



Summer 2022

## (G)local Intersectionality

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### Recommended Citation

Martha F. Davis, *(G)local Intersectionality*, 79 Wash. & Lee L. Rev. 1021 (2022).

Available at: <https://scholarlycommons.law.wlu.edu/wlulr/vol79/iss3/6>

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# (G)local Intersectionality

Martha F. Davis\*

## *Abstract*

*Intersectionality theory has been slow to take root as a legal norm at the national level, even as scholars embrace it as a potent analytical tool. Yet, in recent years, intersectionality has entered law and policy practices through an unexpected portal: namely, local governments' adoption of international norms. A growing number of local governments around the world explicitly incorporate intersectionality into their law and practice as part of implementing international antidiscrimination norms from human rights instruments like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Elimination of All Forms of Racial Discrimination.*

*This "relocalization" phenomenon—which brings intersectionality back to its roots in domestic law—is visible in many parts of the world. In Europe, cities in Spain proactively integrate intersectional approaches into their local human rights regimes. Outside of Europe, Montréal applies an intersectional analysis under its Charter of Rights and Responsibilities, a local governance document grounded in the values of fundamental human rights and dignity. Human rights cities like Gwangju, Korea, embrace intersectionality as a programmatic imperative. In the United States, San Francisco, Pittsburgh, Los Angeles, and Cincinnati, among others, incorporated intersectional approaches to nondiscrimination in the wake of adopting local CEDAWs.*

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*The relocation process is not always straightforward. Challenges include the difficulties of reconciling local intersectional approaches with national laws that may not recognize intersectionality, and developing indicators tailored to local experiences. On the other hand, local adoption of intersectionality opens up robust possibilities for participation in communities' legal and political processes, which many local governments emphasize.*

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### INTRODUCTION

Since the 1940s, human rights law has been debated and defined primarily by nations operating through international treaties and global institutions.<sup>1</sup> As early as 1958, however, Eleanor Roosevelt famously observed that unless human rights have meaning in “small places,” these rights will “have little meaning anywhere.”<sup>2</sup> Indeed, international human rights law recognizes that nations’ human rights obligations apply to, and must be honored by, every level of government, from national to local.<sup>3</sup> As a practical matter, this responsibility requires the

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1. See Gerald E. Frug & David Barron, *International Local Government Law*, 38 URB. LAW. 1, 14–15 (2006); Frans Viljoen, *International Human Rights Law: A Short History*, UN CHRON., <https://perma.cc/H3JH-Y2HM>.

2. Eleanor Roosevelt, In Our Hands: Remarks to the United Nations on the Tenth Anniversary of the Universal Declaration of Human Rights (Mar. 27, 1958).

3. See Vienna Convention on the Law of Treaties art. 29, Jan. 27, 1980, 1155 U.N.T.S. 331 (“[A] treaty is binding upon each party in respect of its entire territory.”); see also International Convention on the Elimination of All

leadership and engagement of local government actors in implementing human rights principles “close to home.”<sup>4</sup>

In the twenty-first century, “intersectional discrimination” is one international human rights principle that is ready to be integrated at the local level.<sup>5</sup> The concept has been embedded

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Forms of Racial Discrimination art. 2, *adopted* Mar. 7, 1966, 660 U.N.T.S. 195 (“Each State party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation . . . .”); International Covenant on Civil and Political Rights art. 50, Dec. 19, 1966, 999 U.N.T.S. 171.

4. Roosevelt, *supra* note 2; *see also* Charlotte Ku et al., *Even Some International Law Is Local: Implementation of Treaties Through Subnational Mechanisms*, 60 VA. J. INT’L L. 101, 110–11 (2019); Matthieu Niederhauser, *Governmental Human Rights Focal Points in Federal Contexts: The Implementation of the Istanbul Convention in Switzerland as a Case Study*, 39 NETH. Q. HUM. RTS. 140, 143 (2021) (“Domestic State actors have become crucial in organising the convergence between the legally compulsory and the locally feasible.”); RAOUL WALLENBERG INST., LOCALISING HUMAN RIGHTS IN THE CONTEXT OF THE SDGs: A HANDBOOK FOR CITIES 27–28 (2022), <https://perma.cc/FB9W-9EUY> (PDF).

5. The intersectionality frame has been particularly advanced in international human rights law by the Committee on the Elimination of Discrimination Against Women, which monitors compliance with the CEDAW Convention. *See, e.g.*, Comm. on the Elimination of All Forms of Discrimination Against Women [CEDAW Comm.], Gen. Comment No. 18 on Women with Disabilities, U.N. Doc. A/46/38 (Feb. 1, 1991); CEDAW Comm., A.S. v. Hung., Views of the Committee on the Elimination of Discrimination Against Women Under Article 7, Paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination, Against Women, ¶ 11.3 U.N. Doc. CEDAW/C/36/D/4/2004 (Aug. 29, 2006) (reviewing Hungary’s performance of a “sterilization surgery without obtaining [the woman’s] informed consent”); CEDAW Comm., Pimentel v Braz., Views of the Committee on the Elimination of Discrimination Against Women Under Article 7, Paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination, Against Women, ¶ 7.7, U.N. Doc. CEDAW/C/49/D/17/2008 (Aug. 10, 2011) (reviewing sexual, racial, and socioeconomic discrimination as contributing factors in a woman’s death in Brazil); CEDAW Comm., Kell v Can., Views of the Committee on the Elimination of Discrimination Against Women Under Article 7, Paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination, Against Women, ¶ 10.2, U.N. Doc. CEDAW/C/51/D/19/2008 (Apr. 26, 2012) (reviewing the annulment of an indigenous woman’s property rights that “was impossible without action or inaction” by an agent of Canada). The Committee on the Elimination of All Forms of Racial Discrimination has also addressed intersectional approaches. *See, e.g.*, Comm. on the Elimination of All Forms of Racial Discrimination [CERD Comm.], Gen. Recommendation No. 25 on Gender-related Dimensions of Racial Discrimination, 152, U.N. Doc. A/55/18, annex V at 152 (Mar. 20,

in international human rights law through interpretations of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Elimination of All Forms of Racial Discrimination (CERD), among other instruments.<sup>6</sup> The Committee on the Elimination of All Forms of Discrimination Against Women (“CEDAW Committee”) has regularly recognized the relevance of intersectionality theory in its General Recommendations and Concluding Observations construing and applying CEDAW, and the Committee on the Elimination of All Forms of Racial Discrimination (“CERD Committee”) has taken similar steps to employ an intersectional lens in its work.<sup>7</sup> Several other treaty bodies and international institutions, particularly those working in the area of disability rights, have followed suit.<sup>8</sup>

While increasingly recognized as an important element of international human rights law, intersectionality theory has a domestic provenance. The path traversed by intersectionality theory, from its origins in critiques of U.S. domestic antidiscrimination law<sup>9</sup> to its current place as an international

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2000), *reprinted in* Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 214 (2003).

6. See, e.g., Gauthier De Beco, *Protecting the Invisible: An Intersectional Approach to International Human Rights Law*, 17 HUM. RTS. L. REV. 633, 637–38 (2017); Ivona Truscan & Joanna Bourke-Martignoni, *International Human Rights Law and Intersectional Discrimination*, 16 EQUAL RTS. REV. 103, 110 (2016).

7. Melanne Vermeer & Rangita de Silva de Alwis, *Why Ratifying the Convention on the Elimination of Discrimination Against Women (CEDAW) Is Good for America’s Domestic Policy*, GEO. INST. FOR WOMEN, PEACE & SEC. (Feb. 18, 2021), <https://perma.cc/E6SD-CTSH>; CEDAW Comm., Gen. Recommendation No. 35 on Gender-Based Violence Against Women, Updating Gen Recommendation No. 19, U.N. Doc. CEDAW/C/GC/35 (July 14, 2017); Truscan & Bourke-Martignoni, *supra* note 6, at 113.

8. See, e.g., Gauthier de Beco, *Intersectionality and Disability in International Human Rights Law*, 24 INT’L J. HUM. RTS. 593, 596–97 (2020); Comm. on Econ., Soc., and Cultural Rts., Gen. Comment No. 22 (2016) on the Right to Sexual and Reproductive Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights), ¶ 30 U.N. Doc. E/C.12/GC/22 (May 2, 2016).

9. See, e.g., Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine*,

human rights law norm, confirms the permeable nature of the international and domestic law spheres, with influential ideas flowing regularly between the two.<sup>10</sup>

In her magisterial work coining the term “intersectionality” and naming and mapping intersectional discrimination, Kimberlé Crenshaw defined the concept with reference solely to domestic U.S. law, particularly Title VII of the Civil Rights Act of 1964.<sup>11</sup> Over time, through the work of many scholars and activists (including Crenshaw herself and particularly Johanna Bond, whose work inspired this Symposium), intersectionality theory’s relevance spread to the concepts of discrimination articulated in international human rights law and gained acceptance.<sup>12</sup> As part of the internationalization process that embedded intersectional concepts into CEDAW and CERD, intersectionality theory has been expanded and enriched, if not transformed, by testing and application in new global settings.<sup>13</sup> Nonetheless, more work is still needed to fully integrate intersectional approaches

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*Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (1989) [hereinafter Crenshaw, *Demarginalizing the Intersection of Race and Sex*].

10. See Judith Resnik, *Categorical Federalism: Jurisdiction, Gender, and the Globe*, 111 YALE L.J. 619, 668–70 (2002) (discussing “a Massachusetts boycott on goods from Burma” as “an example of ‘the local’ (Massachusetts) voluntarily allying itself with ‘the international’ (human rights law) and defining local obligations in reference to international standards”); Sally Engle Merry, *Transnational Human Rights and Local Activism: Mapping the Middle*, 108 AM. ANTHROPOLOGIST 38, 39 (2006).

11. Pub. L. No. 88-352, 78 Stat. 241 (codified as amended in scattered sections of 42 U.S.C.); see Crenshaw, *Demarginalizing the Intersection of Race and Sex*, *supra* note 9, at 141; see also Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1244 (1993) [hereinafter Crenshaw, *Mapping the Margins*]; Kimberlé Williams Crenshaw, COLUM. U. INST. FOR STUDY HUM. RTS., <https://perma.cc/53CJ-TDS4>.

12. See, e.g., Aisha Nicole Davis, *Intersectionality and International Law: Recognizing Complex Identities on the Global Stage*, 28 HARV. HUM. RTS. J. 205, 216 (2015) (advocating for “[i]nserting intersectionality into international human rights rhetoric [to] help remedy . . . detrimental oversights”); Kimberlé Williams Crenshaw, *supra* note 11; Johanna Bond, *International Intersectionality: A Theoretical and Pragmatic Exploration of Women’s International Human Rights Violations*, 52 EMORY L.J. 71, 71–77 (2003) [hereinafter Bond, *International Intersectionality*].

13. See JOHANNA BOND, GLOBAL INTERSECTIONALITY AND CONTEMPORARY HUMAN RIGHTS 28–47 (2022) [hereinafter BOND, GLOBAL INTERSECTIONALITY].

internationally, as Bond reminds us in her recent book, *Global Intersectionality and Contemporary Human Rights*.<sup>14</sup>

One challenge identified by scholars is the need to shift the concept of intersectionality from a tool for addressing individual discrimination complaints to a vehicle that more broadly challenges comprehensive systems of oppression based on multiple grounds.<sup>15</sup> Likewise, on a practical level, introducing the concept of intersectionality into the international sphere requires consideration of its application in challenging situations that are unlikely to arise in more locally-bounded U.S. contexts, such as the systematic rape of ethnic women as a tool of war.<sup>16</sup>

Yet, because ideas know no borders, the path between the local and the international runs in both directions.<sup>17</sup> Now that intersectionality has moved from its U.S. origins and achieved acceptance on the international level, as well as a measurable degree of international integration, these same concepts of intersectional discrimination are traveling back to domestic contexts—not just in the United States, but worldwide—as subnational governments take steps to implement human rights norms on the local level.<sup>18</sup>

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14. See *id.* at 209–10 (describing structural failures in the “UN human rights treaty body system,” including States parties’ failure to timely submit reports—if they submit them at all—and a lengthy backlog of reports that require review); see also Davis, *supra* note 12, at 240 (“One major difficulty in applying intersectionality internationally . . . is *how* to supplant the theory from the largely U.S.-centric feminist debates and incorporate it into a global arena.” (emphasis in original)).

15. See Truscan & Bourke-Martingnoni, *supra* note 6, at 129–30.

16. See, e.g., M. CHERIF BASSIOUNI & MARCIA MCCORMICK, *SEXUAL VIOLENCE: AN INVISIBLE WEAPON OF WAR IN THE FORMER YUGOSLAVIA* 15 (1996) (“[S]exual violence was not merely a by-product of the conflict in Bosnia but a tactic of the war. It was deliberately and systematically employed as a tool of ‘ethnic cleansing.’”). But see GERARD COLL-PLANAS ET AL., *INTERSECTIONALITY IN METROPOLITAN LGBTI POLICIES* 38 (2019), <https://perma.cc/L34V-3HQS> (PDF) (listing the global intersectional roots of discrimination arising in the U.S., such as “mother tongue, health status (e.g., HIV positive), place of residence (rural/urban, living in stigmatized neighborhoods[]), being employed or unemployed, [and] level of education”).

17. See Merry, *supra* note 10, at 39.

18. See Barbara Oomen & Moritz Baumgärtel, *Frontier Cities: The Rise of Local Authorities as an Opportunity for International Human Rights Law*, 29 EUR. J. INT’L L. 607, 608 (2018).

In the past twenty-five years, human rights localization has gained momentum and expanded to local communities around the globe.<sup>19</sup> As discussed in greater detail below, this phenomenon is apparent in the local incorporation of human rights norms to guide city governance.<sup>20</sup> In Europe, for example, the development of local initiatives to comply with human-rights-based EU antidiscrimination directives has been an occasion for adopting intersectional approaches at the subnational level.<sup>21</sup> Likewise, municipal governments adopting local CEDAWs, CERDs, or other human rights instruments—a trend that is particularly pronounced in the U.S.—often incorporate international human rights law concepts of intersectionality into their local law.<sup>22</sup>

This circuitous transmission route suggests new questions about the potential impact of translating the norms of intersectionality, as adapted to the international context, for use in local applications. Translation is an apt metaphor for this process. In fact, in examining activists' efforts to achieve the integrated adoption of CEDAW and CERD in New York City—essentially aiming to enact a local ordinance that recognizes intersectional discrimination—Peggy Levitt and Sally Merry described the localization process of these human rights laws and concepts as “vernacularization.”<sup>23</sup> According to this account, as local activists vernacularize human rights norms, they put their own imprint on the definitions and implementation of the concepts.<sup>24</sup> Through this process, Levitt and Merry determined that “the idea of human rights becomes

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19. See *Local Governments and Human Rights*, UNITED CITIES & LOCAL GOV'TS, <https://perma.cc/5NVQ-37US>.

20. See *infra* Part I.

21. See Emanuela Lombardo & María Bustelo, *Political Approaches to Inequalities in Southern Europe: A Comparative Analysis of Italy, Portugal, and Spain*, 19 SOC. POL. 572, 573, 583 (2012) (asserting that “[d]ifferent types of political approaches to treat multiple inequalities are developing in EU member states” due to EU antidiscrimination directives, and describing how some states, such as Portugal, have adopted an intersectional approach).

22. See *infra* notes 49–80 and accompanying text.

23. See Peggy Levitt & Sally Merry, *Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States*, 9 GLOB. NETWORKS 441, 441 (2009).

24. See *id.* at 446.



broader,” “reshaping human rights itself” and making “something new.”<sup>25</sup>

However, Levitt and Merry’s application of the term “vernacularization” is not quite on point for the processes described here, whereby local governments adopt, implement, and institutionalize intersectional approaches found in international instruments and practices. As social scientists, Levitt and Merry were embedded in communities to examine the means through which advocates and activists engaged with international norms and then struggled to translate those concepts into ideas that engaged with and reflected the experiences of local activists.<sup>26</sup> Yet once the international norm is formally adopted at the local level, it is the local government that is responsible for policymaking; therefore, institutionalization through consultation, or even co-creation, with grassroots groups should be an important component of the approach.<sup>27</sup>

The focus of this Article is the government side of intersectionality implementation. For that reason, I use the term “relocalization” to describe the process whereby local governments adapt and implement intersectional approaches from international sources.<sup>28</sup> “Relocalization” may necessarily involve vernacularization as community activists begin to work with the elements of intersectionality introduced through local CEDAWs, CERDs, and other human rights instruments, but the processes and outputs of relocalization and vernacularization are distinct.

Remarkably, intersectionality comes full circle when reintroduced domestically through a local human rights

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25. *Id.* at 460.

26. *See id.* at 445 (“In [China, India, Peru, and the U.S.] we compared two or three non-governmental organizations (NGOs) working to implement women’s human rights to see how they translated these global concepts into local terms.”); *see also* Sally Engle Merry et al., *Law From Below: Women’s Human Rights and Social Movements in New York City*, 44 LAW & SOC’Y. REV. 101, 104–06 (2010).

27. *See supra* note 4 and accompanying text.

28. The term “relocalization” has been used in unrelated contexts to describe approaches to environmental sustainability and cultivation. *See, e.g., Relocalize*, POST CARBON INST., <https://perma.cc/U4TD-J4PA>. Here, I use it to refer to the implementation of local policies addressing intersectional discrimination, a very different context.

initiative like a city-level CEDAW ordinance. After its initial domestic generation and a period of diffusion and incorporation into international instruments and global norms, the concept of intersectionality is relocalized through city-level adoption. Anne Runyan and Rebecca Sanders have labeled this the “local boomerang effect.”<sup>29</sup> As the internationalized concept of intersectionality responds to local conditions and demands in order to have meaning in the local human rights context, this effect may indeed result in “something new.” In the instance of local CEDAWs, Runyan and Sanders speculate that the result may be the development of local principles that are more radical than those adopted at the international level, particularly with reference to the subjects of intersectional discrimination.<sup>30</sup> The same potential surely holds for relocalization efforts involving CERD, the Convention on the Rights of Persons with Disabilities, and other international human rights instruments.

#### I. EXAMPLES OF (G)LOCAL INTERSECTIONALITY

A growing number of local governments around the world have explicitly incorporated intersectionality theory into local law and government practice, particularly as part of localizing international antidiscrimination norms like those embedded in CEDAW, CERD, and other human rights instruments. In some parts of Europe, the idea of intersectional discrimination has been embraced at the subnational level.<sup>31</sup> In those places, the European Union’s antidiscrimination directives may provide the occasion for incorporating intersectional approaches locally. These local intersectional approaches would not be linked to particular international human rights treaties, but rather could arise from the adaptation of general human rights

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29. Anne Sisson Runyan & Rebecca Sanders, *Prospects for Realizing International Women’s Rights Law Through Local Governance: The Case of Cities for CEDAW*, 22 HUM. RTS. REV. 303, 304 (2021).

30. *See id.* at 311.

31. *See infra* notes 34–40, 81–82 and accompanying text; *see also* Lombardo & Bustelo, *supra* note 21, at 586–87, 589.

principles or from reference to regional human rights instruments.<sup>32</sup>

Cities and regions in Spain have been particularly proactive in integrating intersectional approaches into their local and regional human rights regimes.<sup>33</sup> The UN High Commissioner for Human Rights, reviewing local human rights implementation in 2019, specifically cited Madrid as “develop[ing] a strategic plan incorporating human rights, gender, and intersectionality in municipal policies,” including participatory “policy design and evaluation.”<sup>34</sup> Two thousand people and four hundred organizations contributed to Madrid’s strategic plan through more than one hundred meetings and workshops, plus surveys, questionnaires, and a citywide vote on different proposals.<sup>35</sup>

Barcelona, a leader in the international human rights city movement and home of the Barcelona Discrimination Observatory, has also integrated intersectionality into its local governance and nondiscrimination practices.<sup>36</sup> Barcelona’s

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32. See, e.g., OLIVIER DE SCHUTTER, THE PROHIBITION OF DISCRIMINATION UNDER EUROPEAN HUMAN RIGHTS LAW: RELEVANCE FOR EU RACIAL AND EMPLOYMENT EQUALITY DIRECTIVES 5 (2005), <https://perma.cc/DM7L-XY4U> (PDF); Council Directive 2004/113/EC, art. 1, 2004 O.J. (L 373), 40 (“The purpose of this [European Union] Directive is to lay down a framework for combating discrimination based on sex in access to and supply of goods and services.”). The EU’s Directive on Racial Equality, for example, cites the European Convention for the Protection of Fundamental Rights and Freedoms as well as the CERD treaty. See Council Directive 2000/43/EC, ¶¶ 2–3, 2000 O.J. (L 180), 22.

33. See Lombardo & Bustelo, *supra* note 21, at 586–87, 589; see also Ana T. Amorim-Maia et al., *Intersectional Climate Justice: A Conceptual Pathway for Bridging Adaptation Planning, Transformative Action, and Social Equity*, 41 URB. CLIMATE, no. 101053, 2022, at 1–2.

34. Hum. Rts. Council, Local Government and Human Rights: Rep. of the U.N. High Comm’r for Hum. Rts., ¶ 7, U.N. Doc. A/HRC/42/22 (July 2, 2019).

35. ENRIQUE LÓPEZ, MADRID CITY COUNCIL’S STRATEGIC HUMAN RIGHTS PLAN: LESSONS LEARNED (2015–2019), 89 (2019), <https://perma.cc/V6ML-W9RY> (PDF).

36. See CITIZENS RTS. & DIVERSITY DEP’T, METHODOLOGY GUIDE: CITY OF HUMAN RIGHTS: THE BARCELONA MODEL 7 (2018), <https://perma.cc/5A65-U2FE> (PDF) (describing how the guide “corresponds to a comprehensive intersectional approach that embraces the intercultural, gender and human rights approaches”); Michele Grigolo, *Incorporating Cities into the EU Anti-discrimination Policy: Between Race Discrimination and Migrant Rights*, 34 ETHNIC & RACIAL STUD. 1751, 1758 (2011) (describing how

“methodology guide” on human rights and policy implementation stresses the role of “intersectionalism” in analyzing intercultural factors in communities, and even indicates that the city budget should be allocated to reflect an intersectional approach.<sup>37</sup>

Local governments often share ideas among each other about how to implement intersectional approaches in local human rights contexts. In the Catalonia region of Spain, for example, the city of Terrassa organized a congress of European cities in 2019 to share different experiences in the field of intersectionality, framing the gathering as a component of Terrassa’s commitment to human rights mainstreaming.<sup>38</sup> As part of the process, Terrassa developed its own pilot program to train local government employees how to test intersectional approaches in their communities.<sup>39</sup> Similarly, Intercultural Cities, an initiative of the Council of Europe with members representing every continent except Antarctica, has surveyed its member cities to share good practices for addressing local human rights from an intersectional angle.<sup>40</sup>

Outside of Europe, Montréal has applied an intersectional analysis under its Charter of Rights and Responsibilities, a unique local governance document grounded in the values of fundamental human rights and dignity.<sup>41</sup> Adopted in 2006, the Montréal Charter does not explicitly mention intersectional approaches, but the concept was addressed extensively in the city’s recent report on systemic racism and discrimination.<sup>42</sup>

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Barcelona’s Office for Non-Discrimination integrated intersectionality in its “form used . . . to file and categorize complaints,” which “specifies a principal and a secondary ground for discrimination” (citation omitted).

37. See CITIZENS RTS. & DIVERSITY DEP’T, *supra* note 36, at 56.

38. See *International Conference in Terrassa*, IGUALTATS CONNECTADES, <https://perma.cc/A8AP-E4FQ>; see also COLL-PLANAS ET AL., *supra* note 16, at 62.

39. See *Interseccionalidad en las Políticas Públicas Locales*, AJUNTAMENT DE TERRASSA, <https://perma.cc/76AE-PT99>.

40. *Intercultural Cities: Good Practice Examples*, COUNCIL OF EUR., <https://perma.cc/6FRA-M9M9>.

41. See MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES 8–9 (5th ed. 2021), <https://perma.cc/LEK5-M2YF> (PDF).

42. See OFF. DE CONSULTATION PUBLIQUE DE MONTRÉAL, SUMMARY REPORT: PUBLIC CONSULTATION ON SYSTEMIC RACISM AND DISCRIMINATION WITHIN THE JURISDICTION OF THE CITY OF MONTRÉAL 5 (2020), <https://perma.cc/8GSH-HBE2> (PDF).

Among other things, the report recommends modification of Article 16(i) of the Charter, which commits the city to fight discrimination, “so that it includes the recognition of the systemic and intersectional character of the various forms of discrimination enumerated in the article.”<sup>43</sup> Meanwhile, intersectional approaches have been practically implemented in Montréal through training and mentoring of local government staff and use of program evaluation tools that incorporate an intersectional gender-based analysis.<sup>44</sup> As reported to the Intercultural Cities project, the city of Montréal has focused on addressing the impact of “multiple discrimination on grounds that include gender, class and ethnocultural background, as well as disability, socioeconomic circumstances, sexual orientation and gender identity,” which “interconnect and sometimes reinforce each other.”<sup>45</sup>

Provincial-level human rights bodies have also taken up measures to research and combat intersectional discrimination. As early as 2001, the Ontario Human Rights Commission completed an extensive study exploring the “need for a more holistic understanding of how people experience discrimination,” including applying an intersectional approach to some of the complaints filed with the Commission and integrating the perspective into the Commission’s policy work.<sup>46</sup> In laying out this approach, the Commission examined the scope of intersectional analysis in international jurisprudence at the time, only to find that there was little analysis to report.<sup>47</sup> The Commission nevertheless found utility

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43. *Id.* at 11.

44. See, e.g., *Projet Pilote de l’Intégration de l’ADS+ : La Ville de Montréal Revoit son Processus Décisionnel pour Prévenir les Discriminations Systémiques* [*Pilot Project for the Integration of ADS+ : The City of Montreal Is Reviewing Its Decision-Making Process to Prevent Systemic Discrimination*], VILLE DE MONTRÉAL (Nov. 15, 2018), <https://perma.cc/QGR2-MC2C>; *Gender Equality*, CITY OF MONTRÉAL, <https://perma.cc/TR7S-HAZH> (last updated July 26, 2021).

45. *Intercultural Cities: Good Practice Examples*, *supra* note 40.

46. ONT. HUM. RTS. COMM’N, AN INTERSECTIONAL APPROACH TO DISCRIMINATION: ADDRESSING MULTIPLE GROUNDS IN HUMAN RIGHTS CLAIMS 29 (2001), <https://perma.cc/EEP8-3V8T> (PDF).

47. See *id.* at 14–15 (“To date, international bodies are proceeding largely on the basis of a single ground focused approach. . . . Monitoring bodies select one aspect of discrimination and largely ignore other

in applying intersectionality through its own practices at the subnational, provincial level, and the Commission's early analysis through a human rights lens has been favorably noted worldwide.<sup>48</sup>

In the United States, the work of local human rights bodies has been particularly important to the development of a domestic human rights infrastructure, since there is no national human rights institution.<sup>49</sup> Several local human rights institutions have emphasized an intersectional lens in their work, particularly in connection with local adoptions of CEDAW.<sup>50</sup> As Johanna Kalb has noted, the United States' failure to ratify CEDAW leaves open the space for local initiatives focusing on the treaty, including a nationwide Cities for CEDAW campaign.<sup>51</sup> Given the U.N. CEDAW Committee's explicit adoption of intersectional approaches on the international level, local adoptions of the CEDAW framework in the U.S. have served to bring intersectionality home.

San Francisco adopted its municipal-level CEDAW—the first city-level CEDAW in the world—in 1998.<sup>52</sup> A few years later, well before the U.N. CEDAW Committee endorsed an intersectional approach in its General Comment No. 28, San Francisco's local law was amended to add CERD principles.<sup>53</sup> In its current ordinance, San Francisco broadly defines

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simultaneous violations. This has resulted in a failure to address the totality of the problems and . . . structural disadvantages . . .”).

48. See, e.g., NIAL CROWLEY, *INNOVATING AT THE INTERSECTIONS. EQUALITY BODIES TACKLING INTERSECTIONAL DISCRIMINATION* 11 (2016), <https://perma.cc/P85E-XMAR> (PDF); Ben Smith, *Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective*, 16 *EQUAL RTS. REV.* 73, 74 n.6 (2016).

49. Other North American countries, particularly Canada, have created national institutions committed to human rights. See *Human Rights, CANADIAN HUM. RTS. COMM'N*, <https://perma.cc/5N29-YJN4>.

50. See Johanna Kalb, *The Persistence of Dualism in Human Rights Treaty Implementation*, 30 *YALE L. & POL'Y REV.* 71, 77 (2011).

51. See *id.* at 77–78.

52. See Susan Hagood Lee, *Thinking Globally, Acting Locally: CEDAW and Women's Human Rights in San Francisco*, 13 *SOC'YS WITHOUT BORDERS*, no. 1, 2019, at 1, 3; Stacy Laira Lozner, *Diffusion of Local Regulatory Innovations: The San Francisco CEDAW Ordinance and the New York City Human Rights Initiative*, 104 *COLUM. L. REV.* 768, 768 (2004).

53. See Runyan & Sanders, *supra* note 29, at 312; MICHELE GRIGOLO, *THE HUMAN RIGHTS CITY: NEW YORK, SAN FRANCISCO, BARCELONA* 79 (2019).

discrimination to include sex- and race-based distinctions that limit women's enjoyment of human rights, integrating concepts from both CEDAW and CERD into its local law.<sup>54</sup> Moreover, the city implemented "gender analyses" to identify links between gender, race, disability, sexual orientation and other axes of discrimination; highlight the impacts of these intersections; and encourage local government agencies to adjust policies to address the harms of intersectional discrimination.<sup>55</sup> Though some have argued that San Francisco's ordinance has had minimal effect on the lives of women in the city,<sup>56</sup> even critics have noted that the initiative encouraged "city planners to better integrate accessibility and safety considerations into public infrastructure design," contributed to growing percentages of "women, racial minorities, and sexual minorities" on local boards and commissions; and implemented other changes that may not be structural but that nonetheless promote greater equity along a number of intersecting axes.<sup>57</sup>

Another example is Pittsburgh's Gender Equity Commission, which was established in 2016 to implement a local CEDAW and charged with creating an intersectional gender analysis to structure its work.<sup>58</sup> To achieve this, the Commission contracted with the University of Pittsburgh to conduct an initial baseline study using "an intersectional approach to examine gender and race as well as a combination of other factors including: age and socioeconomic status."<sup>59</sup> That report, tellingly titled *Pittsburgh's Inequality Across*

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54. See Lee, *supra* note 52, at 13.

55. See ANU MENON, S.F. DEPT ON THE STATUS OF WOMEN, HUMAN RIGHTS IN ACTION: SAN FRANCISCO'S LOCAL IMPLEMENTATION OF THE UNITED NATIONS' WOMEN'S TREATY (CEDAW) 3 (2010), <https://perma.cc/9WPY-CRZU> (PDF).

56. See Runyan & Sanders, *supra* note 29, at 313 ("As much as a collaborative approach to compliance bodes well for bringing about deeper social and cultural changes that must occur everywhere to achieve gender equality, the results from the San Francisco case have been mixed.").

57. *Id.* at 312–13.

58. See PITTSBURGH, PA., CODE § 177C.02(4) (2022).

59. JUNIA HOWELL ET AL., CITY OF PITTSBURGH GENDER EQUITY COMM'N, PITTSBURGH'S INEQUALITY ACROSS GENDER AND RACE 8 (2019), <https://perma.cc/289T-W62W> (PDF).

*Gender and Race*, was published in 2019.<sup>60</sup> A second phase of the study emphasizing diverse resident participation is ongoing.<sup>61</sup> According to the terms of the Pittsburgh CEDAW ordinance, the results of the intersectional analysis should inform the development of action plans for city departments.<sup>62</sup> The Gender Equity Commission's recommendations concerning the city's COVID-19 policies are a case in point, reflecting this intersectional emphasis and arguing that recognition of intersectional discrimination should be key to the city's pandemic response.<sup>63</sup>

Cincinnati's CEDAW ordinance, enacted in 2017, does not itself mention intersectionality, but nonetheless included seed funding for a citywide gender equity analysis.<sup>64</sup> Completed by University of Cincinnati researchers and funded by the University, several nonprofits, and the city of Cincinnati, the Gender Equality Study includes recommendations designed to expand available information about intersectional discrimination.<sup>65</sup> For example, the study found that the general lack of intersectional analysis to date weakened the city's ability to provide appropriate services to diverse constituents.<sup>66</sup> The researchers specifically recommended that Cincinnati's Department of Community and Economic Development give more attention to intersectional issues.<sup>67</sup> Other recommendations focused on expanding intersectional considerations in the local health department's strategic

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60. *Id.* at 3.

61. *See Reports and Policy Recommendations*, CITY OF PITTSBURGH, <https://perma.cc/BP9Z-GQ6D>.

62. PITTSBURGH, PA., CODE § 177C.02(4) (2022).

63. *See* CITY OF PITTSBURGH GENDER EQUITY COMM'N, BUILDING AN EQUITABLE NEW NORMAL: RESPONDING TO THE CRISES OF RACIST VIOLENCE AND COVID-19, 6 (2020), <https://perma.cc/4DCG-NTGK> (PDF) ("The commission's report . . . demonstrates that an intersectional approach to equity is critical—that gender and race and other identities such as age, ability, and sexual orientation exist together and cannot be tackled separately.").

64. *See* CITY OF CINCINNATI GENDER EQUITY TASK FORCE, TOPLINE FINDINGS & RECOMMENDATIONS FOR CITY OF CINCINNATI GENDER EQUALITY STUDY 2 (2020), <https://perma.cc/T37T-9N6C> (PDF).

65. *Id.*

66. *See id.* at 15.

67. *See id.* at 14.



plan.<sup>68</sup> The Cincinnati Gender Equality Task Force, also created in 2017, is charged with developing next steps for the city based on the initial report.<sup>69</sup> As of 2021, the Task Force had moved forward with several local equity initiatives, despite the complicating challenges created by the COVID-19 pandemic.<sup>70</sup>

An early human rights adopter, the city of Los Angeles enacted its CEDAW ordinance in 2003.<sup>71</sup> At that time, the ordinance did not specifically reference intersectional discrimination.<sup>72</sup> However, in 2015, Mayor Eric Garcetti issued an Executive Directive recognizing that “the intersections of multiple forms of discrimination have compounding negative effects on women” and directing city departments to develop comprehensive gender equity strategies.<sup>73</sup> Building on this directive, the city helped create an international consortium called City Hub and Network for Gender Equity (“CHANGE”), which commissioned a survey of existing international indices to measure gender equity.<sup>74</sup> Researchers from Occidental College took on the task.<sup>75</sup> Their comprehensive review, published in 2021, convinced the researchers that there was a significant gap in these indices, particularly “a lack of consistent commitment to intersectionality and a failure to measure gender beyond the binary.”<sup>76</sup>

Los Angeles concluded that in order to meet its goal of addressing intersectional discrimination, it needed to develop a

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68. *See id.* at 17.

69. *See* CINCINNATI, OHIO, ORDINANCE NO. 92-2017, § 2 (2017).

70. Becca Costello, *Cincinnati Gender Equity Efforts Highlighted in UN Panel Discussion*, 91.7 WVXU (Mar. 18, 2021, 4:12 PM), <https://perma.cc/MT6H-P4RS>.

71. L.A., CAL. ORDINANCE NO. 175735 (2003).

72. *See generally id.*

73. Exec. Directive No. 11, City of L.A. (Aug. 26, 2015), at 1, <https://perma.cc/E9BE-ZZMM> (PDF).

74. *See* CITY HUB & NETWORK FOR GENDER EQUITY, MEASURING GENDER EQUITY IN CITIES: AN INTERSECTIONAL SET OF PROPOSED INDICATORS 4 (2021), <https://perma.cc/W689-99DR> (PDF) [hereinafter MEASURING GENDER EQUITY].

75. *See Measuring Gender Equity in Cities: An Intersectional Set of Proposed Indicators*, OCCIDENTAL COLL. (June 30, 2021), <https://perma.cc/4Y9S-ZPTD> [hereinafter *Measuring Gender Equity in Cities*].

76. MEASURING GENDER EQUITY, *supra* note 74, at 14.

new set of indices that aim to encourage an intersectional approach tailored to the local government context.<sup>77</sup> One result of this effort was a Gender Equity Toolkit, currently in use by the six founding members of the CHANGE consortium: Barcelona, Freetown, London, Los Angeles, Mexico City, and Tokyo.<sup>78</sup> The CHANGE toolkit urges engagement with international frameworks such as CEDAW to guide policy implementation, and identifies recognition of intersectional discrimination as a means to achieve positive structural change for greater gender equity.<sup>79</sup> A key question that the CHANGE toolkit poses to each participating city is: “Are we applying a gender lens to every city policy, program and initiative, recognizing the intersectionality between gender equity and other critical challenges?”<sup>80</sup>

Beyond city-level CEDAWs, intersectionality theory has also been introduced through local appeals to international human rights. For example, the organization Metropolis came together with municipal members from around the world under the banner of the Universal Declaration of Human Rights to develop a guide to “Intersectionality in Metropolitan LGBTI Policies.”<sup>81</sup> Leading municipal contributors to the guide were Montevideo, Berlin, Barcelona, Medellín, Buenos Aires, Mexico City, Bogotá, and Rosario.<sup>82</sup>

Recognizing that intersectionality was too often simply a label given with little actual implementation, Metropolis began by developing several pilot programs utilizing intersectional approaches in local government.<sup>83</sup> For example, the guide describes a training program for metropolitan police in Turin, Italy, to deal with homophobic harassment in schools and public spaces.<sup>84</sup> There, an intersectional approach helped the

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77. *Id.* at 19, 59.

78. CITY HUB AND NETWORK FOR GENDER EQUITY, WHAT CAN CITIES DO TO ADVANCE GENDER EQUITY: GENDER EQUITY TOOLKIT, <https://perma.cc/2TZ2-LFZQ> [hereinafter WHAT CAN CITIES DO].

79. See CHANGE & CITY OF L.A., WELCOME TO THE CHANGE GENDER EQUALITY TOOLKIT 7 (2021), <https://perma.cc/8GL4-BCFJ> (PDF).

80. *Id.* at 45.

81. See COLL-PLANAS ET AL., *supra* note 16, at 34.

82. See *generally id.*

83. See *id.* at 9–10.

84. *Id.* at 51.

officers overcome some of their own stereotypes about LGBTI people who grew up in Muslim environments.<sup>85</sup>

Another of Metropolis's ambitious intersectionality programs was piloted in Bogotá, Colombia, focusing on religious faith and LGBTI people.<sup>86</sup> The local government initiated a wide-ranging effort to stimulate constructive reflection, dialogue, and education among faith communities about sexual diversity.<sup>87</sup> At the same time, the city also focused on the "mental, emotional and relationship health care" of LGBTI people, giving them "the tools to face risky situations, seek support networks and live fully."<sup>88</sup> These are just two of the fourteen diverse pilot programs on intersectionality and local human rights shared in the Metropolis guide.<sup>89</sup>

The Metropolis member cities explained their commitment to intersectional approaches in words that apply beyond their specific projects:

In these times, when most of the world population is concentrated in large—increasingly diverse and complex—cities, it becomes especially relevant that the local governments of such metropolis embrace this challenge. In order to establish inclusive cities, spaces with opportunities for all their inhabitants, we must keep on looking for strategies to fight inequalities.<sup>90</sup>

## II. INTERSECTIONALITY POLICY LAGGARDS

The "local boomerang" phenomenon that links implementation of local CEDAWs, CERDs, or other human rights norms with local integration of intersectionality concepts is by no means universal.

In many parts of Europe where local human rights initiatives have taken firm hold, intersectionality has not been

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85. *Id.*

86. *Id.* at 83.

87. *See id.* at 83–90 ("The experience has made it possible to build meeting points and transform ideas, thoughts, attitudes and behaviors based on fear, prejudice and ignorance.").

88. *Id.* at 90.

89. *See id.* at 69–160.

90. *Id.* at 14.

part of the conversation.<sup>91</sup> For example, Utrecht, in the Netherlands, is a leading human rights city.<sup>92</sup> Yet it has not fully integrated the concept of intersectionality into its work with residents, illustrated by the fact that Dutch antidiscrimination law does not take intersectionality into account.<sup>93</sup> Vienna, likewise, has an active and innovative human rights agenda and a vibrant human rights office, but has not identified intersectional discrimination as an aspect of its work.<sup>94</sup> The Swedish Association of Localities and Regions (“SALAR”), which represents regional and local governments, has actively promoted the idea of human rights cities, complete with practical guides to implementing local human rights standards.<sup>95</sup> But SALAR’s literature on local human rights implementation does not mention intersectional discrimination.<sup>96</sup> Further, the European Court of Human Rights has resisted incorporating intersectional perspectives

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91. For a critical examination of intersectionality in European jurisprudence, see CTR. FOR INTERSECTIONAL JUST., INTERSECTIONAL DISCRIMINATION IN EUROPE: RELEVANCE, CHALLENGES, AND WAYS FORWARD, <https://perma.cc/6A58-JW3H> (PDF).

92. See Moritz Baumgärtel & Barbara Oomen, *Pulling Human Rights Back In? Local Authorities, International Law and the Reception of Undocumented Migrants*, 51 J. LEGAL PLURALISM & UNOFFICIAL L. 172, 178 (2019) (noting, for example, policy initiatives with asylum seekers).

93. See, e.g., Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, *End of Mission Statement of the Special Rapporteur at the Conclusion of Her Mission to the Kingdom of the Netherlands*, ¶¶ 48–49 (Oct. 7, 2019), <https://perma.cc/2QGL-W59L>; see also E-mail from Alexander Hootsmans, Commc’ns Officer, Art. 1 Cent. Neth., to Alexis Haskett-Wood, Rsch. Assistant to Professor Martha Davis, Ne. Univ. Sch. of L. (Feb. 9, 2022, 7:36 AM) (on file with author) (explaining constraints on processing discrimination claims in Utrecht); *Reporting Discrimination*, GOV’T OF THE NETH., <https://perma.cc/CH9L-45CA> (explaining that all municipalities in the Netherlands have an antidiscrimination service to assist with complaints of violations of Netherlands equality law).

94. See *Human Rights Office of the City of Vienna*, CITY OF VIENNA, <https://perma.cc/6LER-2TZJ>.

95. See generally SWEDISH ASS’N OF LOC. AUTHS. & REGIONS, HUMAN RIGHTS AT THE LOCAL AND REGIONAL LEVEL: A PLATFORM FOR POLICY AND OPERATIONAL DEVELOPMENT (2017), <https://perma.cc/HZJ9-9895> (PDF).

96. *Id.*

into its discrimination jurisprudence, likely discouraging such developments on the subnational level in Europe.<sup>97</sup>

At the same time, formal policies may not tell the whole story. While Utrecht's complaint mechanisms are limited by the boxes established by national law, Utrecht service providers do find opportunities to address the more intersectional realities reflected in residents' lived experiences. For instance, for International Women's Day in 2022, the city highlighted Muslim women, and a past event focused on elderly transgender people.<sup>98</sup> According to Alexander Hootsmans, the communications officer of the organization that administers Utrecht's antidiscrimination law, "it is very much engrained within our organization to look across labels and boxes to make sure nobody is left out."<sup>99</sup> Still, the local law fails to formally incorporate intersectionality in ways that could more fully address the issues faced by residents of Utrecht and—as the CHANGE toolkit points out—promote structural changes as well.

The hands-off orientation of some communities may eventually change if intersectionality continues to permeate discussions around the implementation of human rights cities frameworks, and extend beyond the specific context of local implementation of CEDAW and CERD where intersectionality concepts are more likely to be encountered. There are signs that is happening. At the 2021 World Human Rights Forum in Gwangju, Korea, for instance, discussions of intersectional approaches were prominently featured, particularly on panels addressing local responses to COVID-19.<sup>100</sup> COVID-19 also prompted a greater appreciation of intersectionality's significance in the city of Berlin, where the deaf and homeless population were initially ignored in COVID information

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97. See Lisa Weinberger, Kurt v. Austria, *A Missed Chance to Tackle Intersectional Discrimination and Gender-based Stereotyping in Domestic Violence Cases*, STRASBOURG OBSERVERS (Aug. 18, 2021), <https://perma.cc/88JE-7DHH>.

98. E-mail from Alexander Hootsmans, *supra* note 93.

99. *Id.*

100. See UNESCO *Renews its Commitment to Fight Racism and Discrimination at the Gwangju Forum*, UNESCO (Oct. 26, 2021), <https://perma.cc/B9EL-85ET>.

campaigns until advocates called for tailored outreach and materials.<sup>101</sup>

Notably, a research consortium representing self-identified human rights cities in Turkey recently published a comprehensive set of human rights indicators that acknowledge intersectionality.<sup>102</sup> Like the scholars in Los Angeles, the Turkish researchers found that there was “a lack of indicators reflecting this intersectionality at [the] city or local level,” so they set about developing new indices to enable cities to better address those issues.<sup>103</sup> Identifying these gaps is a first step toward greater integration of intersectionality concepts into local governance.

### III. CHALLENGES AND OPPORTUNITIES OF RELOCALIZATION

Relocalization of human rights norms is not always easy or straightforward. As Los Angeles and Turkey demonstrate, sometimes cities must invent new tools and approaches to intersectionality that reflect local needs. For example, the indicators ultimately adopted by the city of Los Angeles include a focus on the built environment and spatial orientation specific to the city that goes beyond prior international indices.<sup>104</sup> The new human rights indicators developed by and for cities in Turkey likewise address intersectionality issues specific to the local context, such as refugee concerns.<sup>105</sup>

Other cities have also confronted challenges in incorporating an intersectional lens in combination with a human rights frame. For example, York, England, found strength in a human rights framing as it sought to be an “international city”—but at the same time York activists struggled with how to link the specific challenges facing York

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101. Wadzanai Motsi-Khati & Miriam Aced, *Why Intersectionality is Relevant for a Fairer Europe*, EQUINET (July 27, 2020), <https://perma.cc/7F4X-MJZP>.

102. See generally GÜLAY GÜNLÜK-ŞENESEN ET AL., HUMAN RIGHTS CITIES INDICATORS 26, 90 (2021), <https://perma.cc/92TB-6UD4> (PDF).

103. *Id.* at 26.

104. See *Measuring Gender Equity in Cities*, *supra* note 75, at 49–57.

105. GÜLAY GÜNLÜK-ŞENESEN ET AL., *supra* note 102, at 27, 90.

and the general frames of human rights and intersectionality in a way that would further their local advocacy.<sup>106</sup>

Levitt and Merry's study of the unsuccessful effort to pass a CERD and CEDAW ordinance in New York exposed another, somewhat similar obstacle.<sup>107</sup> According to Levitt and Merry, "organizations that rely on ideologies and tactics that are more ambitious and challenging"—like human rights and intersectionality—"have more difficulty establishing local support and enthusiasm."<sup>108</sup> In another study, Merry and her coauthors attributed the failure of the New York initiative, in part, to the effort's technical, legal turn toward good governance goals and away from more direct responses to race and sex discrimination.<sup>109</sup> This made it more difficult to energize a local grassroots constituency and to explain what there was to gain through the campaign. The shallow grassroots support was not enough to overcome the New York City Mayor's resistance to the local human rights measure.<sup>110</sup> In the end, the coalition supporting the New York City initiative was disbanded.<sup>111</sup> Had the effort continued, Levitt and Merry suggest that the result might have been a departure from the established legal norms of intersectionality in international human rights law, instead relocalizing, transforming, and ultimately "vernacularizing" these ideas for dynamic local implementation.<sup>112</sup>

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106. Paul Gready et al., *Re-imagining Human Rights Practice Through the City: A Case Study of York (UK)*, in HUMAN RIGHTS CITIES AND REGIONS: SWEDISH AND INTERNATIONAL PERSPECTIVES 71, 75 (Martha F. Davis et al. eds., 2017); Paul Gready & Liz Lockey, *Rethinking Human Rights in York as a Human Rights City*, 90 POL. QTRLY. 383, 387 (2019).

107. See Levitt & Merry, *supra* note 23.

108. *Id.* at 458.

109. See Merry et al., *supra* note 26, at 118, 125 ("Tailoring the ordinance to fit into the city's political process changed and ultimately weakened it. The bill went from being a statement of human rights focusing on the intersection between race and gender to a document specifying processes for good governance and auditing.").

110. See *id.*

111. *Id.*

112. *Id.* at 117.

## IV. EXPANDING THE FRAME TO INCLUDE THE (G)LOCAL

The relocalization and vernacularization processes should be seen as key parts of human rights and intersectionality implementation, though they may set up a tension with—or even conflict with—the understandings of international standards. Local developments and local implementation are an integral part of the human rights ecosystem. By focusing only on human rights as they exist in the international sphere, defined by nation-states, we miss out on the opportunity to develop a more integrated and holistic understanding of the contextualized application of human rights norms.

The reality is that human rights are an abstraction until they are applied in practice. They have little meaning for humans absent implementation, and whatever policies are developed by nation-states and international actors operating on the international and national levels, most implementation happens in local communities. Maintaining a rigid divide between international human rights standards and practices and local implementation limits the potential on-the-ground impact of hard-won human rights norms. Fostering the connection between the local and the international—both in terms of theory and in practice—is critical to the success of the human rights project. As the examples in this Article indicate, local human rights initiatives are well-positioned to take up and develop new, more tailored approaches to intersectional challenges that are relevant to particular people and communities.<sup>113</sup> Scholars might make important contributions by considering how local human rights regimes can, and do, meet this moment in ways that have both global and community-level significance.

The relocalization process also presents an opportunity for meaningful, direct participation of those most affected by intersectional discrimination in crafting intersectional approaches tailored to the issues that they face. As mentioned above, the city of Madrid engaged with thousands of residents as it developed its strategic plan on human rights and intersectionality.<sup>114</sup> Other subnational governments have

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113. *See supra* Part I.

114. *See supra* note 35 and accompanying text.



similarly developed robust models to support local participation in developing policies reflecting intersectional concepts, ranging from street outreach to competitions to design charrettes.<sup>115</sup> Learning from residents' lived experiences of intersecting identities and responding to these experiences is what gives human rights meaning and impact close to home, while also infusing international approaches with an awareness of these lived experiences. In short, participation is generative of human rights and is best fostered at the local level. It is this dialogue between the global and the local—embodied in processes of relocalization and the local boomerang effect—that reveals the true contours of intersectionality in both theory and practice.

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115. See, e.g., *Intersectional Human Rights Organizing: A Strategy for Building Inclusive and Transformational Movements*, NEW TACTICS IN HUM. RTS. (Aug. 2015), <https://perma.cc/S2V6-ZLHR>; *Participatory Approach*, CO-DESIGN PROGRAM, <https://perma.cc/CUT4-A5MK>.