach to intersectionality and an identity-based understanding of equality, which is already present in the law, nor as a challenge to gender as unavoidable explanatory notion for inequality based on sexual difference.

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ACRONYMS

- ACHR** American Convention on Human Rights. x, 147, 255
- BDPoA** Beijing Declaration and Platform of Action. x, 111, 252
- Beijing Rules** UN Standard Minimum Rules for the Administration of Juvenile Justice. x, 148
- Belem do Para Convention** Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. x, 3, 11, 43, 146, 149, 205, 209, 256
- CEDAW** Convention on the Elimination of All Forms of Discrimination against Women. x, 12, 44, 61, 137, 174, 205, 229
- CEDAW Cee** UN Committee on the Elimination of Discrimination Against Women. x, 3, 4, 44, 61, 62, 137, 229, 251
- CEDAW-OP** Optional Protocol to the CEDAW Convention. x, 44, 62
- CERD** International Convention on the Elimination of All Forms of Racial Discrimination. x
- CoE** Council of Europe. x, 11, 121, 169, 251
- CRC** Convention on the Rights of the Child. x, 148
- CSW** Commission on the Status of Women. x, 112
- DARSIWA** Draft Articles on Responsibility of States for Internationally Wrongful Acts. x, 52
- DEVAW** Declaration on the Elimination of Violence against Women. x, 3, 44, 101, 149, 252
- EBO** Emergency Barring Orders. x, 88
- ECHR** European Convention on Human Rights and Fundamental Freedoms. x, 12, 121, 147, 255
- ECtHR** European Court of Human Rights. x, 122, 173, 255
- EU** European Union. x

- FGM** Female Genital Mutilation. x, 63, 132, 133
- GBV** Gender-based Violence. x
- GR** General Recommendation. x, 253
- GRs** General Recommendations. x, 62, 193, 252
- IACHR** Inter-American Commission of Human Rights. x, 256
- IACPPT** Inter-American Convention to Prevent and Punish Torture. x, 157
- IACtHR** Inter-American Court of Human Rights. x, 147, 205, 215, 240
- IACW** Inter-American Commission of Women. x, 146
- ICCPR** International Covenant on Civil and Political Rights. x
- ICESCR** International Covenant on Economic, Social and Cultural Rights. x
- ICJ** International Court of Justice. x, 44
- ICPD** International Conference on Population and Development. x
- IGOs** Intergovernmental Organisations. x
- ILC** International Law Commission. x, 52
- IPV** Intimate Partner Violence. x, 84, 170, 173, 205, 253
- Istanbul Convention** Convention on Preventing and Combating Violence Against Women and Domestic Violence. x, 3, 11, 43, 133, 174, 255
- NGO** Non-Governmental Organisation. x
- NGOs** Non-Governmental Organisations. x, 132
- OAS** Organization of American States. x, 3, 11, 121, 146, 251
- Palermo Protocol I** Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. x, 107
- Rec(2002)5** Recommendation Rec(2002)5 of the Committee of Ministers of the Council of Europe. x, 255
- RRW** Rapporteur on the Rights of Women. x, 146
- UDHR** Universal Declaration of Human Rights. x, 122
- UN** United Nations. x, 44, 61, 136, 251
- UN DESIPA** United Nations Department for Economic and Social Information and Policy Analysis. x
- UN SG** United Nations Secretary General. x, 9, 61, 113, 252

- UN SRVAW** United Nations Special Rapporteur on Violence Against Women. x, 9, 61, 113, 115, 136, 252
- UNCTOC** United Nations Convention against Transnational Organised Crime. x, 107
- UNFPA** United Nations Population Fund. x
- UNGA** United Nations General Assembly. x, 3, 9, 44, 61, 104, 253
- VAW** Violence against Women. x, 3, 43, 61, 121, 146, 205, 249
- VDPoA** Vienna Declaration and Programme of Action. x, 149
- WHO** World Health Organization. x