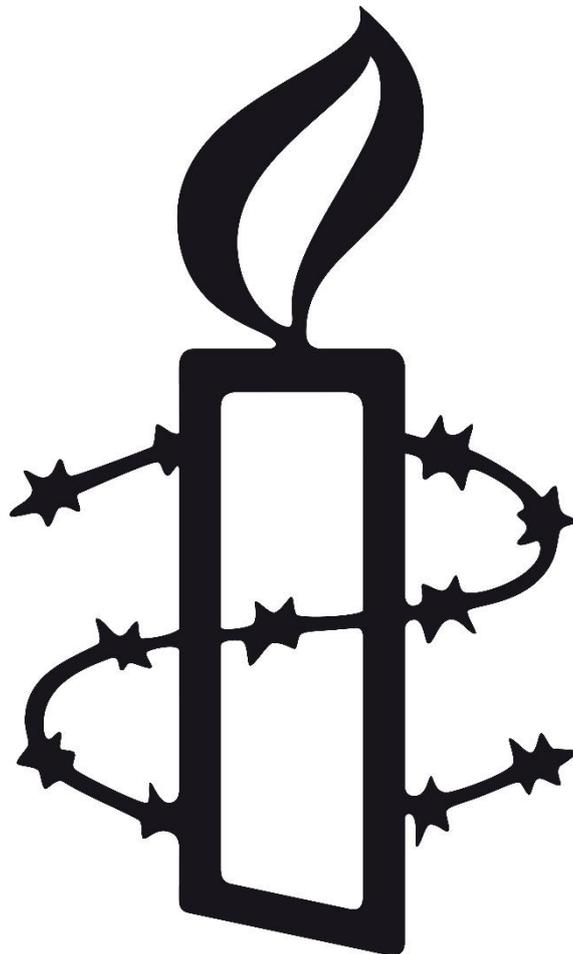


INTERSECTIONALITY FROM A RACIAL JUSTICE PERSPECTIVE

SUBMISSION TO THE UN SPECIAL RAPPORTEUR ON CONTEMPORARY
FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND
RELATED INTOLERANCE



AMNESTY
INTERNATIONAL



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Amnesty International welcomes the opportunity to contribute to the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance’s report to the Human Rights Council on intersectionality from a racial justice perspective.

1. INTRODUCTION

Amnesty International welcomes the opportunity to contribute to the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance's (Special Rapporteur on Racism) report to the Human Rights Council on intersectionality from a racial justice perspective. This submission is structured around some of the key questions laid out by the Special Rapporteur, and it's not meant to be an exhaustive analysis.¹

2. INTERSECTIONAL DISCRIMINATION FROM A RACIAL JUSTICE PERSPECTIVE

We welcome this initiative noting that, while some UN Special Procedures mandates have highlighted intersecting forms of discrimination, for examples in relation to health and poverty,² the analysis and standards on intersectional discrimination from a racial justice perspective remain limited. The CEDAW Committee has long recognized intersectional forms of discrimination in relation to the Convention on the Elimination of All Forms of Discrimination against Women.³ The CERD has explained that racial discrimination has unique and specific impacts on different groups as other grounds of discrimination like gender and sexuality⁴ The Durban Declaration and Programme⁵ Intersectional discrimination must be understood as a complex and multifaceted form of injustice in which systemic racism plays a crucial role in creating differentiated and compound experiences of marginalization and discrimination that affect racialized people. As systemic racism and other systems of oppression are mutually reinforcing, racialization extends beyond race, skin colour, descent, national origin and ethnicity, ascribing racial meaning to other grounds of discrimination, such as gender, sexual orientation, religion⁶ Racialized individuals experience intersectional discrimination in which racial and other grounds of discrimination are intertwined. Amnesty International has documented intersectional discrimination affecting racialized people across different regions and encourages the Special Rapporteur to contribute and advocate for human rights standards that recognize how systemic racism and racial discrimination shape these and other intersectional forms of discrimination.

2.1. DESCENT-BASED DISCRIMINATION

Descent-based discrimination, which is widespread in South Asia, is also prevalent in West Africa, the Horn of Africa, among South Asian diaspora communities in Africa, Europe, the Americas, Malaysia, Australia and the Pacific. Similarly affected groups include Burakumin of Japan, Muhamasheen of Yemen. Descent-based communities constitute one of the most marginalized groups and these groups are susceptible to a range of human rights abuses and violations.

In South Asia, Amnesty International has documented the disproportionate impacts of intersectional discrimination of descent-based communities. For example, Amnesty's report "Any tidal wave could

¹ <https://www.ohchr.org/en/calls-for-input/2025/call-input-intersectionality-racial-justice-perspective>

² UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Report on racism and the right to health, 20 July 2022, UN Doc. A/77/197. UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report, 19 August 2013, UN Doc. A/68/333.

³ UN CEDAW, general recommendation No. 39 on the right of Indigenous women and girls, 2022. General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 2017. General recommendation No. 33 on women's access to justice, 2015. General recommendation No. 15 on the avoidance of discrimination against women in national strategies for the prevention and control of AIDS, 1990. General recommendation No. 18 on disabled women, 1991. General recommendation No. 21 on equality in marriage and family relations, 1994. General recommendation No. 24 on women and health, 1999. General recommendation No. 26 on women migrant workers, 2008. General recommendation No. 27 on older women and protection of their human rights, 2010. General recommendation No. 30, joint general recommendation No. 31/general comment No. 18, general recommendation No. 32 and general recommendation No. 34.

⁴ UN CERD, general recommendation No. 25 on gender-related dimensions of racial discrimination, 2000, para. 3.

⁵ Durban Declaration and Programme of Action. UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, report, 22 October 2021, UN Doc. A/76/434, para. 7.

⁶ Sara Ahmed, "Racialized bodies" in Mary Evans and Ellie Lee (eds.), *Real bodies: a sociological introduction*, 2002. Salvador Vidal-Ortiz, Brandon Andrew Robinson and Cristina Khan, *Race and sexuality*, 2018.



drown us – Stories from the climate crisis”⁷ included a case study on **Bangladesh**, which highlighted the issues of impoverished and marginalized coastal communities, including Dalits and Indigenous Munda People living in coastal villages in southwest Bangladesh, impacted by regular flooding and cyclones. These communities live in poverty, some are subject to pervasive and systematic caste-based discrimination, and as a result they are extremely vulnerable to climate shocks that are compounded by the intersection of their descent-based identity and their socio and economic status. The women and children of these communities are especially subjected to disproportionate intersectional discrimination. As a result, these communities including the women, are not only excluded by design but also left behind both in society as well as in state policies and programs. Similarly, in the report **“No-one cares”: Descent-based discrimination against Dalits in Nepal**, Amnesty International documented the experience of Dalits, especially Dalit women, with systemic caste-based discrimination in **Nepal**, including the practice of untouchability, and the challenges they face in accessing justice.

Amnesty International urges the Special Rapporteur to highlight the pervasive intersection of racial discrimination with socio-economic status and class that results in intersectional discrimination.

2.2. REPRODUCTIVE JUSTICE

The Reproductive Justice (RJ) movement started in response to the lack of reproductive policies responsive to the specific situations and needs of racialized women, Indigenous women and trans people in the run-up to the ICPD in Cairo in 1994.⁸ Intersectional analysis and perspective are instrumental in acknowledging and reflecting these needs in policy-making, as well as addressing historic injustices and transforming political, economic and social conditions which undermine the ability of racialized and marginalized communities to exercise their reproductive autonomy and rights. Amnesty International have documented multiple examples of reproductive injustices against Indigenous, racialized and marginalized women. The **United States of America** (USA) spend more on health care than any other country, but the risk of women dying of pregnancy-related causes is higher than in 40 other countries. Maternal mortality and morbidity affect disproportionately racialized women due to a range of obstacles in obtaining healthcare.⁹ Racialized women and girls are more frequently seeking abortions due to lack of access to comprehensive healthcare or contraceptives to prevent unintended pregnancy and are more severely impacted when abortion restrictions are implemented.¹⁰ They are also more likely to live in states that implement the harshest abortion restrictions.¹¹ Abortion restrictions are also directly associated with higher maternal death rates,¹² which disproportionately impact women who belong to minority groups.¹³ Amnesty International has also documented that Indigenous women in **Peru** suffer from higher rates of maternal mortality and morbidity due to a range of barriers to accessing maternal healthcare resulting from the lack of acknowledgement of their specific health needs and cultural practices.¹⁴

⁷ Amnesty International, *Any tidal wave could drown us – Stories from the climate crisis* (Index: IOR 40/6145/2022), 3 November 2022, <https://www.amnesty.org/en/documents/IOR40/6145/2022/en/>.

⁸ See <https://www.sistersong.net/reproductive-justice>.

⁹ Amnesty International, *Deadly delivery: The maternal health care crisis in the USA*, (Index: AMR 51/007/2010), 12 March 2010, <https://www.amnesty.org/en/documents/amr51/007/2010/en/>.

¹⁰ See Amnesty International, *USA. Submission to the UN Committee on Racial Discrimination, 107th Session, 8-30 August 2022*, (Index: AMR/51/5873/2022), pp. 9-10, <https://www.amnesty.org/es/wp-content/uploads/2022/07/AMR5158732022ENGLISH.pdf>.

¹¹ Jamila Taylor, “Women of Color Will Lose the Most if Roe v. Wade is Overturned”, Center for American Progress, 23 August 2018, <https://www.americanprogress.org/article/women-color-will-lose-roe-v-wade-overturned/>.

¹² An analysis of data collected between 2015 and 2018 shows that states with more restrictive abortion policies had a 7% total increase in total maternal mortality in comparison with states with less restrictive policies. In states with licensed physician requirements for abortion provision there was a 51% higher total maternal mortality. Additionally, there was a 29% higher total maternal mortality in states that restrict Medicaid funding for abortion. See Dovile Vilda, et al., “State Abortion Policies and Maternal Death in the United States, 2015-2018”, 12 May 2021, *American Journal of Public Health*, Volume 111, Issue 9, <https://doi.org/10.2105/AJPH.2021.306396>.

¹³ Amanda Jean Stevenson, “The Pregnancy-Related Mortality Impact of a Total Abortion Ban in the United States: A Research Note on Increased Deaths Due to Remaining Pregnant”, 1 December 2021, *Demography*, Volume 58, Issue 6, <https://doi.org/10.1215/00703370-9585908>.

¹⁴ Amnesty International, *Fatal flaws: Barriers to maternal health in Peru* (Index: AMR 46/008/2009), 2009, <https://www.amnesty.org/es/wp-content/uploads/2021/06/amr460082009eng.pdf>.

2.3. GENDER-BASED VIOLENCE

While gender-based violence (GBV) impacts all women, girls and LGBTI people, those facing intersectional discrimination and systemic marginalization, including based on disability, religion, caste, ethnicity, sexuality, race, age, class, among others, in addition to gender or sexuality, may face both unique and compounded forms of GBV, both online¹⁵ and offline.

In the realm of technology-facilitated gender-based violence (TfGBV), Amnesty International found that racialized women (Black, Asian, Latin American and mixed-race women) in **UK** and **USA** were 34% more likely than white women to be mentioned in abusive content, or repeated content that was hurtful or hostile.¹⁶ Similar observations have been noted in the context of **Thailand**,¹⁷ **Uganda**,¹⁸ and **Canada**. In **Canada**, the Canadian Race Relations Foundation found in 2021 that racialized 2SLGBTQ+ people were particularly targeted by online hate, with racialized Canadians being almost 3 times more likely than white Canadians to experience racist, sexist, or homophobic comments online.¹⁹ Preliminary research by Amnesty International amongst Black, Indigenous and racialized women and 2SLGBTQIA+ people about their experiences of TfGBV, similarly indicates that in cases where identifiers as to race, caste, ethnicity and SOGIE were known, they have been referenced and used to perpetrate various forms of TfGBV, including use of sexist and racist slurs and harmful stereotypes.²⁰

2.4. GENDERED ISLAMOPHOBIA

In **Europe**, systemic racism and rising **Islamophobia** continue to affect racialized migrants, refugees and other non-citizens disproportionately.²¹ In **France**, bans on wearing headscarves in sports discriminate against women athletes, excluding them from competing with sports hijabs at the Olympic and Paralympic Games and other events.²²

2.5. XENOPHOBIA

Xenophobia is a form of intersectional discrimination that has often been defined as discrimination based on the perception of being a foreigner and non-citizen, but it also involves an intersection between racial and other grounds such as religion or language which are often racialized categories. Recognizing xenophobia's inextricable link with systemic racism provides a clear understanding of its roots and manifestations.²³ In the **Americas**, Haitians on the move have faced intersectional discrimination based on their race, skin colour, national origin and language, including racial profiling and detention without access to interpreters.²⁴ In the **USA**, Haitian migrants and asylum seekers have been subjected to arbitrary detention and race-based torture at the US-Mexico border, including unequal treatment in the higher evidentiary burden for asylum claims based on their race, national origin and migration status.²⁵ In the

¹⁵ The Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, has previously analyzed the different manifestations and consequences of online racist advocacy of hatred and the corresponding responsibilities of States and companies. UN Special Rapporteur on racism, report, 18 October 2023, UN Doc. A/78/538.

¹⁶ Amnesty International, "Crowdsourced Twitter study reveals shocking scale of online abuse against women", 18 December 2018, <https://www.amnesty.org/en/latest/press-release/2018/12/crowdsourced-twitter-study-reveals-shocking-scale-of-online-abuse-against-women/>.

¹⁷ Amnesty International, *Thailand: "Being ourselves is too dangerous": Digital violence and the silencing of women and LGBT activists in Thailand* (Index: ASA 39/7955/2024), 16 May 2024, <https://www.amnesty.org/en/documents/asa39/7955/2024/en/>.

¹⁸ Amnesty International, *Uganda: "Everybody here is having two lives or phones": The devastating impact of criminalization on digital spaces for LGBTQ people in Uganda* (Index: AFR 59/8571/2024), 23 October 2024, <https://www.amnesty.org/en/documents/af59/8571/2024/en/>.

¹⁹ Canadian Race Relations Foundation, *Abacus Data: Online hate and racism: Canadian experiences and opinions on what to do about it*, https://crrf-fcrr.ca/wp-content/uploads/2021/11/CRRF_OnlineHate_Racism_Jan2021_FINAL.pdf.

²⁰ Amnesty International, *Upcoming Report on TfGBV against Black, Indigenous and Racialized women and 2SLGBTQIA+ people in Canada*.

²¹ Amnesty International, "EU/Tunisia: Agreement on migration 'makes EU complicit' in abuses against asylum seekers, refugees and migrants", 17 July 2023, <https://www.amnesty.org/en/latest/news/2023/07/eu-tunisia-agreement-on-migration-makes-eu-complicit-in-abuses-against-asylum-seekers-refugees-and-migrants/>. Amnesty International, *Regional overview of Islamophobia in Europe* (Index: EUR 01/5659/2022), 1 June 2022, <https://www.amnesty.org/wp-content/uploads/2022/09/PACE-submission-Islamophobia-1-June-2022.pdf>.

²² Amnesty International, "France: Hijab bans in French sport expose discriminatory double standards ahead of Olympic and Paralympic Games", 16 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/france-hijab-bans-olympic-and-paralympic/>.

²³ Amnesty International, *Submission to the UN CERD – CMW joint general comment/recommendation: Obligations of state parties on addressing and eradicating xenophobia and its impact on the right of migrants, their families, and other non-citizens affected by racial discrimination*, 4 April 2024, <https://www.amnesty.org/en/documents/ior40/7898/2024/en/>.

²⁴ Amnesty International, "Haiti: Not safe anywhere: Haitians on the move need urgent international protection", 28 October 2021, <https://www.amnesty.org/en/documents/amr36/4920/2021/en/>.

²⁵ Amnesty International, "They did not treat us like people" *Race and migration-related torture and other ill-treatment of Haitians seeking safety in the USA* (Index: AMR 36/5973/2022), 22 September 2022, <https://www.amnesty.org/en/documents/amr36/5973/2022/en/>.

Dominican Republic, Haitians have faced collective deportations and discriminatory treatment with intersectional impacts. For example, Haitian pregnant women have faced racial profiling, detentions and deportations while seeking healthcare.²⁶ In **Canada**, migrant workers on tied temporary visas have faced labour exploitation and abuses, including racialized gender-based violence, and the visa scheme results in intersectional discriminatory outcomes based on race, national origin, immigration status and socio-economic status.²⁷

In **Cyprus**, migrant-owned shops were destroyed, and several people were attacked based on racial and other grounds of discrimination as religion or language, such as targeting shops with signs in other languages and racialized people.²⁸

In **Saudi Arabia**, Amnesty International found that racialized workers, including Black women migrant workers, under tied visas are disproportionately affected by labour exploitation and abuses, including human rights violations based on racial and gender stereotypes and assumptions.²⁹ In **Qatar**, Black migrant workers reported being discriminated against based on their nationality, race and lack of language proficiency in Arabic with lower wages, harsher working conditions and less opportunities for promotions.³⁰ In **Tunisia**, Black African migrants faced police arrests and forced returns based on their race and national origin.³¹ In **Algeria**, more than 2,000 sub-Saharan African migrants were massively deported based on their skin colour and the perception of being foreigners.³²

2.6. DISCRIMINATION AGAINST INDIGENOUS PEOPLES AND ETHNIC MINORITIES

Indigenous Peoples and ethnic minorities also face intersectional forms of discrimination. In **Namibia**, Amnesty found that Indigenous San People face structural barriers in accessing health based on their Indigenous identity, socio-economic status, language, culture, and other grounds of discrimination.³³ In **Peru**, Amnesty found that Indigenous Peoples and campesino population were targeted by state repression with excessive and lethal use of force disproportionately affecting them and reinforcing structural discrimination based on their Indigenous identity and socio-economic status.³⁴ In **Tajikistan**, the Pamiri minority have faced systemic discrimination, suppression of cultural and religious institutions, political oppression and brutal reprisals for defending their rights based on their ethnicity, language, culture and other grounds.³⁵

²⁶ Amnesty International, “Dominican Republic: Open letter: Dominican authorities must respect the human rights of Haitians on the move, Dominicans of Haitian descent and activists”, 2 April 2024, <https://www.amnesty.org/en/documents/amr27/7897/2024/en/>.

²⁷ Amnesty International, “Canada has destroyed me”: Labour exploitation of migrant workers in Canada (Index: AMR 20/8807/2025), 30 January 2025, <https://www.amnesty.org/en/documents/amr20/8807/2025/en/>.

²⁸ Amnesty International, “Cyprus: Authorities must protect migrants and refugees from racist attacks”, 6 September 2023, <https://www.amnesty.org/en/latest/news/2023/09/cyprus-authorities-must-protect-migrants-and-refugees-from-racist-attacks/>.

²⁹ Amnesty International, *Locked in, left out: The hidden lives of Kenyan domestic workers in Saudi Arabia* (Index: MDE 23/9222/2025), 12 May 2025, <https://www.amnesty.org/en/documents/mde23/9222/2025/en/>.

³⁰ Amnesty International, “They think that we’re machines’ Forced labour and other abuse of migrant workers in Qatar’s private security sector (Index: MDE 22/5388/2022), 7 April

2022, https://www.amnesty.org/en/documents/mde22/5388/2022/en/?utm_source=annual_report&utm_medium=epub&utm_campaign=2021.

³¹ Amnesty International, “Tunisia: President’s racist speech incites a wave of violence against Black Africans”, 10 March 2023, <https://www.amnesty.org/en/latest/news/2023/03/tunisia-presidents-racist-speech-incites-a-wave-of-violence-against-black-africans/>.

³² Amnesty International, “Algeria: Mass racial profiling used to deport more than 2,000 sub-Saharan migrants”, 23 October 2017, <https://www.amnesty.org/en/latest/news/2017/10/algeria-mass-racial-profiling-used-to-deport-more-than-2000-sub-saharan-migrants/>.

³³ Amnesty International, *Namibia: “We don’t feel well treated”: Tuberculosis and the Indigenous San peoples of Namibia* (Index: AFR 42/4784/2021), 6 October 2021, <https://www.amnesty.org/en/documents/afr42/4784/2021/en/>.

³⁴ Amnesty International, “Peru: Lethal state repression is yet another example of contempt for the Indigenous and campesino population”, 16 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/peru-lethal-state-repression/>.

³⁵ Amnesty International, *Tajikistan: Reprisals against Pamiri minority. Suppression of local identity, clampdown on all dissent* (Index: EUR 60/8413/2024), 11 September 2024, <https://www.amnesty.org/en/documents/eur60/8413/2024/en/>.

3. THE PREVALENCE OF “NEUTRAL” POLICIES WITH INTERSECTIONAL DISCRIMINATION OUTCOMES

The Special Rapporteur has recognized that the limited attention to intersectionality can impose challenges in addressing systemic racism and discrimination.³⁶ Indirect forms of intersectional discrimination can result and be exacerbated by seemingly “neutral” laws, policies and practices contrary to the principle of equality and non-discrimination. CERD has indicated that states must prevent racially discriminatory effects in the implementation of legislation.³⁷ Similarly, CEDAW has called on states to “examine gender-neutral laws and policies to ensure that they do not create or perpetuate existing inequalities and repeal or modify them if they do so”.³⁸ From a racial justice perspective, “neutral” approaches to law, policy and practices fail to address systemic racism. Intersectional approaches that centre race and racism are required to ensure equality and non-discrimination, including the collection of disaggregated data from an intersectional perspective as a fundamental element to prevent and dismantle systemic discrimination. Amnesty International has documented the widespread and systemic prevalence of seemingly “neutral” policies that result in intersectional discriminatory outcomes.

In the USA, seemingly “race-neutral” laws policing the behaviour of pregnant women who use drugs have resulted in the disproportionate criminalization of racialized women.³⁹

In Namibia, neutral state policies that consider all Black Africans as Indigenous fail to recognize the distinct identity and vulnerabilities of the San People, leading to intersectional discrimination. This erasure denies them targeted protections, resulting in inadequate healthcare access, language barriers, and a lack of culturally appropriate services. As a result, they experience disproportionate impacts of tuberculosis, reinforced by exclusionary healthcare policies and the absence of intercultural health programming.⁴⁰

Amnesty has found that seemingly “race-neutral” visa schemes that tie migrant workers to a specific employer increase the risk of labour exploitation, xenophobia and racial discrimination for racialized people in the United Kingdom, Qatar, Saudi Arabia, China/Hong Kong and Canada.⁴¹ In Saudi Arabia, Qatar and Lebanon, racialized migrant women have faced severe exploitation under the *Kafala* system and disproportionate impacts based on racial and gender stereotypes that position them as subservient and disposable.⁴² In Europe, racialized migrants and asylum seekers from the Middle East and Africa have been targeted in the implementation of seemingly “neutral” pushback policies through

³⁶ UN Special Rapporteur on racism, report, 22 August 2024, UN Doc. A/79/316, para. 63.

³⁷ UN CERD, general recommendation No. 30 on discrimination against non-citizens, 12 March 2004, para. 7.

³⁸ UN CEDAW, general recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 2017, para. 29(d).

³⁹ Amnesty International, *USA: Criminalizing pregnancy: policing pregnant women who use drugs in the USA* (Index: AMR 51/6203/2017), 22 May 2017, <https://www.amnesty.org/en/documents/amr51/6203/2017/en/>.

⁴⁰ Amnesty International, *Namibia: “We don’t feel well treated”: Tuberculosis and the Indigenous San peoples of Namibia* (Index: AFR 42/4784/2021), 6 October 2021, <https://www.amnesty.org/en/documents/afr42/4784/2021/en/>.

⁴¹ Amnesty International, *Submission to the UN CERD –CMW joint general comment/recommendation: Obligations of state parties on addressing and eradicating xenophobia and its impact on the right of migrants, their families, and other non-citizens affected by racial discrimination*, 4 April 2024, <https://www.amnesty.org/en/documents/ior40/7898/2024/en/>. Amnesty International, *Canada: Submission to the Standing Committee on Citizenship and Immigration: Study on closed work permits and temporary foreign workers* (Index: AMR 20/7485/2023), 30 November 2023, <https://www.amnesty.org/en/documents/amr20/7485/2023/en/>. Amnesty International, *Qatar: ‘They think that we’re machines’: Forced labour and other abuse of migrant workers in Qatar’s private security sector* (Index: MDE 22/5388/2022), 7 April 2022, https://www.amnesty.org/en/documents/mde22/5388/2022/en/?utm_source=annual_report&utm_medium=epub&utm_campaign=2021.

⁴² Amnesty International, *Gender stereotypes: Preliminary observations to the UN Committee on the Elimination of Discrimination against women regarding the drafting of general recommendation No. 41 on gender stereotypes* (Index: IOR 40/9013/2025), 10 February 2025, <https://www.amnesty.org/en/documents/ior40/9013/2025/en/>. Amnesty International, *Lebanon: ‘Their house is my prison’: Exploitation of migrant domestic workers in Lebanon*, (Index: MDE 18/0022/2019), April 23, 2019, <https://www.amnesty.org/en/documents/mde18/0022/2019/en/>. Amnesty International, *Qatar: ‘They think that we’re machines’: Forced labour and other abuse of migrant workers in Qatar’s private security sector* (Index: MDE 22/5388/2022), 7 April 2022, https://www.amnesty.org/en/documents/mde22/5388/2022/en/?utm_source=annual_report&utm_medium=epub&utm_campaign=2021. Amnesty International, *Locked in, left out: The hidden lives of Kenyan domestic workers in Saudi Arabia* (Index: MDE 23/9222/2025), 12 May 2025, <https://www.amnesty.org/en/documents/mde23/9222/2025/en/>.

abusive treatment, arbitrary detentions, violence and discrimination in Lithuania,⁴³ Greece⁴⁴ and Finland.⁴⁵

Amnesty International has also campaigned against **discrimination against people with diverse sex characteristics in sports** such as in the case of Caster Semenya.⁴⁶ Sports organizations claim that the regulations restricting the natural levels of testosterone in women athletes promote fair competition and benefit the health of women athletes. However, intersectional and postcolonial analysis by academic scholars has shown that such regulations target racialized women from the Global South as they are grounded in racialized ideas about sex characteristics norms and sex atypicality that historically emerged in the context of Western colonialism and are still at the heart of Global North's conventions on medicine and sports. Contrary to the official claims, such regulations are not neutral or beneficent, they cause medically authorized racialized harms, have a harmful impact on and discriminate against racialized women in sports.⁴⁷

4. BARRIERS IN ACCESSING JUSTICE AND REMEDIES IN CASES OF INTERSECTIONAL DISCRIMINATION

The DDPA highlights the pressing requirement of justice for victims of human rights violations resulting from racism, racial discrimination, xenophobia and related intolerance and their access to justice, including their right to have legal assistance where appropriate, effective and appropriate protection and remedies, the right to seek just and adequate reparation.⁴⁸ Amnesty International has found that existing barriers to accessing justice and remedies for victims of racism and discrimination continue to be a structural obstacle to intersectional justice.

In Nepal, Amnesty International's research on access to justice for Dalit women documented that despite legal reforms to prohibit caste-based discrimination, every aspect of everyday life in Nepali society is divided and operates based on the caste system, where discrimination and violence are pervasive for Dalits. Access to Justice is not a low-hanging fruit for Dalits in Nepal, and the state authorities are failing to protect Dalits, particularly women and girls, from systemic and widespread caste-based discrimination. The Dalit women in Nepal face challenges in accessing justice as the Nepali authorities' existing legal and protective measures prove insufficient and fail to secure their human rights.⁴⁹

Amnesty International has been documenting and supporting the struggle for justice for Indigenous and minority women subjected to forced sterilization in a few countries, including Canada, the Czech Republic and Peru.⁵⁰

Amnesty International's 2007 report documented that American Indian and Alaska Native (AI/AN) women in the USA suffer disproportionately high levels of rape and sexual violence and face barriers

⁴³ Amnesty International, *Lithuania: Forced out or locked up – Refugees and migrants abused and abandoned* (Index: EUR 53/5735/2022), 27 June 2022, <https://www.amnesty.org/en/documents/eur53/5735/2022/en/>.

⁴⁴ Amnesty International, *Greece: Violence, lies, and pushbacks – Refugees and migrants still denied safety and asylum at Europe's borders* (Index: EUR 25/4307/2021), 22 June 2021, <https://www.amnesty.org/en/documents/eur25/4307/2021/en/>.

⁴⁵ Amnesty International, "Finland: Emergency law on migration is a 'green light for violence and pushbacks at the border'", 10 June 2024, <https://www.amnesty.org/en/latest/news/2024/06/finland-emergency-law-on-migration-is-a-green-light-for-violence-and-pushbacks-at-the-border/>.

⁴⁶ See <https://www.instagram.com/amnestysafrica/p/CujetyYo0nQ/>.

⁴⁷ Karkazis, Katrina and Rebecca M. Jordan-Young. "The Powers of Testosterone: Obscuring Race and Regional Bias in the Regulation of Women Athletes.", 2018, *Feminist Formations*, Volume 30, Issue 2, <https://doi.org/10.1353/ff.2018.0017>.

⁴⁸ Durban Declaration and Programme of Action, para. 104.

⁴⁹ Amnesty International, *Nepal: "No-one cares": Descent-based discrimination against Dalits in Nepal* (Index: ASA 31/7980/2024), 10 May 2024, <https://www.amnesty.org/en/documents/asa31/7980/2024/en/>.

⁵⁰ Amnesty International Canada, *Sterilization of Indigenous Women without consent*, available at: <https://amnesty.ca/what-we-do/indigenous-peoples-canada/sterilizationwithoutconsent/>; See also Amnesty International, *Czech Republic: Hard won justice for women survivors of unlawful sterilization*, 22 July 2021, <https://www.amnesty.org/en/latest/press-release/2021/07/czech-republic-hard-won-justice-for-womensurvivors-of-unlawful-sterilization/>; *Peru: Order to indict Fujimori is a milestone in search for justice for victims of forced sterilization*, 28 April 2018, available at: <https://www.amnesty.org/en/latest/news/2018/04/peru-order-to-indict-fujimori-is-a-milestone-in-search-for-justice-for-victims-of-forced-sterilization/>.

to accessing justice.⁵¹ This is due to the complex maze of Tribal, state and federal jurisdictions created by the US Government, which allow perpetrators (most of whom are non-Native men) to escape justice; underfunding by the government of key services; and failure at both the state and federal levels to pursue cases or take them seriously. An update to this research by Amnesty International in 2022 found that since 2007, the US government has undertaken only limited and inadequate measures to protect AI/AN women from sexual violence, and rates of sexual violence against AI/AN women have remained almost unchanged.⁵²

In **France**, women survivors of sexual violence face barriers in their access to justice, including intersectional discrimination against migrant women who are subjected to stereotypes and stigmatization by authorities.⁵³

Respondents in an upcoming study by Amnesty International on TfGBV faced by Black, Indigenous and racialized women and 2SLGBTQIA+ people in Canada found that there was lack of satisfactory action when reports of such incidents were made to law enforcement authorities and/or social media companies. Furthermore, those facing discrimination based on descent noted that the lack of awareness and knowledge regarding descent-based discrimination amongst authorities, such as the government and law enforcement in Canada, has made it almost impossible for survivors to report instances of TfGBV.⁵⁴ As a result, many were forced to self-censor or leave online spaces.

In **Canada**, racialized migrant workers with tied visas are subjected to labour exploitation without means of immediate relief, experiencing language barriers and complex bureaucracy.⁵⁵

⁵¹ Amnesty International, *Maze of Injustice: The Failure to protect Indigenous women from sexual violence in the USA*, available at <http://www.amnestyusa.org/pdfs/MazeOfInjustice.pdf>.

⁵² Amnesty International, *The Never-Ending Maze: Continued failure to protect Indigenous women from sexual violence in the USA*, available at https://www.amnestyusa.org/wp-content/uploads/2022/05/AmnestyMazeReportv_digital.pdf.

⁵³ Amnesty International, *'Go home, it'll blow over' The ordeal of reporting sexual violence in France – Lived experiences of migrant women, transgender women, and female sex workers*, 2024, https://amnestyfr.cdn.prismic.io/amnestyfr/Z1q99ZbqstJ98Yxa_ReportsexualviolenceENGLISH.pdf.

⁵⁴ Amnesty International, *Upcoming Report on TfGBV against Black, Indigenous and Racialized women and 2SLGBTQIA+ people in Canada*.

⁵⁵ Amnesty International, *"Canada has destroyed me": Labour exploitation of migrant workers in Canada* (Index: AMR 20/8807/2025), 30 January 2025, <https://www.amnesty.org/en/documents/amr20/8807/2025/en/>.

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