

INTERSECTIONALITY OF HUMAN RIGHTS, BUSINESS AND DISABILITIES**Ahmed Rufai Ahmed*****Abstract**

As businesses face increasing expectations to uphold human rights, disability remains a largely marginalized concern within corporate agendas. This paper investigates the intersection of human rights, business practices, and disability, arguing that an inclusive approach not only fulfils ethical and legal obligations but also unlocks innovation and long-term value creation. Drawing on analyses of international frameworks most notably the UN Convention on the Rights of Persons with Disabilities and a series of global corporate case studies, the paper demonstrates how embedding disability into human rights due diligence enables companies to identify and remediate discrimination, design universally accessible products, and cultivate inclusive work environments. An intersectional lens further reveals how gender, race, and socioeconomic status can intensify barriers for people with disabilities, highlighting the need for differentiated policy responses. The study concludes by proposing a multi-stakeholder roadmap encompassing policy reform, cross-sector partnerships, and sustained stakeholder engagement to integrate disability rights into corporate governance and foster truly inclusive business ecosystems.

Keywords: Intersection, Human Rights, Businesses and Disabilities

1. Introduction

The World Health Organization (WHO) reported that approximately 16 percent of the global population, over 1.3 billion people worldwide, have some form of disability, and that an additional 190 million people that is 3.8 percent of people over 15 years of age experience serious difficulties in functioning normally daily.

¹ In 2017 UN Global Compact and the International Labour Organization reported that roughly one-third of all persons between the ages of 50 and 64 had “impairments” within the meaning of the UN Convention on the Rights of Persons with Disabilities (CRPD), this number however, increases to 50 percent for people over the age of 65 and grows considerably for those beyond the age of 70 and 75 and the number of people with disabilities in the population is also affected by factors such as the presence of and exposure to socio-economic and socio-political conflict in the country.²

While the number of persons with disabilities is large, their experiences are diverse and not all people with disabilities are equally disadvantaged.³ Persons with disabilities face a comprehensive different types of barriers such as attitudinal, internalised and societal barriers which over the time denied people with disabilities various opportunity.⁴

Businesses today operate within a complex human rights landscape that extends far beyond compliance checklists.⁵ As private entities wield significant economic and social

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¹ World Health Organization (WHO) <<https://www.who.int/news-room/fact-sheets/detail/disability-and-health>> accessed 22 July, 2025.

² How business can respect and support the rights of persons with disabilities and benefit from inclusion. Guide for business on the rights of persons with disabilities<<https://www.ilo.org/publications/guide-business-rights-persons-disabilities>> accessed 22 July, 2025; Article 1 of the CRPD explains that “persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”.

³ Disability inclusion (2015) <<https://gsdrc.org/wp-content/uploads/2015/11/DisabilityInclusion.pdf>> accessed 22 July, 2025.

⁴ Ibid.

⁵ Business and Human Rights: A geography of corporate risk, Amnesty International (UK) and (The Prince of Wales International Business Leaders Forum, London: 2002).

influence, they are increasingly expected to respect, protect, and fulfil fundamental rights ranging from non-discrimination to decent work to contribute to a more equitable world.⁶ Yet persons with disabilities often remain on the periphery of corporate human rights agendas. The principle of intersectionality reminds us that disability intersects with other identities such as gender, race, and socioeconomic status to compound barriers in access, opportunity, and participation. Recognising these layered disadvantages is essential for designing inclusive policies and practices.

This paper explores how integrating disability rights within business human rights frameworks not only addresses moral and legal imperatives but also unlocks innovation, talent, and market growth. The examined international norms, due diligence processes, and corporate case studies to chart a path toward genuinely inclusive business ecosystems.

2. Theoretical Foundations of Intersectionality and Disability

Intersectionality is a concept coined by Kimberlé Crenshaw⁷ and further developed by many scholars.⁸ “Intersectionality was developed by Black feminists to counter approaches that failed to consider how multiple intersecting identities together shape our experiences of oppression and privilege”.⁹ By now, intersectionality is used to cover many intersecting marginalised identities and has moved towards the realm of

⁶ Business as Partners in Development: Creating wealth for countries, companies and communities, Jane Nelson/The Prince of Wales Business Leaders Forum, in collaboration with The World Bank and The U.N. Development Programme, London: 1996

⁷ Crenshaw, K. ‘Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics’. *Univ. Chic. Leg. Forum* (1989) 5; Intersectionality of Disabled People through a Disability Studies, Ability-Based Studies, and Intersectional Pedagogy Lens: A Survey and a Scoping Review.<https://www.researchgate.net/publication/383885389_Intersectionality_of_Disabled_People_through_a_Disability_Studies_Ability-Based_Studies_and_Intersectional_Pedagogy_Lens_A_Survey_and_a_Scoping_Review> accessed 22 July 2025.

⁸ Aiyegbusi, A. Holding the Broken Pieces: An Intersectional Approach to Group Analysis for Women in Prison. In *Intersectionality and Group Analysis*; Nayak, S Forrest, A Eds.; (Routledge: London, UK, 2024)26–47.

⁹ Ibid.

organisational change.¹⁰ For example, the “European Union-Intersectionality Framework” has been proposed “to dissect the varied and conflicting ways in which intersectionality is operationalised within EU policies”.¹¹

Intersectionality is employed as a lens to analyse many topics, such as a sense of belonging,¹² armed conflict, environmental conflict, human rights abuses and crisis. It is argued that the concept of intersectionality has an important role in many field such as socio-legal aspect of the law, and intersectionality is seen to fit into the overarching goal of bioethics to work toward social justice in health care.¹³ Intersectionality is used as a lens in many fields, such as peace, law, human rights, conflict studies, organisation studies,¹⁴ critical autism studies,¹⁵ disability studies,¹⁶ and the intersectionality of disability, and environmental studies.¹⁷

Being a disabled person is one marginalised identity that often intersects with other marginalised identities, which in turn frequently leads to intersectionality-based problems disabled people have to deal together with problems they encounter based on their identity of being a disabled person. However, it is argued that disabled people are often neglected in the intersectionality discourse. Therefore, the first aim of this study was to

¹⁰ Armstrong, M.A.; Jovanovic, J. The intersectional matrix: Rethinking institutional change for URM women in STEM. *Divers. J High. Educ.* (2017) 10.

¹¹ Debusscher, P.; Maes, E.L. ‘the European Union-Intersectionality Framework: Unpacking Intersectionality in the Union of Equality Agenda’ *Political Stud. Rev.* (2024) 1–21.

¹² Shi, Q.; Phillips, K.; Davis, J. Latina English Learners’ ‘Sense of Belonging in STEM Undergraduate Programs at Hispanic-Serving Institutions (HSIs) and Non-HSIs: An Intersectional View’ *Divers. High. Educ.* (2023).

¹³ Brunig, L.; Kahrass, H.; Salloch, S. ‘the concept of intersectionality in bioethics: A systematic review’ *BMC Med. Ethics* (2024) 25.

¹⁴ Allison, R.; Banerjee, P. ‘Intersectionality and social location in organization studies, 1990–2009’ *Race Gend. Cl.* (2014) 67–87.

¹⁵ Mallipeddi, N.V.; Vandaalen, R.A. ‘Intersectionality within Critical Autism Studies: A Narrative Review’ *Autism Adulthood* (2022) 2.

¹⁶ Ben-Moshe, L.; Magana, S. ‘an Introduction to Race, Gender, and Disability: Intersectionality, Disability Studies, and Families of Color’ *Women Gender. Fam. Colour* (2014) 2 (1) 105–114

¹⁷ Bentley, J.K.; Conrad, S.; Hurley, S.; Lisitza, A.; Lupinacci, J.; Lupinacci, M.W.; Parson, S.; Pellow, D.; Roberts-Cady, S.; Wolbring, G. *The Intersectionality of Critical Animal, Disability, and Environmental Studies: Toward Eco-ability, Justice, and Liberation Lexington Books*: (Washington, DC, USA, 2017).

identify on the extent of coverage of disabled people, business and human rights within the intersectionalism.

3. Etymology of intersectional thought

The concept of intersectionality reflects an evolution of thought and values that originated with philosophical and social movements in the West that sought to establish human rights and freedoms as the legal foundation of society.¹⁸ These movements emerged as a social and political force in the 19th and early 20th century to abolish slavery and the slave trade in most European countries and colonies.¹⁹ In the United States, the slave trade was abolished in 1818; slavery was abolished after the Civil War in 1865; and the Civil Rights Act established legal racial equality in 1866.²⁰ Suffragist movements successfully secured voting rights for American and most European women early in the 20th century, but establishing full legal equality was a more protracted challenge.²¹ Despite human rights achievements in much of the world, various forms of institutional slavery and subjugation of women have continued with legal protections in parts of the world along with lax law enforcement that fails to protect women and marginalised groups such as disabled people from exploitation, subjugation, and oppression.²²

Human equality, rights, and freedoms were especially important in the United States where English colonies had asserted their independence to establish a constitutional democracy enshrined in the Charters of Freedom the Declaration of Independence, the Constitution, and the Bill of Rights as foundational principles protecting equality, rights,

¹⁸ Christensen, C., Ojomo, E., & Dillon, K. 'The Prosperity Paradox: How Innovation Can Lift Nations Out of Poverty – Pro Quest. New York NY: (Harper Business Press 2019).

¹⁹ Arhin, K. 'Trade, Accumulation, and the State in Asante in the Nineteenth Century' *Journal of the International African Institute* (1990) 60(4), 524–537.

²⁰ Baepler, P. *White Slaves, African Masters: An Anthology of American Barbary Captivity Narratives*. University of Chicago Press (1999) <<https://www.scribd.com/document/448846383/Paul-Baepler-White-Slaves-African-Masters-An-Anthology-of-American-Barbary-Captivity-Narratives> accessed 22 July 2025

²¹ Crenshaw, K. *Demarginalising the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*. (University of Chicago Legal Forum, 1989).

²² Delgado, R., & Stefancic, J. *Critical Race Theory: The Cutting Edge*. Philadelphia PA (Temple University Press 2000)

and freedoms of all citizens under the law.²³ As waves of ethnically diverse immigrants successfully asserted their constitutional rights and status as “white Americans,” disparities of race and gender became glaringly evident and difficult to ignore for those who were excluded from opportunities afforded primarily to white men. Indigenous Americans, African Americans, Hispanic Americans, and Asian Americans some of whom claimed longstanding cultural traditions of participative self-governance disrupted by colonisation or slavery organised to ensure equal treatment under the law.²⁴

Throughout the 20th century, discussions about fundamental human values transcended national borders, culminating in the 1948 United Nations Declaration of Human Rights (UDHR). The UDHR codified a global consensus on inalienable rights civil, political, economic, social, and cultural that states and other actors should respect. As a nonbinding yet morally authoritative instrument, it has guided multilateral treaties, national constitutions, and corporate responsibility codes ever since. Despite these legal and policy advances in regions such as in the developed and developing world, real-world outcomes reveal persistent inequities. Marginalised groups including persons with disabilities continue to face barriers to full enjoyment of UDHR-enshrined rights.²⁵ Discrepancies between written guarantees and lived experience underscore the limits of Universalist approaches that treat all rights-holders as if they occupy equal social positions.

4. Conceptual clarification

a. Meaning of Business

A lot of issues and concepts have been advanced on what business is all about. These concepts and precepts vary according to individual contentions about what they assume

²³ Eltis, D., & Richardson, D. *Routes to Slavery / Direction, Ethnicity and Mortality in the Transatlantic Slave Trade*. (London: Rutledge 1997)

²⁴ Flynn, J. P., Gascon, G., Doyle, S., Koffman, D. M. M., Saringer, C., Grossmeier, J., ‘Supporting a Culture of Health in the Workplace: A Review of Evidence-Based Elements’ *American Journal of Health Promotion* (2018) 2(3).

²⁵ Baker, B. ‘Anti-Fascist (Antifa) Fallacies: A Primer for Businesses’ *Journal of Applied Business and Economics*, (2023) 25(1) 1–38.

Business is all about.²⁶ To better understand the many hypotheses and propositions about the construct “Business” the following issues are subject to critical examination:

Business encompasses the creation, procurement, and provision of goods and services to meet human needs in appropriate quantities, qualities, times, and places at satisfactory prices.²⁷ It involves a range of profit-driven activities aimed at sustaining and expanding enterprises by satisfying consumer demands.²⁸ Operating within a social system, business relies on the interaction and interdependence of individuals or groups working toward shared goals, contributing to both individual well-being and the broader economic environment.²⁹ Ultimately, it serves as a vital mechanism for maintaining a nation's standard of living through commercial and economic engagement.³⁰

Whichever angle one looks at the definitions about business as advanced above one obvious fact is that the word “Business” is a broad and inclusive term that can apply to the many activities people undertake, on a daily basis to earn a living based on the degree or level of benefits or profits accruable to such undertakings.

b. Understanding Human Rights

Human rights was defined by Donnelly³¹ who also referred to it as “the rights of man” as “literally the rights that one has because one is human.” As pointed out by Bantek and Oette³² a lot of people and groups use human rights in a loose way to mean rights available to every person because they are human. As loosely as that understanding might be, it actually reflects on a basic level, the essence of the two words that came together to

²⁶ Asheghian, P. and Ebrahimi, B. *International Business: Economics, Environment, and strategies*, (New York: Harper and Row, Publisher 1990) 221.

²⁷See Aremu, M. A. “Strategic Marketing Planning and Entrepreneurship in a Developing Economy” in *Management and Entrepreneurship in Societal Transformation: Perspectives from Africa*, Adebola, S. A. & Gbadeyan, R. A. (eds.) 47 – 69. Published by Department of Business Administration, Faculty of Management Sciences, University of Ilorin, Nigeria 2013.

²⁸ Ibid

²⁹ Ibid

³⁰ Ibid

³¹ Donnelly, *Universal Human Rights in Theory and Practise*, 3rd edn, Cornell University Press, (New York 2013)

³² Bantek S and Oette L *International Human Rights Law and Practise*, 2nd edn (Cambridge University Press 2019).

form the term. Human refers to everyone on earth irrespective of their age, ethnicity, nationality, ideology, orientation, sex or creed. Rights refers to privileges that one compulsorily deserves irrespective of his or her age, ethnicity, nationality, ideology, orientation, sex or creed. Rights are usually legally enforceable in character and application. Human rights are therefore privileges and opportunities which a person is entitled to by the simple virtue of the fact that he is a human being.

However, the definition of Human Rights is more technical and “to take the meaning of human rights for granted, or simply to refer to formulas denoting rights that we have by virtue of being human, would ignore the controversy surrounding their foundations and validity.” According to the United Nations³³ human rights are rights inherent to all human beings, regard less of race, sex, nationality, ethnicity, language, religion, or any other status.³⁴ These rights include “the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education and everyone is entitled to access to these rights, without discrimination.”³⁵

Article 4 of the African Charter on Human and Peoples Rights³⁶ states that “Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.” Human rights have been viewed from three main categories, namely: Civil and political rights, which protects people from the infringements of governments, organisations or other people; Socioeconomic and cultural rights, which includes right to education, housing and satisfactory living conditions; and Solidarity rights, which recognizes the importance of equality and non-discrimination.³⁷

Human rights apply in two main dimensions, namely: entitlements based on specific values or principles; and legally enforceable entitlements and freedoms. The underlying notion behind it, is that it is necessarily available to a person because he or she is a

³³ United Nation <<https://www.un.org/en/global-issues/human-rights>> accessed 22 July 2025

³⁴ *ibid*

³⁵ *Ibid*

³⁶ Article 4 of the African Charter on Human and Peoples Rights

³⁷ *ibid*

human being. However, it is not every legal right that applies in the perspective of human rights. Legal right is “a right created or recognized by law. Its breach is usually remediable by monetary damages. It is also a right historically recognized by common law courts and so would include equitable rights. Legal rights can further be described as the capacity of asserting a legally recognized claim against one with a correlative duty to act.”³⁸ These rights are not only enjoyed by human beings, but by corporate bodies and even animals.³⁹ Human rights can be an integral part of legal rights and legal rights go far beyond human rights and encompass other units of rights.⁴⁰

c. Meaning of Disabilities

The UN Department of Economic and Social Affairs (UNDESA) has noted that disabled persons “are entitled to the same rights as all other human beings and to equal opportunities and too often their lives are handicapped by physical and social barriers in society which hamper their full participation”.⁴¹ There is no single definition of disability, and WHO noted that defining disability is complicated since it is “complex, dynamic, multidimensional and contested.”⁴² When defining disability, the UNDESA referred to the distinctions that had been made by WHO between the following concepts in its International Classification of Impairments, Disabilities and Handicaps released in 1980.⁴³

1. **Impairment:** Any loss or abnormality of psychological, physiological, or anatomical structure or function.⁴⁴

³⁸ Ishay, M.R. *The History of Human Rights from Ancient Times to the Globalization Era*. Berkeley, California: (University of California Press, 2004)

³⁹ Ibid

⁴⁰ Ibid

⁴¹ The quotes attributed to the UN Department of Economic and Social Affairs in this discussion are included in World Programme of Action Concerning Disabled Persons, UN Department of Economic and Social Affairs. Cited from *Definitions and Models of Disability*. <https://www.researchgate.net/publication/372101267_Definitions_and_Models_of_Disability> accessed 22 July 2025

⁴² WHO definition on disabilities <https://www.who.int/news-room/fact-sheets/detail/disability-and-health> accessed 22 July, 2025

⁴³ Ibid

⁴⁴ Ibid

2. **Disability:** Any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.⁴⁵
3. **Handicap:** A disadvantage for a given individual, resulting from an impairment or disability, that limits or prevents the fulfilment of a role that is normal, depending on age, sex, social and cultural factors, for that individual.⁴⁶

WHO explained that disability refers to difficulties encountered in any or all three areas of functioning” and “disability arises from the interaction of health conditions with contextual factors environmental and personal factors.⁴⁷ Environmental factors mentioned by WHO included products and technology, the natural and built environment, support and relationships, attitudes (e.g., negative imagery and language, stereotypes and stigma) and services, systems, and policies, while personal factors included factors, such as motivation and self-esteem, that could influence how much a person participates in society.⁴⁸

5. Intersectionality and the disabilities framework

The International Covenant on Civil and Political Rights (ICCPR)⁴⁹ and International Covenant on Economic, Social and Cultural Rights (ICESCR)⁵⁰ were joined successively by a number of human rights treaties for particular marginalised groups of people: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);⁵¹ the Convention on the Elimination of All Forms of Discrimination against

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ World Report on Disability (Geneva: World Health Organization, 2011), 5 (describing The International Classification of Functioning, Disability and Health (Geneva: World Health Organization, 2001).

⁴⁸ Ibid

⁴⁹ UN General Assembly, International Covenant on Civil and Political Rights, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966.< International Covenant on Civil and Political Rights | OHCHR> accessed 18 October 2025

⁵⁰ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966.< International Covenant on Economic, Social and Cultural Rights | OHCHR> accessed 18 October 2025

⁵¹ UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, United Nations, Treaty Series, vol. 660, p. 195, 21 December 1965.< International

Women (CEDAW); and the Convention on the Rights of the Child (CRC).⁵² Each has its own treaty body: the UN Human Rights Committee (HRC);⁵³ the UN Committee on Economic, Social and Cultural Rights (CESCR Committee);⁵⁴ the UN Committee on the Elimination of Racial Discrimination (CERD Committee);⁵⁵ the UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee);⁵⁶ and the UN Committee on the Rights of the Child (CRC Committee).⁵⁷

Thus, international human rights law has evolved in the direction of adopting group-specific human rights treaties following the adoption of the ICCPR and ICESCR. While these human rights treaties were drafted with particular categories in mind, those who belong to more than one category have often received limited consideration. An unwanted consequence of international human rights law, therefore, is that a number of historically marginalised groups of people are getting particular attention but without full

Convention on the Elimination of All Forms of Racial Discrimination | OHCHR> accessed 18 October 2025

⁵² UN General Assembly, Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989.< <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/crc.pdf>> accessed 18 October 2025

⁵³ UN Human Rights Committee (HRC), concluding Observations on the fourth periodic report of Nigeria, CCPR/C/NGA/CO/4, 29 August 2019.< [https://www.rightofassembly.info/assets/downloads/Human_Rights_Committee_Concluding_Observations_on_Nigeria_\(2019\).pdf](https://www.rightofassembly.info/assets/downloads/Human_Rights_Committee_Concluding_Observations_on_Nigeria_(2019).pdf)> accessed 18 October 2025

⁵⁴ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Art. 13 of the Covenant), E/C.12/1999/10, 8 December 1999< <https://www.ohchr.org/en/resources/educators/human-rights-education-training/d-general-comment-no-13-right-education-article-13-1999>> accessed 18 October 2025

⁵⁵ UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation XXX on Discrimination Against Non-Citizens, 5 August 2004<<https://www.refworld.org/legal/general/cerd/2004/en/39027>> accessed 18 October 2025

⁵⁶ UN Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, CEDAW/C/GC/35, 14 July 2017.< <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based>> accessed on 18 October 2025

⁵⁷ UN Committee on the Rights of the Child (CRC), General Comment No. 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25, 2 March 2021.< <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation>> accessed 18 October, 2025

consideration for those who also share characteristics that belong to several such marginalised groups of people.

While the problem is inherent to the development of international human rights law, it's important to ensure that the interpretation of human rights treaties remains coherent and to undertake efforts of harmonisation towards this end.⁵⁸ The fact that there are people who simultaneously come within the remit of different group-specific human rights treaties creates the necessity of building bridges between the various categories. Although the UN treaty bodies have given these people some consideration, they have done so unequally. There is a tendency to concentrate on monolithic identities, thereby downplaying the multiple characteristics of individuals. Categories are mainly formed on the basis of the life experience of a group's most dominant members, disregarding that of the group's more disadvantaged ones.⁵⁹ A focus on monolithic identities, however, obscures the differences and even possible struggles between the members of such a group. Intersectionality can help to recognise that individuals are actually not constituted by any single essence.

Prior to the CRPD, only some of the UN treaty bodies paid attention to disability. The CRC Committee is the one that went furthest in doing so, but this is partly due to the CRC itself focusing on disability. The Convention was indeed the first human rights treaty ever to do so, not only by referring explicitly to disability amongst the grounds listed in its non-discrimination clause but also by including a separate article on disabled children.⁶⁰ The CRC Committee, therefore, had to pay attention to disability. It adopted a general comment on disabled children, which provides a detailed examination of matters specifically relating to them.⁶¹ The CESCR Committee also issued a general comment on

⁵⁸ John T, 'Seeking to Persuade: A Constructive Approach to Human Rights Treaty Interpretation', *Harvard Human Rights Journal* (2010) 23.

⁵⁹ Crenshaw, 'Mapping the Margins', 1298; Makkonen, Multiple, Compound and Intersectional Discrimination, 18–22.

⁶⁰ CRC, Articles 2 and 23.

⁶¹ CRC Committee, General Comment No. 9: The Rights of Children with Disabilities, 27 February 2007, CRC/C/GC/9 (CRC Committee GC 9). Cited from (PDF) Intersectionality and disability in international human rights law.

disabled people,⁶² in which it clarified that disability is covered by the term ‘other status’ in the ICESCR’s non-discrimination clause, clarification which the HRC has failed to follow up on with respect to the ICCPR’s own non-discrimination clause.

The CEDAW Committee similarly adopted a general comment on disabled women.⁶³ Several UN treaty bodies have also made a number of recommendations on disability-related issues in their concluding observations. The number of these recommendations has steadily grown following the adoption of the CRPD, even though there are still significant variations amongst them.⁶⁴ The CRPD itself was preceded by a series of non-binding international legal instruments that gradually shaped its content.⁶⁵ It was adopted on 13 December 2006 after four years of negotiations initiated by the Mexican government.⁶⁶

The UN Committee on the Rights of Persons with Disabilities (CRPD Committee) was created to monitor its implementation. The CRPD fills an important normative gap in international human rights law, as disabled people were disregarded in previous human rights treaties (with the exception of the CRC). In comparison with other human rights treaties, the CRPD stands out for its consideration of intersectionality. According to its Preamble, States Parties are concerned about the difficult conditions faced by persons

<https://www.researchgate.net/publication/335702431_Intersectionality_and_disability_in_international_human_rights_law> accessed 22 July 2025

⁶² CESCR Committee, General Comment No. 5: Persons with Disabilities, 9 December 1994, E/1995/22 (CESCR Committee GC 5). Cited from (PDF) *Intersectionality and disability in international human rights law*.

<https://www.researchgate.net/publication/335702431_Intersectionality_and_disability_in_international_human_rights_law>

⁶³ CEDAW Committee, General Recommendation No. 18: Disabled Women, 30 January 1991, A/46/38 (CEDAW Committee GR 18).

⁶⁴ Kjersti S. and Michael A.S. ‘Mainstreaming Disability in the United Nations Treaty Bodies’ *Journal of Human Rights* (2018) 1(7).

⁶⁵ See Arlene K. *The Development of Disability Rights under International Law. From Charity to Human Rights* (London/New York: Routledge, 2015), 31–5; Gerard Quinn, ‘Disability and Human Rights: A New Field in the United Nations’, in *International Protection of Human Rights: A Textbook*, ed. Catarina Krause and Martin Scheinin (Turku: Institute for Human Rights, 2009), 250–2; Rosemary Kayess and Phillip French, ‘Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities’, *Human Rights Law Review* 8, no. 1 (2008): 14–17.

⁶⁶ UN General Assembly, Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, 26 February 2002, A/RES/56/168.

with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status.

This provision is the first such one ever to be found in a human rights treaty. The CRPD further prohibits discrimination against disabled people ‘on all grounds’.⁶⁷ As set out below, the CRPD moreover deals with several groups of disabled people.⁶⁸ Besides provisions that refer explicitly to gender and age, it has separate articles on disabled women and children. The CRPD Committee has also issued a general comment regarding disabled women and girls.⁶⁹ It even paid further attention to such groups in a recent general comment on equality and non-discrimination.⁷⁰

Finally, the CRPD is the most recent group-specific human rights treaty there is for now. As its drafters found inspiration in previous human rights treaties, this Convention generally contains the most developed and updated provisions on human rights to date. It therefore provides a promising opportunity for examining the question of intersectionality in the field of international human rights law.

6. Intersectionality of Business and Human Rights Frameworks

The UN Guiding Principles on Business and Human Rights (UNGPs)⁷¹ establish that companies “should respect” all human rights, including those of persons with disabilities, through due diligence and remedy mechanisms. Academic critiques note, however, that reporting under the UNGPs rarely disaggregates data by disability, perpetuating

⁶⁷ CRPD, Article 5(2).

⁶⁸ Ibid

⁶⁹ UN Committee on the Rights of Persons with Disabilities (CRPD), *General Comment No. 3 (2016) on Article 6: Women and girls with disabilities*, UN Doc. CRPD/C/GC/3, 2 September 2016.< General comment No.6 on equality and non-discrimination | OHCHR> accessed on 18 October 2025

⁷⁰ Ibid

⁷¹ UN Human Rights Council, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework,” UN Doc. A/HRC/17/31 (21 March 2011).< Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework | OHCHR> accessed 18 October, 2025

invisibility within corporate accountability systems.⁷² The Guiding Principles contain three chapters, or pillars: protect, respect and remedy. Each defines concrete, actionable steps for governments and companies to meet their respective duties and responsibilities to prevent human rights abuses in company operations and provide remedies if such abuses take place.⁷³

(a) The State Duty to Protect

The Guiding Principles affirm that under existing international human rights law, States have the duty to protect against human rights abuses by all actors in society, including businesses.⁷⁴ This means States must prevent, investigate, punish and redress human rights abuses that take place in domestic business operations.⁷⁵ Furthermore, The Guiding Principles recommend that States set clear expectations that companies domiciled in their territory/jurisdiction respect human rights in every country and context in which they operate.⁷⁶

(b) The Corporate Responsibility to Respect

The Guiding Principles clarify what is expected of business enterprises with regard to human rights and outline the process through which companies can identify their negative human rights impacts and demonstrate that their policies and procedures are adequate to address them.⁷⁷ The Guiding Principles affirm that business enterprises must prevent, mitigate and, where appropriate, remedy human rights abuses that they cause or

⁷² Augenstein, D, Boyle, A, Ghaleigh, N.S (Eds.): Study of the Legal Framework in Human Rights and the Environment Applicable to European Enterprises operating outside the European Union. Edinburgh: University Edinburgh.

⁷³ Ibid

⁷⁴ UN Human Rights Council, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework,” UN Doc. A/HRC/17/31, 21 March 2011, Principle 1.< GuidingPrinciplesBusinessHR_EN.pdf> accessed 18 October 2025

⁷⁵ ibid

⁷⁶ ibid

⁷⁷ UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework*, UN Doc. A/HRC/17/31, 21 March 2011, Principles 15–24.< Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework | OHCHR> accessed 18 October 2025.

contribute to.⁷⁸ Businesses must seek to prevent or mitigate any adverse impacts related to their operations, products or services, even if these impacts have been carried out by suppliers or business partners.⁷⁹ The responsibility to respect applies to all internationally recognized human rights expressed in the International Bill of Human Rights and the International Labour Organization Declaration on Fundamental Principles and Rights at Work.⁸⁰ Though the actions businesses need to take to meet the responsibility to respect will depend on their scale or complexity, the responsibility itself applies to all businesses regardless of size, sector or location.⁸¹

To meet the responsibility to respect, business enterprises must have the necessary policies and processes in place.⁸² The Guiding Principles identify three components of this responsibility. First, companies must institute a policy commitment to meet the responsibility to respect human rights. Second, they must undertake ongoing human rights due diligence to identify, prevent, mitigate and account for their human rights impacts.⁸³ Finally, they must have processes in place to enable remediation for any adverse human rights impacts they cause or contribute to.⁸⁴ Human rights due diligence refers to the process of identifying and addressing the human rights impacts of a business enterprise across its operations and products, and throughout its supplier and business partner networks.⁸⁵ Human rights due diligence should include assessments of internal procedures and systems, as well as external engagement with groups potentially affected by its operations.⁸⁶

⁷⁸ *ibid*

⁷⁹ *ibid*

⁸⁰ *ibid*

⁸¹ *Ibid*

⁸² UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Principles* 15

⁸³ UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Principles* 16

⁸⁴ UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Principles* 17

⁸⁵ *ibid*

⁸⁶ *ibid*

- (c) The corporate responsibility to respect applies to all internationally recognized human rights

The Guiding Principles include operational provisions that recommend concrete actions for States to meet their duty to protect human rights in the context of business operations.⁸⁷ This includes enacting and enforcing laws that require businesses to respect human rights; creating a regulatory environment that facilitates business respect for human rights; and providing guidance to companies on their responsibilities.⁸⁸ The Guiding Principles also stipulate that States should ensure that policies are coherent across departments and functions, and that their participation in multilateral institutions is aligned with their human rights obligations.⁸⁹

The human rights obligations of States, from providing security to delivering utilities, are not voided when such functions are carried out by state-owned or private business enterprises.⁹⁰ As conflict-affected areas pose a heightened risk of gross human rights abuses, including by businesses, the Guiding Principles stipulate that States (home and host) should provide guidance, assistance and enforcement mechanisms to ensure that business enterprises are not involved with such abuses in conflict-affected areas.⁹¹

A company is exposed to multiple human rights challenges depending on its sector and on the countries in which it operates. The Guiding Principle Number 24 states that it might be necessary to prioritize the most severe human rights abuses or those in which a late response would make the adverse impact irremediable.⁹² Any company operating in countries with weak human rights enforcement has to make sure that its suppliers and other business partners are not using these loopholes to get an advantage over their

⁸⁷ UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Principles* 12 and 3.

⁸⁸ UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Principles* 12

⁸⁹ Ibid

⁹⁰ See UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Principles* 3.

⁹¹ Ibid

⁹² UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Principles* 24

competitors.⁹³ In some situations, the host country might have laws that contradict international laws, such as the lack of freedom of association, excessive working hours, maternity protection, and the right to collective bargaining, gender or ethnic equality, treatment of migrant workers, and privacy or habeas corpus rights.⁹⁴

In such cases, Ruggie⁹⁵ recommends to respect the international laws to the greatest extent possible. If a company risks being complicit in egregious human right abuses, it should handle this as a legal compliance issue and dissolve the business relation. Companies have different issues they might look into more thoroughly.⁹⁶ The challenges for an agribusiness that plants cotton with a high input of pesticides and herbicides as well as a high water use has a different impact on workers and communities, as a bank that might be more challenged to offer equal access to credit for men and women or for different ethnic groups.⁹⁷

Today the challenging question for a business is no longer whether it should implement human rights into its business operations, but how it should implement them.⁹⁸ The Guiding Principles on Business and Human Rights provide a framework that shows which human rights are relevant for businesses, what the fundamental steps for implementation are, and how a business should prioritize the handling of adverse impacts of their operations.⁹⁹ Within a single company, and between the different business sectors, depending on the country of operations, different human rights challenges might arise.¹⁰⁰ Therefore, each company needs to address the specific challenges that might arise, utilizing various human rights impact assessments. Governments and business

⁹³ Social Accountability International. *The Social Accountability International (SAI) Fire Safety Checklist*. (New York: SAI 2013).

⁹⁴ Ibid

⁹⁵ Ruggie, John G. *Just Business. Multinational Corporations and Human Rights* (London: W.W. Norton, 2013)

⁹⁶ ibid

⁹⁷ ibid

⁹⁸ See UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Principles* 11–24

⁹⁹ ibid

¹⁰⁰ See UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Principles* 11

associations, as well as labour unions and nongovernmental organizations started to put into actions the Protect, Respect, Remedy framework.¹⁰¹ As a result the UN Guiding Principles on Business and Human Rights will become even more relevant as reference point for good business conduct that guarantees service provided and goods produced in a healthy, safe and fair work environment.¹⁰²

7. When human rights are violated by companies, governments must provide a robust and appropriate remedy for those affected.

An accessible, predictable, equitable, transparent and rights-compatible.¹⁰³ Simply put, they must provide genuine remedies for victims of human rights violations by companies and must not amount to communications or political exercises.¹⁰⁴ Operational-level mechanisms should be based on engagement and dialogue with the stakeholder groups whose rights they seek to remedy.¹⁰⁵

One of the fundamental principles of the international human rights system is that when a right is violated, victims must have access to an effective remedy.¹⁰⁶ The Guiding Principles affirm that the State duty to protect rights includes ensuring that when human rights are violated by companies within their territory and/or jurisdiction, the State must ensure access to an effective remedy for those affected.¹⁰⁷

The state duty to provide access to effective remedy includes taking appropriate steps to ensure that State-based domestic judicial mechanisms are able to effectively address

¹⁰¹ Shift Implications of the UN Guiding Principles on Business and Human Rights for the Fair Labour Association. (New York: Shift 2012).

¹⁰² *ibid*

¹⁰³ UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, Principles 25–27.

¹⁰⁴ UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, Principles 25.

¹⁰⁵ *Ibid*

¹⁰⁶ UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, A/RES/60/147, 16 December 2005.< Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law | OHCHR> accessed on 18 October, 2025

¹⁰⁷ *Ibid*

business-related human rights abuses, and do not erect barriers such as administrative fees or lack of language interpreters that prevent victims from presenting their cases. It does not simply mean that countries should fortify their court systems.¹⁰⁸ States should also provide effective and appropriate non-judicial grievance mechanisms with the capacity to hear and adjudicate business-related human rights complaints as part of a comprehensive State-based system for remedy.¹⁰⁹ The access to remedy principles do not only apply to States.

They also stipulate that business enterprises should provide for, or participate in, effective mechanisms for fielding and addressing grievances from individuals and communities who may be adversely impacted by the company's operations.¹¹⁰ They further maintain that multi-stakeholder and other collaborative initiatives based on human rights-related standards can also contribute to providing effective access to remedy.¹¹¹

8. Conclusion

The intersectionality of human rights, business, and disabilities underscores that disability cannot be treated in isolation from other social identities and systemic inequalities. Applying an intersectional lens reveals how corporate practices hiring, product design, supply chains often perpetuate compounded barriers when they fail to account for gender, race, class, and disability together. Despite existing frameworks like the UN Guiding Principles and the UN Convention on the Rights of Persons with Disabilities, disability often remains invisible in corporate due diligence and reporting. This gap stems from the absence of explicit disability references, inadequate data disaggregation, and limited engagement with disabled persons' organizations, all of which undermine genuine accountability and remedy. To transform business and human rights from rhetoric into reality, companies must: Embed disability explicitly in policy commitments and due

¹⁰⁸ Ibid

¹⁰⁹ Ibid

¹¹⁰ UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, UN Doc. A/HRC/17/31, 21 March 2011, Principles 29–30.

¹¹¹ Ibid

diligence processes. Foster meaningful dialogue with diverse stakeholders to co-design accessible grievance and remediation mechanisms. Align voluntary frameworks with binding domestic laws to ensure enforceable standards and remedies. Only by successively intersectionality can businesses fulfil their human rights obligations, unlock inclusive innovation, and contribute to a world where the rights of all persons including those with disabilities are fully respected and realized.