

- Courseware (/courses/LouvainX/Louv2.01x/1T2014/courseware)
- Course Info (/courses/LouvainX/Louv2.01x/1T2014/info)
- Discussion (/courses/LouvainX/Louv2.01x/1T2014/discussion/forum)
- Wiki (/courses/LouvainX/Louv2.01x/1T2014/course\_wiki)
- Progress (/courses/LouvainX/Louv2.01x/1T2014/progress)
- Reading Materials (/courses/LouvainX/Louv2.01x/1T2014/pdfbook/0/)
- Syllabus (/courses/LouvainX/Louv2.01x/1T2014/3517b9300b554b118f11224b8c05eb10/)

The distinctive feature of 'positive action' measures is that they seek to promote *de facto* equality between different categories of persons, by granting specific treatment to the disadvantaged category. Such specific treatment is sometimes described as 'preferential treatment', although this is misleading, since it suggests that positive action is to be seen as a sort of 'reverse discrimination' when, in fact, it aims instead at *strengthening* equality of treatment for the benefit of disadvantaged groups who otherwise could be suffering from *de facto* discrimination.

Positive action measures may take a variety of forms, including set-asides ('quotas') or taking into account membership in a disadvantaged category as part of a broader set of considerations in the assessment of applications (to a job, for instance, or to a study grant). 'Outreach' measures, such as the publication of job advertisements in publications that are read more widely within certain ethnic communities, generally are not considered to be 'positive action', since they in no way lead to specific treatment being given to individuals because of their membership in a disadvantaged group.

Positive action measures may serve:

1. to compensate for **existing** inequalities or to counter their effects;
2. to compensate for the impacts of **past** inequalities, for instance after the abolishment of a system based on segregation;
3. apart from any reference to past or present inequalities, to achieve **diversity** in certain settings where it matters that all segments of the population are represented.

In the international law of human rights, the expression 'temporary special measures' is usually preferred: it appears in Article 1(4) of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination and in Article 4(1) of the 1979 International Convention on the Elimination of All Forms of Discrimination against Women, and the Committee on the Elimination of Discrimination against Women has advocated reliance on this expression. As conveyed by the expression of 'temporary special measures', a clear distinction should be made between (i) such measures, that seek to accelerate the achievement of *de facto* equality by treating differently the members of certain disadvantaged or under-represented groups, and (ii) measures which improve the situation of such groups by *transforming the environment* which they inhabit, but which do not imply differential treatment – although they do imply the recognition of the specific needs of the members of those groups –.

For instance, after having stated in Article 4(1) that

'Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved'

the International Convention on the Elimination of All Forms of Discrimination against Women adds that 'Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory' (Art. 4(2)).



About (<https://www.edx.org/about-us>) Jobs (<https://www.edx.org/jobs>)  
 Press (<https://www.edx.org/press>) FAQ (<https://www.edx.org/student-faq>)  
 Contact (<https://www.edx.org/contact>)



EdX is a non-profit created by founding partners Harvard and MIT whose mission is to bring the best of higher education to students of all ages anywhere in the world, wherever there is Internet access. EdX's free online MOOCs are interactive and subjects include computer science, public health, and artificial intelligence.



(<http://www.meetup.com/edX-Global-Community/>)



(<http://www.facebook.com/EdxOnline>)



(<https://twitter.com/edXOnline>)



(<https://plus.google.com/108235383044095082735/posts>)



(<http://youtube.com/user/edxonline>)

© 2014 edX, some rights reserved.

Terms of Service and Honor Code -  
 Privacy Policy (<https://www.edx.org/edx-privacy-policy>)