

## Intersectionalities of Gender Violence: Legal Remedies: Editorial

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### Abstract

Critiques of legal remedies' capacity adequately to address the intersectional nature of gender violence lie at the heart of both theoretical and practical discourse. Concern about remedies complements the important literature detailing the narrative experiences of those who experience violence grounded in multiple intersections of identity. This is an introduction to a set of papers that represent highlights from the conference entitled "International Congress on Gender Violence: Intersectionalities". The papers address approaches to legal remedies that take into account the intersectional nature of gender violence.

### Key words

Gender violence; legal remedies; law; intersectionalities

### Resumen

Las críticas a la capacidad de los remedios legales para abordar la naturaleza interseccional de la violencia de género están en el centro del discurso teórico y práctico. La preocupación sobre los remedios complementa la importante literatura que detalla las experiencias narrativas de las personas que experimentan violencia alojada en múltiples intersecciones de identidad. Esta es una introducción a artículos representativos del Congreso Internacional sobre Violencia de Género: Intersecciones. Los artículos abordan un acercamiento a los remedios legales que tienen en cuenta la naturaleza interseccional de la violencia de género.

### Palabras clave

Violencia de género; remedios legales; derecho; interseccionalidades

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Critiques of legal remedies' capacity adequately to address the intersectional nature of gender violence lie at the heart of both theoretical and practical discourse. Exploration and analyses of remedies complements the important literature detailing the narrative experiences of those who experience violence grounded in multiple intersections of identity. Over twenty-five years ago, Kimberlé Crenshaw powerfully documented how United States' civil rights laws are ill-equipped to capture and provide redress for the complex nature of abuse (Crenshaw 1989, 1991). Yet, translating the powerful insights of intersectionality theory into practice have proved challenging. (Best *et al.* 2011; Bullock and Masselot 2012/13; Goldberg 2009). Increasing attention focuses on how to tap the potential of international human rights laws, regional treaties, and local directives, to translate intersectionality theory into remedies for survivors of gender violence, to more accurately and comprehensively address its harms and empower survivors.

The three papers that follow represent highlights from the conference "International Congress on Gender Violence: Intersectionalities", that was held at the Oñati International Institute for the Sociology of Law in the summer of 2013. The papers address approaches to legal remedies that take into account the intersectional nature of gender violence. Shreya Atrey's paper proposes a normative framework termed "intersectional integrity" as a tool for understanding gender violence suffered because of gender as well as other status-identities. She draws on intersectionality theory as developed by Crenshaw and others, and augments it with the concept of "integrity" as developed in disability jurisprudence. She argues that the concepts require both an attention to the multiple forms of subordination that inform an individual's experience of gender violence, and an appreciation for how an individual's intersecting identities affect her as a whole. The two concepts work in tandem to direct remedies that more accurately address an individual's experience of abuse. Atrey traces the development of intersectionality in international human rights instruments and CEDAW committee decisions. She then takes on examples from India: three cases of gender violence that captured public and media attention; recent shadow reports submitted to the CEDAW committee; and the Justice Verma Committee report issued in response to a horrific gang rape, to illustrate how intersectional integrity would more accurately uncover the nature of gender violence and would lead to better legislative, policy and adjudicative remedies.

The contribution by Monica McWilliams applies intersectionality theory to the particular experience of minoritized women experiencing domestic violence in Northern Ireland. She addresses the intersections of ethnicity, nationality, class and gender by examining the complexities of the help-seeking process. The paper is the first published article on minoritized women and domestic violence in Northern Ireland, where survivors' experiences contrasts with those of survivors in other parts of the United Kingdom due to Northern Ireland's distinct history. The paper is based on a study of service providers that was incorporated into a CEDAW shadow report. It argues that state policies with respect to immigration and social security reinforce inequalities in gendered power relations, and that recent policy changes have not addressed the systemic institutional racism and institutionalized patriarchy entrenched in the agencies that administer those policies. It urges a more robust system of state accountability that incorporates a human rights framework based on security, autonomy, liberty and equality.

To truly address intersectional gender violence, legal remedies, and the political movements that advocate for their adoption, must be grounded in a framework that incorporates an intersectional approach. Catarina Peroni's paper describes the development of the Italian feminist political lexicon on gender-based violence. The paper traces the development of a new framework that reflects feminist and queer movements against the security policies surrounding gender-based violence adopted by the Italian government in the aftermath of the murder of Giovanna Reggiani by a Roman man. Peroni details the evolution of a feminist discourse that

critiqued repressive immigration laws and challenged the depiction of gender-based violence as a crime committed predominantly by male immigrants. The paper focuses on activism related to a demonstration organized in response to the spread of moral panic against foreigners in the aftermath of the murder, and draws on web postings and interviews by activists. It charts a feminist framework grounded in feminist and queer theory that challenges both the security and heteronormative frames for gender-based violence, to produce a more inclusive focus and broad-based critique of enduring though outdated gender roles and stereotypes that can support more progressive reforms.

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