



INTERSECTIONALITY

IN INVESTIGATIONS OF SERIOUS HUMAN RIGHTS
VIOLATIONS & INTERNATIONAL CRIMES

Guidance and Practice Tool

INTERSECTIONALITY IN INVESTIGATIONS OF SERIOUS HUMAN RIGHTS VIOLATIONS & INTERNATIONAL CRIMES

Guidance and Practice Tool

Justice Rapid Response, with the support of UN Women

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ABOUT JUSTICE RAPID RESPONSE (JRR):¹ Justice Rapid Response is the only global facility that provides rapidly deployable experts to investigate international crimes and serious human rights violations, and to enable a holistic, gender-sensitive, and inclusive approach to justice.

ABOUT UN WOMEN:² UN Women exists to advance women's rights, gender equality and the empowerment of all women and girls.

As the lead UN entity on gender equality and secretariat of the UN Commission on the Status of Women, we shift laws, institutions, social behaviours and services to close the gender gap and build an equal world for all women and girls. Our partnerships with governments, women's movements and the private sector coupled with our coordination of the broader United Nations translate progress into lasting changes. We make strides forward for women and girls in four areas: leadership, economic empowerment, freedom from violence, and women, peace and security as well as humanitarian action.

UN Women keeps the rights of women and girls at the centre of global progress—always, everywhere. Because gender equality is not just what we do. It is who we are.

The research and initial draft of this Guidance and Practice Tool was prepared by Alexandra Lily Kather as the lead consultant, with expert review by Priya Gopalan, Patricia V. Sellers, and Carla Ferstman - all certified experts on the Justice Rapid Response Roster. The ideation, development, editing and finalization of this publication was led by JRR's Gender Advisers Federica Tronchin and Giulia Latronico, with the support of UN Women's Rule of Law and Transitional Justice Specialists Emily Kenney, Helena Rodríguez-Bronchú Carceller and Laura Quijano Ortiz.

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1 [Justice Rapid Response | Making Justice Possible](#)

2 [Welcome | UN Women – Headquarters](#)

FOREWORD

Intersectionality, a concept introduced by Professor Kimberlé Crenshaw, helps identify injustices rooted in the compounded and interconnected nature of discrimination. The concept highlights how the intersecting aspects of a person's identity can make them more vulnerable to human rights violations and/or international crimes. These interlocking identities do not automatically correlate with vulnerability, but in specific contexts, they can be the driving factors behind targeted harm.

To truly understand intersectionality as a methodological approach, it is essential to examine its key components: who, how, where, and when. These elements reveal how a person's intersecting identities can become vulnerabilities, and how these vulnerabilities translate into harm and impact. Crenshaw's example of workplace discrimination against African-American women illustrates this perfectly. The "who" are African-American women; the "how" is the intersection of racial and gender discrimination; the "where" is the workplace; and the "when" refers to the time period in which the discrimination occurs.

Crenshaw's use of the example of perennial American misogynoir –the compounded racism and sexism– against African-American women highlights an often-overlooked aspect of intersectional analysis: the role of time (when) and place (where). These two factors are commonly acknowledged in domestic contexts but are less frequently addressed in investigations of international human rights violations or crimes. Investigators must recognize these components in their analysis, as the specific geographical and temporal context is crucial to understanding the full scope of the violations.

Another key concept to consider in applying intersectionality is the "matrix of oppression" (or structured discrimination), a term coined by African-American feminist Patricia Hill-Collins in her book *Black Feminist Thought*. The matrix of oppression helps explain how structured, systemic discrimination targets people with intersecting identities, creating the vulnerabilities that lead to harm. This matrix—the social, political, and ideological structures that enable discrimination— should be at the heart of any investigation that aims to correctly deploy intersectionality as a methodology. Understanding how and why a person –or persons or community –with certain intersectional identities becomes a target in a particular time and place is essential for uncovering the root causes of human rights violations and/or international crimes.

The Guidance and Practice Tool "Intersectionality in Investigations of Serious Human Rights Violations & International Crimes" offers an invaluable framework for investigators. By applying intersectionality, this tool broadens access to justice and redress, ensuring a more inclusive and comprehensive approach to understanding the nature and scope of human rights violations and/or international crimes.

It is heartening to witness the concrete development of intersectionality as an approach to be applied in the investigation of human rights violations and/or international crimes—including within the context of United Nations Fact-Finding Missions and Commissions of Inquiry and beyond.



Patricia V. Sellers

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PREFACE

- Victims of mass atrocities seek justice for the full harm inflicted upon them by perpetrators. Yet victims' harm cannot be fully visible without an intersectional lens, which magnifies the multiple and interconnected forms of discrimination at play at the time of the crimes, and the full and often compounded impact on the victims. An intersectional lens furthermore provides crucial information on how identities, social narratives, discrimination and privilege have shaped the intent of the perpetrators. It furthermore provides an instrument of self-reflection on the investigator's own positionality and methodology in their justice practice.

Complex and vast investigations, such as international criminal investigations and commissions of inquiry, have been proficient in formulating and integrating gender, victim-centered and child rights approaches, including by pro-actively addressing the multiple barriers to participation in justice processes for people who have historically been at the margins of those. Working on barriers made even more visible the need to systematically integrate those approaches and link them to a deeper understanding of the several layers of discrimination and marginalization at play in each conflict and human rights crisis.

There is still little guidance that fully focuses on the use of an intersectional lens in investigations of international crimes and human rights violations, and this Guidance and Practice Tool ("the Tool") contributes at filling such gap. Some of the legal minds who have been spearheading intersectional work in international justice, including Priya Gopalan, Alexandra Lily Kather and Patricia V. Sellers, contributed to this document, together with experts from the community of gender advisors and sexual and gender-based violence investigators deployed to international investigations by Justice Rapid Response, UN Women and OHCHR.

The Tool provides a definition of intersectionality relevant for justice and investigation processes, and gives concrete guidance on how this analytical framework can be applied in the preparation, planning, collection of information, analysis and reporting phases of an investigation.

The Tool has been developed as part of Justice Rapid Response's 2023-2026 strategy, which includes, as one of its strategic aims, the search for a more inclusive and victim-centred justice, as a key contribution to more peaceful and inclusive societies. A victim-centred and intersectional approach, which acknowledges the multiple forms of discrimination experienced by victims, and the many forms of judicial and non-judicial measures for justice, is key to fostering meaningful participation in justice processes for all, and in preventing future crimes.

Through this Guidance and Practice Tool, we aim to support partners and legal practitioners in implementing an intersectional approach to investigations, advancing justice, and promoting peace.

Federica Tronchin

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Developing an understanding of intersectionality, particularly through the recognition of intersectional discrimination, and through national legal and policy frameworks to seek substantive equality, will make it possible to better identify and eliminate the power dynamics perpetuating the systems and patterns of privilege and disadvantage.

Intersectionality, which is a means through which substantive equality is achieved, recognizes that identity cannot be dissected into mutually exclusive categories of experience and analysis. It asserts that identity is a complex amalgamation of different categories and social locations that simultaneously exist.”

Tlaleng Mofokeng,

*UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,
UN Doc. A/HRC/47/28 (7 April 2021) paras. 33-34*

Guide to icons



Example



Key guide



Checklist



I.

INTRODUCTION TO THIS GUIDANCE AND PRACTICE TOOL

WHAT IS THIS GUIDANCE AND PRACTICE TOOL ABOUT?

This Guidance and Practice Tool explains how intersectionality can be used as an approach to strengthen investigations of alleged human rights violations and/or international crimes. Intersectionality is an analytical framework for understanding how different aspects of identity result in unique and often compounded experiences of inequalities, discrimination and privilege in given situations because of social and political hierarchies within a society. Greater attention to intersectionality throughout the investigation improves understanding of how these layers of inequalities, discrimination and privilege combine to influence why certain persons and/or groups are being targeted for human rights violations and/or international crimes, how these violations and crimes manifest in certain places and at certain times and their structural impacts on the affected individuals and their communities. The Guidance and Practice Tool has been mostly inspired and informed by reports and experiences of UN Commissions of Inquiry and Fact-Finding Missions.

Readers of this Guidance and Practice Tool will learn:

- What practical steps to take when preparing and planning for an investigation to assure the team's capacity to adopt an intersectional approach;
- How to gain a clear understanding and to incorporate such understanding into the analysis of what is invariably a complex and multifaceted local context;
- How to adopt an intersectional approach to the investigation process so that the most relevant information is collected, in particular, around the extent to which intersecting forms of discrimination and privilege motivated the violations and/or crimes, the methods used to perpetrate them and the physical, psychological and social ramifications for the victims and the entire community;
- How to analyze the data collected (and the gaps) through an intersectional lens;
- How to embed an intersectional approach in the findings and recommendations of investigations' reports.

This Guidance and Practice Tool is not designed to provide readers with general guidance on how to carry out human rights and/or international crimes investigations. The purpose of the Guidance and Practice Tool is more targeted: it focuses specifically on how to introduce an **intersectional approach** to such investigations.

Accordingly, people who are reading this Guidance and Practice Note to derive general lessons on how to conduct investigations may wish to consult additional materials on investigation strategies and practice.

WHERE TO FIND ADDITIONAL INFORMATION?

This Guidance and Practice Tool should be read in conjunction with the following texts:

- Justice Rapid Response and Save the Children, E-Learning Course (2024), "[Integrating a Child Rights Approach in Accountability Work](#)"

- Office of the High Commissioner for Human Rights (OHCHR) (2018), ["Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice"](#)
- OHCHR (2015), ["Manual on Human Rights Monitoring and Commissions of Inquiry and Factfinding Missions on International Human Rights and Humanitarian Law: Guidance and Practice"](#)

For more general guidance on how to carry out investigations of alleged human rights violations and/or international crimes, please consult:

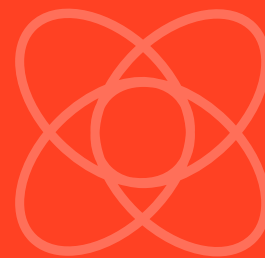
- Dermot Groome (2011), "The Handbook of Human Rights Investigation (2nd edition): A Comprehensive Guide to the Investigation and Documentation of Violent Human Rights Abuses"
- OHCHR (2011), ["Manual on Human Rights Monitoring"](#) (Revised edition)
- Eurojust, Network for Investigation and Prosecution of Genocide, Crimes against Humanity and War Crimes, the International Criminal Court (2022), ["Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations"](#)
- Global Rights Compliance (2019), ["Basic Investigative Standards for International Crimes"](#)
- United Kingdom, Foreign and Commonwealth Office (2014), ["International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. Basic Standards of Best Practice on the Documentation of Sexual Violence as a Crime under International Law"](#); and its second edition (2017)

These and additional resources are set out in the Bibliography which appears at the end of this Guidance and Practice Tool.

WHO MIGHT BENEFIT FROM READING THIS GUIDANCE AND PRACTICE TOOL?

This Guidance and Practice Tool is useful for anyone involved in investigations of alleged human rights violations and/or international crimes, including :

- Investigators and others involved in international commissions of inquiry and fact-finding missions;
- Investigators, prosecutors, defense and victims' legal teams involved in cases before international or domestic courts and tribunals with a mandate to adjudicate international crimes;
- Staff of national human rights commissions, ombudsperson offices, parliamentary oversight bodies and other institutions tasked with assessing and reporting on complex facts involving alleged human rights violations and/or international crimes;
- Staff of human rights agencies and civil society organizations researching, monitoring, analyzing and reporting, alleged human rights violations and/or international crimes, and the needs, challenges and vulnerabilities of affected communities;
- Investigative journalists, lawyers, civil society advocates and anyone who is carrying out fact-finding or wishes to learn more about applying an intersectional approach to fact-finding.



II. INTERSECTIONALITY AND ITS APPLICATION TO INVESTIGATIONS

WHAT IS INTERSECTIONALITY?

Intersectionality is a concept and theoretical framework which allows to better understand and make visible the many ways different social identities overlap and result in unique and often compounded experiences of discrimination, marginalization and oppression that result from social and political hierarchies within a society.¹ It facilitates the investigation of the interaction and cumulative effects of structural discrimination, oppression and violence on multiple grounds. These grounds may include for example, ethnicity, race, gender identity, sexual orientation, age, religion or belief, socioeconomic status, political opinion, nationality, indigeneity, migration status (refugee, internally displaced person, stateless), physical or mental ability,² and broader structures such as historical and structural legacies of colonialism and global power inequalities.

Applying an intersectional lens allows an investigator to:

- Uncover the compounded impact on people of multiple forms of discrimination;
- Understand the specific perspective and experiences within groups and communities which are often erroneously portrayed as homogenous;
- Uncover the systemic and structural nature of discrimination;
- Produce comprehensive recommendations addressing root causes of violations;
- Achieve equal outcomes for all in global efforts to fulfil the pledge to “leave no one behind”, thus advancing the 2030 Agenda for Sustainable Development with a critical understanding of marginalizations.

Intersectional approaches have been used throughout social justice movements in global majority contexts as strategies to build coalitions, confront and challenge privilege, and to question movements’ prioritization of single axes of identity. For example, in Latin America, where feminist political mobilization during the 1960s and 1970s focused on addressing political repression as much as survival and economic and educational needs;³ and where, more recently, contemporary grassroots women’s organizations – such as domestic workers’ movements in Ecuador and Colombia – have foregrounded the intersections of gender, class, and race in their struggles for rights;⁴ and in South Africa, where activists in the anti-apartheid movement fought against racism alongside discrimination against LGBTIQ+ people and people with HIV.⁵

The term “intersectionality” originates in the feminist movements that advocated for collective,

1 UN Network on Racial Discrimination and Protection of Minorities (2022), “[Guidance Note on Intersectionality, Racial Discrimination and Protection Of Minorities](#)”.

2 Kimberlé Crenshaw, “[Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, feminist Theory and Antiracist Politics](#)”, (1989) 1(8) University of Chicago Legal Forum 139–167; Kimberlé Crenshaw. “[Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color](#)” (1991) 43(6) Stanford Law Review 1241–1299.

3 Marta Fuentes, “[Feminismo y movimientos populares de mujeres en América Latina](#)” (1992) https://static.nuso.org/media/articles/downloads/2092_1.pdf.

4 Evans E., Lépinard E. (2019) “[Intersectionality in Feminist and Queer Movements](#)”.

5 Ncube, G. (2022) “[Simon Nkoli’s fight for queer rights in South Africa is finally being celebrated – 24 years after he died](#)”.

community-based approaches to redress societal oppressions, such as the Combahee River Collective in the US. The Combahee River Collective Statement introduced the concept of interlocking systems of oppression, including but not limited to gender, race, and homophobia.⁶



Example:

The Combahee Collective argued that both the US white feminist movement and the Civil Rights Movement were not addressing their needs as Black women and more specifically as Black lesbians. Racism was present in the mainstream feminist movement, and much of the Civil Rights Movement had a sexist and homophobic reputation.

According to Professor Crenshaw, a single-axis framework erases Black women in the conceptualization, identification and remediation of race and sex discrimination by limiting inquiry to the experiences of otherwise-privileged members of the group. In other words, in race discrimination cases, discrimination tends to be viewed in terms of sex- or class-privileged Black people; in sex discrimination cases, the focus is on race and class-privileged women.⁷

Intersectionality reveals the unique and compounded forms of discrimination and violations that result from intersecting structures of oppression. It helps with understanding the ways in which human rights violations and/or international crimes manifest in different contexts, locations and in people who face multiple and intersectional forms of discrimination; and helps being “mindful of situations of vulnerabilities, discrimination and exclusion linked to belonging to specific groups, categories or situations, and avoiding category-based responses that forget intragroup differences and intersections.”⁸ It permits the articulation and recognition of the combined effects or accumulation of different forms of discrimination leading to different and distinct prejudicial outcomes.⁹

As such, intersectional discriminations result in specific harms that are distinct to those that arise when discriminations are assessed separately; persons affected by intersectional discriminations suffer consequences that are different from those suffered by persons subjected to only one form of discrimination.¹⁰ Critically, intersectionality calls for intentionally seeking to make visible what may be excluded and unseen at first glance.¹¹

Intersectionality furthermore sheds light on how political and social structural and systemic norms, beliefs and behaviors interlinks with layers of privilege, oppression and subordination. An intersectional approach help to address shortcomings in legal, institutional and policy frameworks, placing the lived experiences of affected people at the heart of policymaking.

6 Leslie Bow, et al. “Combahee River Collective Statement: A Fortieth Anniversary Retrospective” (2017) 38(3) *Frontiers: A Journal of Women Studies* 164–89. See also [UN Women, Intersectionality resource guide and toolkit: An intersectional approach to leave no one behind](#), 2021.

7 Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, feminist Theory and Antiracist Politics,” 1(8) *University of Chicago Legal Forum* (1989) 139–167, 140.

8 UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng (2022), “Violence and its impact on the right to health”, UN Doc. [A/HRC/50/28](#), para. 5.

9 Priya Gopalan, “Intersectional approaches to investigating and prosecuting international crimes: Sexual and Gender-based Crimes” in Stahn (ed.), *The International Criminal Court in its Third Decade: Reflecting on Law and Practices* (Koninklijke Brill NV: Leiden, 2023) 147.

10 See, e.g., *Case of Gonzales Lluy et al v Ecuador (Preliminary objections, merits, reparations, and costs)*, Inter-American Court of Human Rights (IACtHR), Series C, No. 298 (1 September 2015) para. 290. See also, Concurrent opinion of Judge Eduardo Ferrer Mac-Gregor Poisot, paras. 11–12.

11 Priya Gopalan, “Intersectional approaches to investigating and prosecuting international crimes: Sexual and Gender-based Crimes” in Stahn (ed.), *The International Criminal Court in its Third Decade: Reflecting on Law and Practices* (Koninklijke Brill NV: Leiden, 2023), 163.



Example:

The UN Committee on the Elimination of Racial Discrimination has recognized that racial discrimination can affect women and men differently. To capture these differences, one needs to recognize and acknowledge the different life experiences of women and men, in areas of both public and private life. The Committee explains that:

“Certain forms of racial discrimination may be directed towards women specifically because of their gender, such as sexual violence committed against women members of particular racial or ethnic groups in detention or during armed conflict; the coerced sterilization of indigenous women; abuse of women workers in the informal sector or domestic workers employed abroad by their employers. Racial discrimination may have consequences that affect primarily or only women, such as pregnancy resulting from racial bias motivated rape; in some societies women victims of such rape may also be ostracized. Women may also be further hindered by a lack of access to remedies and complaint mechanisms for racial discrimination because of gender related impediments, such as gender bias in the legal system and discrimination against women in private spheres of life.”¹²

WHAT IS AN INTERSECTIONAL APPROACH TO INVESTIGATIONS?

There are a variety of different lenses and approaches that might be used to investigate human rights violations and/or international crimes. These approaches may be applied to understand what happened in a particular location, why it happened, the significance of the events within the context and the impact on persons and groups within that community and beyond.

Investigators adopting an intersectional approach intentionally apply a **multi-axis** analytical lens that considers the various, interlinked and compounded elements of marginalization, discrimination and oppression which may cause or contribute to human rights and international criminal law violations, and why they happened. Taking an intersectional approach may also help to clarify the combined effects of different forms of discrimination that “coalescence, multiply and emerge as different and distinct prejudicial outcomes.”¹³

An intersectional lens connects and expands upon the threads between approaches that are already recognized as best practice in international human rights investigations, such as approaches that reflect the specific rights, needs and perspectives of women,¹⁴ persons discriminated against on the basis of sexual orientation or gender identity,¹⁵ particular racial or ethnic groups,¹⁶ persons with disabilities,¹⁷ and children.¹⁸

12 UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No 25 on Gender Related Dimensions of Racial Discrimination (20 March 2000) in UNGA, Report of the Committee on the Elimination of Racial Discrimination, UN Doc A/55/18, Annex v, para. 2.

13 Priya Gopalan, “Intersectional approaches to investigating and prosecuting international crimes: Sexual and Gender-based Crimes” in Stahn (ed.), *The International Criminal Court in its Third Decade: Reflecting on Law and Practices* (Koninklijke Brill NV: Leiden, 2023), 147.

14 CEDAW, 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 (19 October 2010) UN Doc CEDAW/C/2010/47/GC.2, para. 18.

15 UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, “The right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals”, UN Doc A/HRC/50/27 (2022), para. 19.

16 UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No 25 on Gender Related Dimensions of Racial Discrimination (20 March 2000) in UNGA, Report of the Committee on the Elimination of Racial Discrimination, UN Doc. A/55/18, Annex v.

17 CRPD, General comment No 6 on equality and non-discrimination (26 April 2018) UN Doc CRPD/C/GC/6, para. 19.

18 OTP-ICC (2023), Policy on Children, paras. 49–51.



Example:

The ICC Office of the Prosecutor (OTP) in its Policy on Children recognizes that:

“taking an intersectional approach can reveal differences in status, power, roles, and needs between persons, including children, that result from social and political hierarchies and inequalities between persons and collectivities on intersecting grounds including race, ethnicity, socio-economic status, religion, age, gender, including gender identity and sex, sexual orientation, caste, indigenous status and disability. An intersectional perspective considers such factors and their relationships to structural drivers of violence in a given context as well as the impact on people’s opportunities and interactions. This perspective enables the Office to gain a better understanding of crimes, as well as the experiences of individuals and communities in a particular society.”

...

“An intersectional approach helps surface how different aspects of a child’s identity can combine to render them more likely to suffer specific types of harm or impact. Gender discrimination may intersect with other forms of discrimination such as race or ethnicity, compounding the effects on girls from marginalised or vulnerable communities. For example, a child who is young, female and a member of a particular ethnicity or religion may be more targeted for enslavement or sexual violence due to discriminatory assumptions about her age, gender and ethnic or religious identity.”¹⁹



Example:

The ICC Office of the Prosecutor in its Policy on Gender-Based Crimes, indicates:

“[...] An intersectional perspective [...] requires an understanding of differences in status, power, roles, and needs between persons, including persons under 18 years of age, as a result of social and political hierarchies and inequalities between persons and collectivities on intersecting grounds. Such grounds include race, ethnicity, socio-economic status, religion, age, sex characteristics, gender (including sexual orientation, identity and expression), caste, indigenous status, legal or displacement status and disability. Each of these grounds is to be understood within the context of the relevant society and its history. An intersectional perspective considers such factors and their relationship to structural drivers of violence in a given context as well as the impact on people’s vulnerabilities, opportunities and interactions. This will enable the Office to gain a better understanding of crimes and their meanings, as well as the experiences of individuals, collectivities and communities in a particular society.”

OTP-ICC (2023), Policy on Gender-Based Crimes: Crimes involving sexual, reproductive and other gender-based violence, para. 75

All such approaches promote an intersectional understanding among their respective competencies.²⁰ Other relevant best practice approaches include a victim or survivor-centred approach²¹ and a trauma-informed approach.²²

19 OTP-ICC (2023), Policy on Children, paras. 49–51.

20 See for example: OTP-ICC, Policy on Gender-Based Crimes, para. 75 and OTP-ICC, Policy on Children, para. 49–51.

21 OTP-ICC, Policy on Gender-Based Crimes, para. 70; IIIM-Syria, Victim/ Survivor-Centred Approach.

22 OTP-ICC, Policy on Gender-Based Crimes, para. 71–74; UNITAD (2021), Trauma-Informed Investigations Field Guide.

An intersectional approach informs all phases of an investigation: preparation and planning, investigation, factual analysis, legal analysis and drafting of reports and recommendations. Each phase benefits from a clear consideration and understanding of the multiple, interlinking systems of social and political hierarchy in the situation under investigation in which alleged violations of international human rights law, international humanitarian law or international criminal law are investigated. Likewise, the investigation benefits from the sequential attention to intersectionality in each of the given phases of the process.



Example:

“The mission [...] adopted an intersectional approach. It prioritized the impact of violations on victims, taking into account their overlapping identities and/or structural discrimination on grounds of age, sex, gender, sexual orientation, gender identity, socioeconomic status, political opinion, religion or belief, ethnicity or nationality.” Independent international fact-finding mission on the Islamic Republic of Iran (FFM Iran), Report, UN Doc. A/HRC/55/67 (2 February 2024), para. 9



Example:

“The Commission followed best practices established for commissions of inquiry and fact-finding missions, outlined in the 2015 OHCHR publication, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law – Guidance and Practice*. The Commission adopted a gender-competent and intersectional approach to its investigations and analysis.” International Commission of Human Rights Experts on Ethiopia (ICHREE), “Comprehensive investigative findings and legal determinations”, UN Doc. A/HRC/54/CRP.3, (13 October 2023) para. 8

It is advisable to **intentionally** apply intersectionality as an approach from the start of the investigation; notwithstanding, it is never too late to integrate an intersectional lens. It can always help identify gaps in planning and preparation, as well as in the investigation, factual analysis, legal analysis and recommendations.

A recommended practice, provided time and resources are available, is to plan for an intersectional review, to examine the extent to which an intersectional approach has been used (e.g. throughout an interview, with respect to the investigation of an incident, or during factual or legal analyses). This can be a useful exercise to identify gaps in investigating intersectional dimensions of violations and crimes, their impact and their legal characterization. Such a review can be undertaken on a periodic basis as part of the adherence to quality standards and internal monitoring and evaluation processes, or as needed, given changes to the team structure or to the dynamics of ongoing human rights violations and/or international crimes.

Every team member, regardless of their role in the team, should understand the meaning and significance of an intersectional approach to investigations, and be equipped to implement it in their areas of work. This approach is most successfully implemented when understood as a core responsibility of every team member, regardless of their specific work assignment or position. **Everyone has a role to play** in the implementation of intersectionality as an approach to investigations.

III.

PREPARATION AND PLANNING OF INVESTIGATIONS



This section outlines key aspects that are relevant in the preparation and planning of investigations adopting an intersectional approach.

Operationalizing intersectionality requires understanding how multiple social identities combine and affect our experiences and perspectives, for example privileging certain identities while marginalizing others. Each investigation team member should gain:

- An understanding of **social identities** at play in the context where the investigation team operates, such as race, nationality and ethnicity, and other group memberships and emotional attachments that influence our self-concept and behavior. It is the social and political context that creates one's identity in terms, for example, of ethnicity, socioeconomic status, class, sex, gender, and ability status.
- An understanding of the **positionality** of each individual in the context where the investigation team operates, including within the team. Positionality involves understanding our social position relative to others, which is influenced by factors such as gender, race, class, and other social identities. Positionality describes how our social identities, and connected perception of and outlook on the world, influence who we are, our biases, how we interact with others, and how people are impacted by those interactions.
- An understanding of the context in which an investigation team operates, especially understanding of **privilege** within a society. Privilege provides structural advantages, favors, and benefits to members of dominant groups at the expense of targeted, minoritized or racialized groups. Privilege is characteristically invisible to people who have it. It operates on personal, interpersonal, cultural, and institutional levels.

TEAM SELECTION

Gender and geographical balance as well as expertise on gender and children's rights are among the policy criteria that must be considered during the selection of the staff or consultants conducting an international investigation.

Understanding contextual factors is equally important when selecting a team mandated to carry out an investigation of alleged serious human rights violations and/or international crimes, be it nationally or internationally. The need to ensure that those who investigate will have, and be seen to have, **sufficient objectivity** and **impartiality** applies to all investigations regardless of where they take place. What that means in a particular domestic context will depend on the layers of privilege, discrimination and marginalization which affect power dynamics in that society. In some countries, regional balance may be most critical, whereas in others, it may be adequate representation of diverse ethnicities, faiths, and socio-economic backgrounds.

Team selection considerations must necessarily include a commitment to fairness and non-discrimination and must consider the legacies of the past, including colonialism, and recognize how additional forms of diversity (such as ethnicity, age, religion or belief, language(s), socio-economic status, caste, gender, sexual orientation, gender expression, bodily or mental abilities) can be valuable assets.

The broader the representation within the team, the more diverse the perspectives will be present, with greater potential to benefit the investigation overall. For example, when **selecting who will**

conduct which interview(s), it is important to understand how the selection could impact the person(s) to be interviewed because of the positionality of the interviewer (e.g. their race, ethnicity, gender, religion or belief, language(s), bodily or mental ability).

A broad range of positionalities and diverse perspectives within a team may optimally **expand access to an increasingly diverse pool of sources, intermediaries and referral pathways**. Such a perspective **can positively assist in the building of rapport** between the team and such intermediaries and survivor communities.

The proximity of one's positionality to the situation under investigation may also be a resource to the team, especially whenever there are risks of contextual misunderstandings. However, proximity of positionality will not always reassure an interviewee or intermediary. Each situation may present its own specific considerations.

Given the exigencies of the team structure, it may not be possible to avoid entirely the presence of different forms of privilege and experiences of disadvantage and discrimination amongst members of the team and between team members and those they will be seeking to interview and engage with in the local community. Understanding the presence of such factors and taking active steps to mitigate their influence on team dynamics and the interview process is therefore crucial.²³

How this can best be done will need to be assessed on a case-by-case basis, considering the local dynamics. In general terms, **mitigatory steps** can include determining **who to assign tasks to** and how to **pair up investigators**; and working with the **local community** to increase trust and develop confidence. The **timely integration of specialized experts**, on themes such as minority groups, indigenous people, gender, children, and the support of their work by colleagues and leadership, is critical in the implementation of an intersectional approach to investigations.

It is important to acknowledge that such mitigatory steps may be challenging to implement, considering the many limitations that investigative teams face. These may include lack of physical access to the context under investigation and a limited ability to integrate all needed specialized expertise due to lack of funding.

UNDERSTANDING THE CONTEXT

During preparation and planning, an intersectional approach encourages a thorough examination of the social and political hierarchies within a situation under investigation – both historical and current. A lack of understanding and contextualizing of such hierarchies has the risk of reproducing the same power dynamics in the justice process.



Example :

Sri Lanka: In the context of the conflict in Sri Lanka, colonial policies fuelled the conflict. The UN Human Rights Council requested the UN High Commissioner for Human Rights to undertake a comprehensive investigation into the alleged violations and abuses by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission (LLRC), and to establish the facts and circumstances of such alleged violations.²⁴ Accordingly, the UN Office

23 An example of a team self-assessment exercise on positionality is the following: after each team member reflects on the aspects that form their positionality, it is suggested to examine the following questions, as individuals and as a team: 1) How does my social identity (including different privileges and/or experience of oppression) affect how I see and understand the world (my lens)? 2) In what ways are my interactions, decisions, and interpretations affected by my lens? 3) How can I identify and minimize discrimination and domination associated with my privilege through my interactions, decisions, and interpretations? What practical steps will I take in my engagements? 4) On which lines do I experience privilege and along which lines do I experience discrimination (if any)? 5) Where does my positionality stand in relation to the team composition?

24 UN Human Rights Council, "Promoting reconciliation, accountability and human rights in Sri Lanka", Resolution 25/1, [UN Doc. A/HRC/RES/25/1](#) (9 April 2014).

of the High Commissioner for Human Rights Investigation on Sri Lanka (OISL) focussed its investigation on a period of nine years (2002-2011). Nevertheless, its report recognises the need to trace the complexities of Sri Lanka's 26-year civil war,²⁵ given their importance to the context of the investigation: the post-independence government policies that favoured the Sinhalese majority disadvantaged by colonialism – ostensibly offering them redress but effectively marginalising and radicalising segments of the Tamil community.²⁶



Example:

Rwanda: Similarly, in Rwanda, the racial hierarchies were introduced through colonial powers, the story of which needs to be understood and reflected in any investigation or documentation process that aims for justice and peace.

Sources such as The Deutsche Welle documentary “Reclaiming History – Colonialism and the Genocide in Rwanda” can be powerful tools to help investigators. The documentary traces the arc from German colonial rule to the genocide in Rwanda.²⁷ It examines the role played by German and Belgian colonialism in the 1994 genocide against the Tutsi in Rwanda. Rwandan film director Samuel Ishimwe, whose parents were murdered during the genocide, sets out in search of the origins of the “racial hatred” between Tutsi and Hutu.

A recommended practice is to assign a team member – with relevant thematic competences and motivation – the task of conducting structural anti-discrimination and hierarchy analysis of a given context. This could be a **short memo** for internal use **describing the hierarchies and elaborating on how they may foster or result in discrimination, violence and oppression** for some, while privileging others. Notably, the intersecting identities of a person may cause them to experience discrimination along some lines, while also experiencing privilege along other lines. This internal memo could include a literature review, any available statistics and data, and an overview of the law or policies that identify protection gaps and represent social and political hierarchies and their resulting impacts upon persons and communities that are within the situation under investigation.

The memo can be a living tool used by all investigators and updated with relevant practical information (for example, by adding local actors or data confirming or not the research findings). If developed early in the preparation and planning phase, the memo can serve as an important foundation piece of the intersectional approach, supporting its implementation during the investigation.²⁸

Applying an intersectional lens also translates into a proactive mapping and consultation of experts with lived experience (such as social workers, medical and psychological care providers, activists, and members of civil society organizations working on human rights, women's rights, children's rights, LGBTIQ+ rights, minority rights, racial justice, and disability rights). This helps investigators to have a comprehensive understanding and overview of the overall context, including from different perspectives (within and between groups).

PLANNING THE INVESTIGATION

Intersectionality in investigations starts in the interpretation of the mandate and scope of the investigation. It has progressively been recognized that, to ensure that particular forms of

25 UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), *UN Doc. A/HRC/30/CRP.2* (16 September 2015) paras. 47–53.

26 Priya Gopalan, *The Long Journey to Justice for Sri Lanka's Victims*, INTLAWGRRRLS (29 September 2015).

27 Deutsche Welle, *Rwanda: From colonialism to genocide*, 4 February 2024.

28 See also, OHCHR (2018), “*Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice*”, 19–20.

discrimination, marginalization and oppression are seen and addressed, specific attention must be devoted to those aspects in investigations, reports and recommendations.²⁹ The same principle should apply to intersectional forms of discrimination, marginalization and oppression: investigative mandates should be interpreted and implemented with specific attention to intersectional forms of oppression.



Example:

“The Commission adopted a gender-competent and intersectional approach to its investigation. This approach included a focus on investigating harms against persons and communities who notably experience inequity and oppression in the situation under investigation, for example women and girls, children, and persons who identify as LGBTQIA+ of different nationalities, ethnicities, and religious backgrounds. The Commission also incorporated gender-competency and equitable gender as well as geographical representation in its own composition.”

International Commission of Human Rights Experts on Ethiopia (ICHREE), “Comprehensive investigative findings and legal determinations”, UN Doc. A/HRC/54/CRP.3, (13 October 2023), para. 22

When planning the investigation, investigators should keep in mind the key guiding questions to intentionally analyze the intersectional dimensions of violations of international human rights law, international humanitarian law, international criminal law and their impact(s), namely:³⁰



■ **WHAT HAPPENED?**

(- type of violation(s) -, against whom (consider the positionality of such person and what this positionality represents within the context of the society), by whom (consider the positionality of such person(s) and what this positionality represents within the context of the society).

■ **WHY?**

(study the relationship between the structural drivers of this violation and any information obtained on the social and political hierarchies in the situation under investigation). Why were certain persons, groups, or communities targeted? Why do they think they were targeted?

■ **THE WIDER CONTEXT:**

How are the factual findings embedded in a wider contextual understanding of the social and political hierarchies in the situation under investigation?

■ **LEGAL ANALYSIS:**

How are the factual findings legally characterized and categorized under international human rights law, international humanitarian law an international criminal law, and do these legal classifications fully reflect the scope of the harms and their intersectional dimensions?

29 With respect to the scourge of violence against women and girls, the UN Human Rights Council has affirmed its intention “to ensure that, where appropriate, the mandates of future fact-finding missions or commissions of inquiry require them to devote specific attention to violence against women and girls in their reports and recommendations, or upon renewal of existing mandates.” [UN Human Rights Council, “Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence”, Resolution 23/25, UN Doc. A/HRC/RES/23/25 (25 June 2013) para. 17].

30 An intersectional analysis builds on the established best practice of a gender-competent analysis. See for example ICC-OTP, Policy on Gender-Based Crimes, para. 23-26

When drawing up an investigation plan with an intersectional approach, investigators should first understand the structural discrimination, violence and oppression present in the situation under investigation.³¹ Specialized advisors can help ensure that investigation plans include intersectional lenses and concrete steps to apply an intersectional approach.

Based on the specific mandate of an investigation, a recommended practice is to ensure that the investigation plan is informed by the **intersectional dimensions of violations as understood across relevant international legal frameworks**. For example, where an investigation applies only criminal law, other frameworks should be used in an interpretive capacity to inform an intersectional (and non-discriminatory, and gender-sensitive) application of crime-based elements, contextual elements, and linkage evidence.

The objective is to set forth any **information on how and why certain persons are targeted for or impacted by certain violations**. Existing templates of investigation plans should include a column detailing the intersectional basis for targeting and the intersectional harms or impacts of violations.

Accordingly, explicit questions about the specifics of the intersectional aspects of the targeted person(s) should be included in the interview questionnaire. Additional lines of inquiry should be pursued to be able to corroborate such information whenever possible. The goal of this incorporation is to be able to demonstrate which violations occurred in each situation and what were the structural driver(s) of such violations that resulted from pre-existing inequalities.

To support this incorporation, outreach to a diverse pool of actors is needed to ensure that the investigation team can establish a rapport with persons subjected to structural discrimination, such as marginalized or vulnerable groups and minority communities and persons who work with or on behalf of them in the situation under investigation.

In some contexts, movements that organize for social justice and collective liberation, often representing the most marginalized members in a society, such as women's and feminist movements, and unions, hold deep and long-standing knowledge about structural issues in a society - both contemporary or historically - and can provide essential contextual information to explain experiences of discriminations and their intersectional dimension in the country.

If the investigation prioritizes a geographical area, a good practice can be for example to proactively reach a broad range of diverse groups within the area (e.g. ethnicity, age, literacy, gender, national and refugee status, mental or physical abilities) and account for their diverse identities, as this can lead to compounded forms of discrimination.

This approach **mitigates the risk of rendering invisible** certain forms of discrimination, unequal power relations and conflict dynamics, and human rights violations and/or international crimes committed against victims that are usually less seen or excluded.³²



Example:

A focus on solely ethnic Tigrayans in Tigray would have significantly limited the findings of the International Commission of Human Rights Experts on Ethiopia (ICHREE), in accordance with its mandate. The ICHREE conducted interviews with "interviewees identified as being Afar, Agew, Amhara, Irob, Kunama, Oromo, Qemant, Somali, Tigrayan, and mixed ethnicity" within Tigray and "Eritrean refugees who identified as being of biher Tigrinya and Bilen ethnicity". Moreover, the Commission documented violations against Tigrayans outside of Tigray.

ICHREE, "[Comprehensive investigative findings and legal determinations](#)", UN Doc. A/HRC/54/CRP.3, (13 October 2023), paras. 20-24

31 United Nations Network on Racial Discrimination and Protection of Minorities (2022), "[Guidance Note on Intersectionality, Racial Discrimination and Protection of Minorities](#)", 3.

32 Alexandra Lilly Kather (2022), "[What do intersectionality, feminist leadership and feminist foreign policy have to do with justice?](#)", Heinrich Böll Foundation.

The investigation plan should therefore **foresee the creation of an extensive and diverse map of intermediaries**, which may include legal, medical, psycho-social and other necessary referral pathways.³³ Such contact persons through which witnesses can be safely reached may change or expand over time. Respective investigative and interviewing strategies can be developed based on such a mapping exercise. The breadth of information gathered during the mapping phase can be employed whenever access to certain interviewees is restricted (e.g. digital open-source information, documentary information, medical-legal information, and documentation). An extensive and diverse map of intermediaries is also an integral part of international standards and best practices such as trauma-informed and victim or survivor-centered approaches.

TRAINING

Investigation teams should organize, based on an assessment of the competencies within the teams and building upon existing training resources, capacity building exercises, specialized briefings, and/or a full-fledged training on how to apply an intersectional approach.

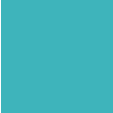
Investigation staff members should hold and lead, on a rotating basis, regular status and review meetings on the implementation of the intersectional approach. Specialized advisors, such as gender and child rights experts, should participate in the status review meetings.

CHECKLIST FOR PREPARATION AND PLANNING



- ☐ Consider the positionality of potential team members during the team selection processes. Map the team's strengths and gaps resulting from the combined positionality of team members.
- ☐ Interpret the mandate of the investigation with an intersectional lens.
- ☐ Study the social and political structures, hierarchies and systems – as shaped by legacies of past history and atrocities and successive discriminatory systems – as well as their relationship to the current alleged human rights violations and/or international crimes in the situation under investigation.
- ☐ Prepare an internal memorandum that describes such hierarchies and explains how they may have led to the targeting of particular individuals and/or groups and their specific impacts depending on the intersecting identities of the affected person(s).
- ☐ List any relevant legal or policy protection gaps that will be relevant for the investigation. This includes an understanding of, for example, how the domestic legal framework may contribute to the marginalization of certain persons or communities by failing to protect them.
- ☐ Co-create with the team an investigation plan which is informed, in an interpretive capacity, by all relevant bodies of international law (as applicable). Understand and capture the intersectional components and dimensions of criminal law (crime base, contextual elements and linkage evidence) in your planning.
- ☐ Add a column to the investigation plan that identifies intersectional dimensions of alleged violations and/or crimes and identified incidents. This includes any information on whether, and if so, how, certain persons are targeted for or impacted by certain violations.

³³ "Intermediary" means a person or entity that takes steps to identify and/or facilitate communications and/or relations between the investigative body and an information provider or witness. It is key to have mapped out all support service providers for a referral for witness support. However, it is advised to separately keep a list of potential intermediaries and keep track of who is approached with the disaggregated data. Some support service providers may become intermediaries.

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- ☐ Plan for the means to verify the intersectional dimensions of alleged violations and/or crimes and their impact on survivors.
 - ☐ Counterbalance shortcomings in an investigation by adopting and implementing an intersectional approach that mitigates the risk of rendering invisible certain violations, incidents or discriminated, marginalized or oppressed individuals or communities.
 - ☐ Compile an extensive map of intermediaries that includes social justice and collective liberation movements, legal, medical, psycho-social and other necessary referral pathways as well as an overview of stakeholders that should diversify over time.

IV. INFORMATION COLLECTION



Information should be gathered from a wide range of sources to ensure comprehensive findings that reveal the intersectional dimensions of violations and/or crimes and their impacts. All tools or templates used during the investigation phase should be adjusted to incorporate an intersectional approach and perspective.

AN INTERSECTIONAL APPROACH TO THE IDENTIFICATION OF SOURCES

Sources of an investigation include primary sources (victims, witnesses, investigators' direct observations and declarations by alleged perpetrators) and secondary sources (second-hand testimonies, the media, information provided by UN entities, humanitarian actors, civil society actors, medical or forensic reports). Information may come in different formats, all of which will serve important purposes, including oral testimony, documentary evidence, videos or online open-source data, photographs and satellite imagery.



Example:

"The mission relied on the following information and evidence: laws, decrees, regulations and policies, official statements and reports and judicial documents issued by the Iranian authorities; in-depth interviews with victims and witnesses; medical imaging, documents and independent reports; verified photographs and videos; and satellite imagery. Where the mission deemed the information valid and the source credible and reliable, it used secondary sources to corroborate and contextualize primary sources and patterns. Those sources included information provided to the mission by United Nations entities and human rights organizations."

Independent international fact-finding mission on the Islamic Republic of Iran (FFM Iran), Report, UN Doc. [A/HRC/55/67](#) (2 February 2024), paras. 6, 7

An intersectional approach to source identification recognizes possible limitations in the use of sources depending on their positioning within the system of social and political hierarchies in each situation. It requires actively seeking sources and evidence that reflect multiple, overlapping social positions, identities, and contexts, rather than relying on a single dominant perspective. Potential sources of information that can inform on intersectionality include: victims and witnesses of any violations, experts and human rights representatives focusing on intersectional dimensions of violations and their impacts, official reports and statistics, defectors or insiders, such as (former) state officials and members of armed groups, elderly in communities, midwives, wives of armed group leaders, women fighters, wives of defectors, LGBTQI+ persons, all racial or ethnic groups, people of all socio-economic backgrounds, people from urban and rural areas, as well as displaced and stateless people. It is good practice to review and identify gaps in representation among sources and actively seek sources from underrepresented perspectives.

AN INTERSECTIONAL APPROACH TO THE COLLECTION OF DISAGGREGATED INFORMATION

It is critical to approach a diverse as possible set of sources, **collect disaggregated information on**

the social identities of persons interviewed or otherwise consulted, and be aware of the interviewees' **positionality** within society. This fosters the inclusion of sources that can speak to the intersectional dimensions of violations and their impacts. Disaggregated information may include race, ethnicity, gender, age, disability, religion, political views, gender identity, sexual orientation, location, legal status/ migration status, education, access to the labor market, and political participation. Note that such disaggregated information should present a breakdown of the sources in addition to the collection of disaggregated data and statistics compiled by others on issues relevant from an intersectional perspective.

To the extent possible, it is recommended to list the types of sources and provide a breakdown of the positionality of persons interviewed in the investigation reports. During the investigation, the team can use this list to monitor and assess how it is doing in terms of diversifying the range of sources it approaches and fill gaps as it moves along.



Example (reporting):

"For the preparation of the report, the mission conducted 366 remote or face-to-face interviews with 383 persons (203 men and 180 women) and consulted dozens of judicial case files and other documentary and audiovisual sources."

UN Human Rights Council, "Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela", UN Doc. [A/HRC/57/57](#) (17 September 2024), para. 13

"In total, the Commission conducted 545 in-depth interviews with victims and eyewitnesses. Of these, 350 were conducted during the present reporting period, while 185 interviews were conducted during the Commission's first mandate. The Commission diversified its sources of information for its findings to reflect the voices and experiences of people from different backgrounds and communities. Interviewees identified as being Afar, Agew, Amhara, Irob, Kunama, Oromo, Qemant, Somali, Tigrayan, and mixed ethnicity. The Commission also interviewed Eritrean refugees who identified as being of biher Tigrinya and Bilen ethnicity. Interviewees identified as being of the Orthodox, Catholic, Protestant, and Muslim faiths as well as not holding religious beliefs. The Commission sought to achieve near gender parity in its interviews. Overall, 47 per cent of interviewees were female and 53 per cent were male. The Commission also interviewed older persons, persons with disabilities, persons belonging to minorities, as well as refugees and internally displaced persons. It also interviewed a number of members of non-State armed groups, as well as a number of persons currently or previously belonging to parties to the conflict."

International Commission of Human Rights Experts on Ethiopia (ICHREE), "[Comprehensive investigative findings and legal determinations](#)", UN Doc. A/HRC/54/CRP.3, (13 October 2023), paras. 20-21

AN INTERSECTIONAL APPROACH TO INTERVIEWING

Interviewing forms a core component of an overall intersectional approach and its implementation in investigations.

It is recommended that the interview checklist or questionnaire includes **explicit questions about aspects of a person's social identities**. Such questions may or may not resonate with interviewees, should not be asked explicitly if that might lead to harm, and should clearly leave the option for the interviewee to opt out from answering. Nevertheless, it is important for the options to be provided, to create a possibility of information-sharing on any aspects of a person's social identities they wish to elaborate upon.



Examine identities and positionality of interviewees at the beginning of an interview.

Age	
Gender Identity	
Sexual Orientation	
Ethnicity	
Political affiliation (actual or perceived)	
Nationality	
Religion	
Education	
Socio-economic status or background	
Profession/occupation	
Age	
Disability	
Legal personality	
Languages	
Caste	
Migrant/refugee status	
Other	

An intersectional approach must furthermore consider how to verify the alleged human rights violations and/or crimes prompted by structural discrimination and resulting in a **discriminatory impact** for survivors.

In instances involving survivors of sexual violence with intersecting vulnerabilities, particularly for sexual, reproductive and other forms of gender-based violence, there is a high risk of underreporting. For acts of sexual violence or torture, where it can be difficult to corroborate the allegations of the victims with another independent source, “corroboration could be obtained by evaluating the details of the victim’s statement, its credibility, trying to determine if it is consistent with information available in the public domain and establishing if the acts reveal patterns that correspond to other similar cases.”³⁴

³⁴ See OHCHR (2018), “[Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice](#)”, 18 [referring to Rapport final détaillé de la Commission d’enquête sur le Burundi, UN Doc. A/HRC/36/CRP.1/Rev.1 (20 September 2017) para. 28].



Example:

“In cases of sexual and gender-based violence, where a second independent source of information was often unavailable, the Mission considered the case or incident corroborated when it obtained one first-hand account which it assessed as credible and as consistent with what was known about the incident or the established patterns of similar incidents in the area, and in line with the interviewer’s own observations”.

Independent International Fact-Finding Mission on Myanmar, “Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts”, UN Doc. [A/HRC/42/CRP.4](#), (22 August 2019), para. 20.

It is also advisable to be aware of **the relationship between a person’s positionality and the information they provide**. Depending on the circumstances, a person’s positionality may increase or decrease the reliability of the information they provide or the perception of its bias. This underscores the importance of corroboration.



Example (avoiding the perception of bias):

“In many conflict situations communities become polarized based on, for example, support for the Government or for opposition armed groups, ethnicity or religion. Assessing the information gathered with regard to its validity and truthfulness, as well as the reliability of sources, as mentioned below, is thus particularly important, highlighting the need for adequate corroboration. The commission/mission should also guard against any perceptions in the community that its inquiry is biased by making efforts to collect testimonies from all sections of the population.”

OHCHR (2015), “[Manual on Human Rights Monitoring and Commissions of Inquiry and Factfinding Missions on International Human Rights and Humanitarian Law: Guidance and Practice](#)”, 58

Investigators should pursue lines of questioning that will reveal information about the intersectional dimension of all alleged human rights violations and/or international crimes and their possible impacts, such as **distinct targeting, the forms of violations, community impacts, and alleged perpetrators**:



- **WHO** (individuals, groups) was distinctly **targeted** for violation(s) X? By **whom**?
- **HOW** were you/certain persons or communities distinctly targeted for violation(s) X? (Aiming to collect information **on distinct targeting of individuals/groups in relation to particular forms of violations**, e.g. sexual violence or torture)
- **WHAT** are the **reasons** for which **you think** you/they were distinctly **targeted**?
- **WHO** was distinctly **impacted** by such violation(s) X? **How** were you/they impacted by the violations you experienced/witnessed?

This is likely to result in collecting information about any forms of discrimination, verbal or non-verbal, or targeting, and the intention behind such targeting. These may be any observations, slurs, insults, statements or threats on any ground of discrimination.



Example (reporting):

In Belarus, “Police, Committee of State Security and prison officers in Brest, Gomel, Grodno, Minsk (city and region) and Mogilev regions used rape threats, often accompanied by physical violence, to degrade, intimidate, coerce or exert control. Threats contained brutal, explicit and aggressive language, often with homophobic elements.”

OHCHR, “Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath,” UN Doc. [A/HRC/55/61](#) (25 March 2024), para. 27



Example (reporting):

In Ethiopia, “EDF, ENDF, Amhara Special Forces, Afar Special Forces, and fano militias used dehumanizing and derogatory language before, during, and after rapes. Survivors were targeted on the basis of both their ethnicity and their gender, indicating a broader effort to terrorize, displace, and punish the Tigrayan population. Some statements by the perpetrators suggested they may have had an intent to destroy the Tigrayan population. For example, a survivor from Humera, Western Tigray, who was raped by six EDF soldiers in March 2021 recalled one of her rapists telling her, “Tigrayan women should not be able to give birth. It’s good to rape this Tigrayan. Let’s eliminate the Tigrayans for generations”. The soldiers also killed her 5-year-old son”.

International Commission of Human Rights Experts on Ethiopia (ICHREE), “[Comprehensive investigative findings and legal determinations](#)”, UN Doc. [A/HRC/54/CRP.3](#), (13 October 2023), para. 146

In Ethiopia, “such verbal assaults were indicative of targeting victims on intersecting grounds of ethnicity and gender. In chilling words which were echoed in other survivors’ accounts, one Tigrayan woman recalled: “They said to me, ‘I’m going to destroy your uterus so you can never give birth to a Tigrayan. Tigrayan children grow like a cancer inside, then one day they become adults. Tigrayan spirit has to die because all Tigrayans are cursed’.”

International Commission of Human Rights Experts on Ethiopia (ICHREE), “[Comprehensive investigative findings and legal determinations](#)”, UN Doc. [A/HRC/54/CRP.3](#), (13 October 2023), para. 439

CHECKLIST FOR INFORMATION COLLECTION



- ☐ Conduct source identification using an intersectional approach and identify any limitations of identified sources from an intersectional perspective
- ☐ Collect information and disaggregated data on the positionality of persons interviewed beyond gender and age
- ☐ Consider lines of questioning related to all aspects of a person's positionality in the interview questionnaire: Establish who this person is "within the context of the society"³⁵ (please note that such questions may or may not resonate and may or may not be answered)
- ☐ Consider lines of questioning that allow you to understand the relationship between an interviewee's positionality and the information they are providing
- ☐ Consider lines of questioning on distinct targeting, forms of violations and impact, including their intersectional dimensions
- ☐ Consider lines of questioning on any forms of discrimination, verbal or non-verbal, or targeting
- ☐ Establish a system of regular review of the interview questionnaire, interview plan and investigation plan from an intersectional perspective

³⁵ "Within the context of society" derives from Article 7 (3) of the ICC Statute. The Office of the Prosecutor's Policy on Gender crimes clarifies that this phrase refers "to social constructs and criteria used to define gender. These include constructs about sexual orientation, gender identity and gender expression." OTP-ICC, Policy on Gender-Based Crimes, para. 18.

V.

INFORMATION ANALYSIS



FACTUAL ANALYSIS

An intersectional analysis of the information gathered should include, at a minimum:

- the various structural forms of discrimination and violence, including of (possible) intersecting forms of discrimination;
- the exacerbation of pre- existing forms of discrimination and their linkage with root causes of violence and discrimination and to legacies of historical violence.
- the differentiated impact of violations;
- the connection between and among violations; as well as
- any information related to alleged perpetrators.

Factual analysis is a work stream separate from but related to information collection. It is important that sufficient time is allocated to conducting factual information analysis. How this is organized would depend on the structure of the team, however, at the least, thematic expertise, for example on gender and child rights, should be brought into the analytical process of any incident. Draft factual findings will benefit from an intersectional review which can be done in writing or during discussions among team members as designated by the team leader.

Investigators should analyze violations in connection with any information collected on pre-existing discrimination. Pre-existing discrimination and inequalities can influence the economic, social, cultural, civil, and political dimensions of a person's experience of violations and the differentiated impact such violations can have depends on a person's positionality. The contextual information gathered in the preparation phase to understand the underlying causes and manifestations of discrimination will be instrumental, especially in comprehending the repercussions of these on the violations and in providing recommendations with regard to structural and/or systemic changes required to address the root causes of violations, and legacies of the past.

INFORMATION ANALYSIS CAPACITY

As part of the overall approach, investigators should diligently document and analyze the information gathered, creating and implementing an information management and tagging system that supports an intersectional analysis.

Investigations normally use information management tools to assist with information analysis. Most large-scale investigations use software to assist with this.

Any information management tool chosen should be user-friendly, able to be learned in a relatively short time, be secure, be affordable, come with training and configurability, have access protocols, protection and consent protocols on identities of sources, and be able to preserve digital materials.

The information management tool should enable the extraction of relevant information for analysis, including an intersectional, gender-, age- and child- competent analysis. The disaggregation of the information on social identities and positionality is key to conduct a comprehensive analysis .

CHECKLIST FOR FACTUAL ANALYSIS



- ☐ Understand and be guided by the international legal framework, as well as relevant regional instruments that prohibit discrimination;
- ☐ Use the contextual information gathered in the preparation phase to understand the underlying causes and manifestations of discrimination, violence and their impacts;
- ☐ Analyze different types of violations with the aim of establishing the intersectional dimensions of patterns, including trends in sexual, reproductive and other forms of gender-based violence;
- ☐ Identify the intersectional dimensions of the impacts/consequences of the violations and their root causes;
- ☐ Examine whether structural discrimination and inequalities have been exacerbated and/or have placed certain persons or communities at a heightened risk of different forms of violations, including sexual, reproductive, and other forms of gender-based violence. Note that new patterns of discrimination may emerge during conflict, or any situation of mass structural violence;
- ☐ Analyze whether the denial of civil, economic, political, cultural and social rights has increased the targeting of certain persons or communities for certain violations in the situation under investigation and whether certain violations, such as sexual, reproductive and other gender-based violence, has contributed to additional violations;
- ☐ Note any intersecting forms of discrimination that place specific persons or communities at heightened risk of certain violations;
- ☐ Develop an information management and tagging system that supports an intersectional analysis.

LEGAL ANALYSIS

Conducting an intersectional analysis is intrinsic to the application of all relevant bodies of law (including international human rights law, international humanitarian law, international criminal law and international refugee law). Applying a combination of human rights, humanitarian and criminal legal frameworks makes it possible to fully analyze and represent the ways in which people are discriminated against, harmed, targeted and otherwise impacted differently depending on who they are and the contexts in which they live.

The challenge, therefore, lies in employing an intersectional analysis consistently throughout the legal assessment. This requires legal advisors to **apply all applicable international legal frameworks to the findings, while explicitly accounting for the intersectional dimension of violations and their impacts**. At the same time, such an application of international law must “avoid creating a hierarchy of crimes and victimhood.”³⁶

³⁶ Priya Gopalan, “Intersectional approaches to investigating and prosecuting international crimes: Sexual and Gender-based Crimes” in Stahn (ed.), *The International Criminal Court in its Third Decade: Reflecting on Law and Practices* (Koninklijke Brill NV: Leiden, 2023), 165.



Example:

Several European Union jurisdictions have been developing the use of “cumulative prosecution practices”, where “indictments for terrorism are cumulated with charges for core international crimes to increase the potential penalty level for perpetrators and bring justice to victims.”³⁷

It is important for all team members involved in the legal analysis to understand that the applicable frameworks can be approached from an intersectional perspective. This is consistent with the approach taken by treaty bodies. For example, the Committee on the Elimination of Discrimination Against Women’s General Recommendations No. 25, No. 28 and No. 40,³⁸ and the Committee on the Rights of Persons with Disabilities’ General Comment No. 6³⁹ all underscore the importance of an intersectional approach and analysis in the work of the human rights treaty bodies.

Notably, both the Special Rapporteur on the Right to Health and the former Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity underscore the importance of taking a non-binary, intersectional approach to gender in relation to their respective areas of work and relatedly rely on an intersectional analysis to conduct their work.⁴⁰



Example (reporting):

“The common thread in all above-described violations and abuses is an intersectional discriminatory intent based on ethnicity and gender in violation of the prohibition of any form of discrimination guaranteed by the CERD, CEDAW, and other international and regional human rights treaties. The commission finds a pattern whereby ethnic Tigrayan men and boys were targeted for killings, while ethnic Tigrayan women and girls were subjected to widespread rape and other forms of sexual violence, and sexualized slavery.”

International Commission of Human Rights Experts on Ethiopia (ICHREE), “Comprehensive investigative findings and legal determinations”, UN Doc. A/HRC/54/CRP.3, (13 October 2023), para. 466

Under international humanitarian law, intersectional considerations are reflected primarily through the obligation to ensure humane treatment for civilians and persons hors de combat. “Humane

37 <https://www.eurojust.europa.eu/news/final-swedish-judgment-12-years-imprisonment-first-ever-case-against-genocide-through-transfer-children>

38 CEDAW, 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 (19 October 2010) UN Doc. CEDAW/C/2010/47/GC.2 paras. 18, 26; CEDAW, General Recommendation No. 25: Article 4, paragraph 1, of the Convention (temporary special measures) (2004) paras. 12, 15; CEDAW General recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems (25 October 2024) UN Doc. CEDAW/C/GC/40 paras. 5, 17, 27, 28, 29.

39 Committee on the Rights of Persons with Disabilities (CRPD), General Comment No. 6 (2018) on equality and non-discrimination, UN Doc. CRPD/C/GC/6 (26 April 2018) paras. 19–22.

40 See generally, Human Rights Council, Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, “The law of inclusion,” A/HRC/47/27 (3 June 2021). See also, Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng, “Strategic priorities of work,” UN Doc. A/HRC/47/28 (7 April 2021) paras. 8–15 and Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng, “Violence and its impact on the right to health,” UN Doc. A/HRC/50/28 (11 April 2022), paras. 3–7.

treatment” is understood in intersectional terms in the [ICRC Commentary on Common Article 3 of the Geneva Conventions](#)⁴¹:

“Humane treatment is context specific and has to be considered in the concrete circumstances of each case, taking into account both objective and subjective elements, such as the environment, the physical and mental conditions of the person, as well as his or her age, social, cultural, religious or political background and past experiences. . . with a growing acknowledgement that women, men, girls and boys are affected by conflict in different ways.”

Under international criminal law, Article 21 (3) of the ICC Statute requires the application and interpretation of the law to:

“be consistent with internationally recognized human rights, and be without any adverse distinction founded on grounds such as gender as defined in article 7, paragraph 3, age, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, wealth, birth or other status.”

Both the OTP-ICC Policy on Gender-Based Crimes and Policy on Children clarify that an intersectional approach is among the core principles guiding the investigation and prosecution of international crimes. The Policy on Gender-Based Crimes further highlights that⁴²:

“the [sexual] nature or meaning of an act may depend on context, community or even individual. It is thus critical to conduct an in-depth, intersectional analysis to understand and characterise these acts appropriately within a given context.”

As is demonstrated by the Sarah O. case before the Higher Regional Court of Düsseldorf, Germany⁴³ or by the Al Hassan case before the International Criminal Court,⁴⁴ the crime against humanity of persecution allows for an explicit avenue to account for discriminatory targeting on intersecting grounds (for example, religion and gender) based on an intersectional factual and legal analysis.



Example (reporting):

“The fact-finding mission finds reasonable grounds to believe that the Rapid Support Forces and their allied militias committed the crimes against humanity of murder, torture, enslavement, rape, sexual slavery and acts of a sexual nature of comparable gravity, persecution on the basis of intersecting ethnic and gender grounds in connection with the foregoing acts, and the forcible displacement of population.”

Independent international fact-finding mission for the Sudan, Report, UN Doc. [HRC/57/23](#) (7 November 2024), para. 95.

41 ICRC, Commentary to Common Article 3 of the Geneva Conventions, para 553; Hugo Slim (2018), “Impartiality and Intersectionality”, ICRC - Humanitarian Law and Policy Blog.

42 OTP-ICC, Policy on Gender-Based Crimes, para. 44.

43 Livia Benschu and Alexandra Lily Kathner, “Closure of Protection Gaps?: Persecution on Grounds of Sexual Orientation with the International Criminal Law Reform in Germany,” *Völkerrechtsblog* (18 June 2024).

44 Rosemary Grey and Valerie Oosterveld, “Al Hassan: The International Criminal Court’s First Judgment on Gender Persecution” (Part I & Part II) *Opinio Juris* (August 2024).



Example (reporting):

“The mission finds that this gender persecution intersects with discrimination on the basis of ethnicity and religion”.

Independent International Fact-Finding Mission on the Islamic Republic of Iran (FFM Iran), Report, UN Doc. [A/HRC/55/67](#) (2 February 2024) para. 108.



Example (reporting):

“It finds that the violations and abuses by the ENDF, EDF and allied regional special forces, including Amhara Special Forces and Afar Special Forces and militias, in particular fano militia, amount to the crimes against humanity of murder; torture; rape, sexual slavery and other forms of sexual violence of comparable gravity; enslavement; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; enforced disappearance; persecution against an ethnic group intersecting with gender in connection with other listed crime.”

International Commission of Human Rights Experts on Ethiopia (ICHREE), “Comprehensive investigative findings and legal determinations”, UN Doc. A/HRC/54/CRP.3, (13 October 2023), para. 480.

CHECKLIST FOR LEGAL ANALYSIS



- ☐ Understand how an intersectional approach and intersectional analysis are intrinsic to the application of international legal frameworks;
- ☐ Apply all applicable international legal frameworks to the findings, including to the intersectional dimension of human rights violations and/or international crimes and their impacts;
- ☐ Work closely with those who conduct the investigation and with specialized advisors to ensure the legal analysis corresponds with intersectional factual analyses;
- ☐ Review the analysis to ensure it does not result in a discriminatory outcome for certain person(s) or communities. Ask yourself: are there factual findings that remain legally uncharacterized and therefore unaccounted for, causing a discriminatory outcome for affected persons or communities?

VI. REPORTING AND RECOMMENDATIONS



The reports on the outcome, findings, and conclusions of the investigation should illustrate the various human rights violations and/or crimes. They should take full account of the particular experiences of the victims and/or survivors in relation to all relevant intersecting aspects of their social identities and positionality. Additionally, the reports should consider the intersectional identities of victims and/or survivors as related to specific instances and larger systematic patterns of intersecting discrimination and oppression and how those might be rooted in legacies of the past.

An intersectional approach to report writing does not simply refer to the choice of language or the inclusion of disaggregated data. It also relates to the report's content, structure, and focus. The report should highlight gaps in the findings or challenges in obtaining certain types of information or accessing certain groups to serve as recommendation(s) for further investigation.

Recommendations should speak to the intersectional structural drivers of violations, the intersectional dimensions of violations and the resulting impacts. They should also include how to prevent, mitigate, and provide reparations for the intersecting aspects of the violations.

INTEGRATING INTERSECTIONALITY THROUGHOUT THE REPORT

An intersectional approach to investigations will culminate in the implementation of intersectionality in the report.



Example (reporting):

“Aspects of intersectional discrimination, based on ethnic and religious grounds, shaped the experience of violence and injustice suffered by many in the context of the protests and their aftermath.”

Independent International Fact-Finding Mission on the Islamic Republic of Iran (FFM Iran), Report, UN Doc. A/HRC/55/67 (2 February 2024), para. 122.

INTERSECTIONAL, HUMAN RIGHTS-INFORMED LANGUAGE

The investigation team should use language in the report that is informed by frameworks of intersectionality,⁴⁵ anti-racism, anti-discrimination and by approaches that address the historical and structural legacies of colonialism and avoid the reproduction of essentialist tropes or discrimination (i.e. stereotypical narratives that assume certain groups have fixed, inherent traits, often reinforcing social hierarchies and limiting individual agency).

45 OHCHR (2018), “Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice” 52-53.

“ The power dynamics that have perpetuated the systems and patterns of privilege and disadvantage that outlived formal colonialism. To achieve substantive equality [...], laws and policies should address the intersectional nature of discrimination, namely the lived experiences of those who experience discrimination on multiple grounds.”⁴⁶



Example:

In Colombia, the Special Jurisdiction for Peace has used legal pluralism and a sensitivity to ethnic and racial diversity when it interpreted the war crime of the destruction of cultural property and places of worship (Article 8(2)(e)(iv) of the ICC Statute) as applying to the destruction of “sacred places or places of worship where tutelary spirits live, who are guardians of the ancestral knowledge to protect life.”

Belkis Florentina Izquierdo Torres - Aty Seikuinduwa and Ana Elena Abello Jiménez, “El impacto del pluralismo jurídico en la calificación jurídica de la JEP” in *La JEP vista por sus jueces*, 185 (2022-2023)

ADDRESSING INFORMATION ON INTERSECTIONAL DIMENSIONS OF VIOLATIONS AND THEIR IMPACTS IN THE REPORT

Addressing intersectional dimensions in reporting is essential to capture how violations are committed and how they affect victims differently depending on overlapping identities. This might require team members with relevant expertise, for example on gender or child rights, to draft dedicated components of the report and to furthermore conduct an overall gender-, age- and intersectionality competent analysis of the whole report. Also, overarching observations on the intersectional dimensions of violations and/or crimes and their impacts, including their structural drivers, and related recommendations, should be included in the report and its summary.

As the report will serve as a basis for follow-up actions, the intersectional analysis is instrumental to support supplemental efforts and tailored initiatives aimed at promoting victims’ access to justice, recognizing them as victims not just for one harm but the combined harm they may have suffered, and establishing effective remedies.



Example:

In the L. I. case⁴⁷, in November 2025, the Stockholm District Court convicted the defendant, a 52-year-old Swedish national, of genocide, war crimes, and crimes against humanity and sentenced her to 12 years of imprisonment. The case confirmed genocide including through the underlying act of transfer of children of a group to another, and through severe suffering because of underlying acts of enslavement and the systematic suppression of the Yazidi through restrictions on language, religion and forced conversion. In this case, the crime against the Yazidi could not be understood through a single category such as religion alone. The court recognized genocide not only through killings or physical abuse, but through interconnected acts: the transfer of Yazidi children, enslavement, and the systematic suppression of Yazidi identity through forced conversion and

⁴⁶ Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng, “Strategic priorities of work,” UN Doc. A/HRC/47/28 (7 April 2021), 1.

⁴⁷ <https://www.eurojust.europa.eu/sites/default/files/assets/files/clean-stockholms-tingsratt-b-3210-23-dom-20250211-delbar-en.pdf>

restrictions on language and religion. These acts targeted the Yazidi as a religious and cultural group, while children and women experienced the harm in distinct and compounding ways because of their age and gender.

AN INTERSECTIONAL APPROACH TO DRAFTING RECOMMENDATIONS

The findings of the report related to intersectional dimensions and impacts should be addressed in the recommendations, to promote substantive equality,⁴⁸ accountability and redress. This might entail for recommendations to address both individual and systemic remedies. These may include recommendations to:



- Change or eliminate laws, policies, rules, practices, standards and institutions that foster systemic and structural discrimination against persons and groups, including when they are not discriminatory in purpose but are discriminatory in outcome and effect.
- Reform laws and policies to address forms of discrimination in an intersectional manner, rather than “single-axis” models of discrimination which do not address the lived experiences of persons and communities who experience discrimination on multiple grounds;
- Change legislation and practice to address and compensate for the differentiated impact of violations depending on the social identities and positionality of a person(s) or group(s), and, when relevant, to cease continuing violations;
- Institute temporary special measures that protect all those disproportionately affected and impacted by violations and allow for their secure participation in any form of informal or formal justice process, and political (post-conflict) and reparations processes;
- Ensure that referral pathways are in place which respond to the intersectional dimensions of violations and their impact on persons. For example, an adult trans woman with a physical disability may have medical, psychological and legal needs that are distinct from a child cis-gender boy, while both have experienced rape with objects.



Example:

“ (...) It has been established that the effects of climate change (...) are disproportionately borne by children. (...)” “Added to this is the intersection of vulnerabilities such as those present in children who are migrants, indigenous, living in extreme poverty, or on the street, or in precarious housing. Gender is also a relevant factor in perception of the impact, and girls are more vulnerable to climate impacts, which usually intensify existing inequalities (infra para. 614).” “Based on the foregoing, the Court finds that (...) States should progressively adopt all necessary measures to: (i) guarantee that children have access to integral health services and systems that are available, accessible, and of quality, and this means that they have the necessary infrastructure and equipment to attend to the different health problems linked to climate change, including mental illnesses associated with “eco-anxiety”; (ii) ensure that environmental health plans, policies, laws, and programs are aligned with the best available scientific information on the impacts of climate change on children’s health, and

⁴⁸ Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng, “Strategic priorities of work,” UN Doc. A/HRC/47/28 (7 April 2021) paras. 26-35.

(iii) establish the necessary policies and strategies so that attention reaches groups that are socioeconomically excluded, such as indigenous children, children with disabilities, and children living in poverty. “States have specific obligations in relation to situations of special vulnerability such as those faced by: (i) children; (ii) indigenous and tribal peoples, Afro-descendants, peasant farmer communities, and fishermen, and (iii) people who suffer differentiated impacts in the context of climate-related disasters (...). In addition, States should adopt measures to protect individuals who do not belong to the traditionally protected categories, but who are vulnerable due to dynamic or contextual reasons (...)”. Inter-American Court of Human Rights Advisory Opinion AO-32/25 of May 29, 2025, on climate emergency and human rights.⁴⁹

CHECKLIST FOR REPORT WRITING AND RECOMMENDATIONS



- ☐ Integrate an intersectional analysis throughout the report alongside factual findings of violations as well as in the legal determinations thereof.
- ☐ Reflect the intersectional dimensions of violations and their impacts, respectively in the recommendations of the report. In this way, an intersectional analysis is considered a core part of the report.
- ☐ Use language informed by the frameworks of intersectionality, anti-racism, anti-discrimination and by approaches that address the historical and structural legacies of colonialism. Implement a non-binary approach to gender in accordance with international human rights standards.⁵⁰
- ☐ Include background information in the report and contextualize the intersectional dimensions of violations and their differentiated impacts.
- ☐ Use an intersectional perspective when analyzing a pattern of violations, such as multiple or intersectional and/or compounded discrimination.
- ☐ Ensure that the international human rights legal framework is used along with international humanitarian and international criminal law, when applicable, in the legal analysis of the report, to fully reflect the intersectional dimensions of violations and their impacts.
- ☐ Guarantee consistency between the findings and the recommendations, making sure that relevant findings and conclusions on intersectional dimensions and their impacts are accompanied by tailored recommendations.
- ☐ Include relevant recommendations that will contribute to substantive equality and intersectional justice for all persons.

Additional resources and general information on the topic of intersectionality and international human rights and criminal investigations are outlined in the Bibliography below.

49 INTER-AMERICAN COURT OF HUMAN RIGHTS ADVISORY OPINION AO-32/25 OF MAY 29, 2025, REQUESTED BY THE REPUBLIC OF CHILE AND THE REPUBLIC OF COLOMBIA, CLIMATE EMERGENCY AND HUMAN RIGHTS Paragraphs VI.597; VI.598; VI.599 ; VII.20. https://www.climatecasechart.com/documents/request-for-an-advisory-opinion-on-the-scope-of-the-state-obligations-for-responding-to-the-climate-emergency-decision_3b51?q=indigenous

50 UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng (2022), “Violence and its impact on the right to health”, UN Doc. A/HRC/50/28, 1.

BIBLIOGRAPHY



Bastia, T. (2022) "Reflections on intersectionality: a journey through the worlds of migration research, policy and advocacy"

Benschu, L. and Kather, A.L. "Closure of Protection Gaps?: Persecution on Grounds of Sexual Orientation with the International Criminal Law Reform in Germany," Völkerrechtsblog (18 June 2024)

Bow, L., et al. "Combahee River Collective Statement: A Fortieth Anniversary Retrospective" (2017) 38(3) *Frontiers: A Journal of Women Studies* 164–89

Crenshaw, K., "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color" (1991) 43(6) *Stanford Law Review* 1241–1299

Crenshaw, K., "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, feminist Theory and Antiracist Politics", (1989) 1(8) *University of Chicago Legal Forum* 139–167

Deutsche Welle (2024), "Rwanda: From colonialism to genocide," available at: <https://www.dw.com/en/rwanda-from-colonialism-to-genocide/a-68662605>

Eurojust, Network for Investigation and Prosecution of Genocide, Crimes against Humanity and War Crimes, the International Criminal Court (2022), "Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations"

Evans E., Lépinard E. (2019) "Intersectionality in Feminist and Queer Movements"

Ferro Ribeiro, S. and van der Straten Ponthoz, D. (2017), "Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law" (Second Edition, UK Foreign & Commonwealth Office)

Fuentes, Marta "Feminismo y movimientos populares de mujeres en América Latina" (1992) https://static.nuso.org/media/articles/downloads/2092_1.pdf

Global Rights Compliance (2019), "Basic Investigative Standards for International Crimes"

Groome, D. (2011), "The Handbook of Human Rights Investigation (2nd edition): A Comprehensive Guide to the Investigation and Documentation of Violent Human Rights Abuses"

United Kingdom, Foreign and Commonwealth Office (2014, 1st edition), "International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. Basic Standards of Best Practice on the Documentation of Sexual Violence as a Crime under International Law"

United Kingdom, Foreign and Commonwealth Office (2017, 2nd edition), "International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. Basic Standards of Best Practice on the Documentation of Sexual Violence as a Crime under International Law"

Gopalan, P. (2023), "Intersectional approaches to investigating and prosecuting international crimes: Sexual and Gender-based Crimes" in Stahn (ed.), *The International Criminal Court in its Third Decade: Reflecting on Law and Practices* (Koninklijke Brill NV: Leiden)

Gopalan, P. (2015), "The Long Journey to Justice for Sri Lanka's Victims," INTLAWGRRRLS

Grey, R. and Oosterveld, V. (2024), "Al Hassan: The International Criminal Court's First Judgment on

Gender Persecution” (Part I & Part II) Opinio Juris

Hill Collins, P., Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment (Boston: Unwin Hyman, 1990)

Human Rights and Gender Justice (HRGJ) Clinic at the City University of New York (CUNY) School of Law, MADRE and UN Women (2021), “Identifying Gender Persecution in Conflict and Atrocities: A Toolkit for Documenters, Investigators, Prosecutors and Adjudicators of Crimes Against Humanity” ICRC, Commentary to Common Article 3 of the Geneva Conventions

International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011 (IIIM Syria), “The Syrian Government Detention System as a Tool of Violent Repression,” (June 2024, public redacted version December 2024)

IIIM-Syria, “Victim/ Survivor-Centred Approach” (webpage)

International Commission of Human Rights Experts on Ethiopia (ICHREE), “Comprehensive investigative findings and legal determinations”, UN Doc. A/HRC/54/CRP.3 (13 October 2023)

Independent International Fact-Finding Mission on the Islamic Republic of Iran (FFM Iran), Report, UN Doc. A/HRC/55/67 (2 February 2024)

Independent International Fact-Finding Mission on Myanmar, “Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts”, UN Doc. A/HRC/42/CRP.4, (22 August 2019)

Independent international fact-finding mission for the Sudan, Report, UN Doc. HRC/57/23 (7 November 2024)

Izquierdo Torres - Aty Seikuinduwa, B.F. and Abello Jiménez, A.E., “El impacto del pluralismo jurídico en la calificación jurídica de la JEP” in La JEP vista por sus jueces (2022-2023)

Jacobson, D., & Mustafa, N. (2019), “Social Identity Map: A Reflexivity Tool for Practicing Explicit Positionality in Critical Qualitative Research” 18 International Journal of Qualitative Methods, <https://doi.org/10.1177/1609406919870075>

Justice Rapid Response and Save the Children, E-Learning Course (2024), “Integrating a Child Rights Approach in Accountability Work”

Kather, A.L. (2022), “What do intersectionality, feminist leadership and feminist foreign policy have to do with justice?”, Heinrich Böll Foundation

Ncube, G. (2022) “Simon Nkoli’s fight for queer rights in South Africa is finally being celebrated – 24 years after he died”

Office of the High Commissioner for Human Rights (OHCHR) (2022), “Guidance Note on Intersectionality, Racial Discrimination and Protection of Minorities”

OHCHR (2018), “Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice”

OHCHR (2015), “Manual on Human Rights Monitoring and Commissions of Inquiry and Factfinding Missions on International Human Rights and Humanitarian Law: Guidance and Practice”

OHCHR (2011), “Manual on Human Rights Monitoring” (Revised edition)

OHCHR (2024) Report A/HRC/57/67 “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality.”

Office of The Prosecutor, International Criminal Court (OTP-ICC) (2023), [Policy on Children](#)

OTP-ICC (2023), [Policy on Gender-Based Crimes: Crimes involving sexual, reproductive and other gender-based violence](#)

Pollock, M., (2021), [“What is positionality?”](#), Engineer Inclusion

Slim, H. (2018), [“Impartiality and Intersectionality,”](#) ICRC - Humanitarian Law and Policy Blog

UN Committee on the Elimination of Discrimination Against Women (CEDAW), 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 (19 October 2010) UN Doc [CEDAW/C/2010/47/GC.2](#) UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No 40 on the equal and inclusive representation of women in decision-making systems (25 October 2024) [CEDAW/C/GC/40](#)

UN Committee on the Elimination of Racial Discrimination (CERD), [General Recommendation No 25 on Gender Related Dimensions of Racial Discrimination](#) (20 March 2000) in UNGA, Report of the Committee on the Elimination of Racial Discrimination, UN Doc A/55/18, Annex v

UN Committee on the Rights of Persons with Disabilities (CRPD), General comment No 6 on equality and non-discrimination (26 April 2018) [UN Doc CRPD/C/GC/6](#)

UN Human Rights Council, “Rapport final détaillé de la Commission d’enquête sur le Burundi”, UN Doc. [A/HRC/36/CRP.1/Rev.1](#) (20 September 2017)

UN Human Rights Council, “Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela”, UN Doc. [A/HRC/57/57](#) (17 September 2024)

UN Human Rights Council, “Report of the OHCHR Investigation on Sri Lanka (OISL)”, UN Doc. [A/HRC/30/CRP.2](#) (16 September 2015)

UN Human Rights Council, “Promoting reconciliation, accountability and human rights in Sri Lanka”, Resolution 25/1, UN Doc. [A/HRC/RES/25/1](#) (9 April 2014)

UN Network on Racial Discrimination and Protection of Minorities (2022), [“Guidance Note on Intersectionality, Racial Discrimination and Protection Of Minorities”](#)

UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng (2022), “Violence and its impact on the right to health”, UN Doc. [A/HRC/50/28](#)

UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng (2021), “Strategic priorities of work,” UN Doc. [A/HRC/47/28](#)

UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, [“The right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals”](#), UN Doc A/HRC/50/27 (2022), para. 19

UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, “The law of inclusion,” [A/HRC/47/27](#) (3 June 2021)

UN Women (2021), [“Intersectionality Resource Guide and Toolkit: An intersectional approach to leave no one behind”](#)

UNITAD (2021), [Trauma-Informed Investigations Field Guide](#)



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