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The following video introducing the section reviews some of the key issues covered in this section of the course. Here is an overview:

1. **Not any distinction is a discrimination.** Law, policies or practices are discriminatory when they are based on distinctions (differences in treatment) that are arbitrary, *i.e.* without justification. This may be either because they do not pursue a *legitimate objective* or because the difference in treatment goes *beyond what is necessary* to achieve that objective. At the same time, where situations are markedly different, this may call for differential treatment: to ignore real differences may result in *de facto* discrimination.

2. This section will also examine the **scope of application of non-discrimination provisions** included in the key human rights instruments. Whereas some of these provisions apply independently, providing a general protection against discrimination, other provisions only prohibit discrimination in the enjoyment of the rights guaranteed under the said instruments.

3. We will also consider the **range of States' obligations**. Article 26 of the International Covenant on Civil and Political Rights reads:

‘All persons are *equal before the law* and are entitled without any discrimination to the *equal protection of the law*. In this respect, the law shall *prohibit any discrimination* and guarantee to all persons *equal and effective protection against discrimination* on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’ (emphasis added).

Four separate norms are expressed in this wording. We will review these norms in Sub-section 2.

4. The **notion of discrimination** itself is complex. Various typologies could be proposed, but it includes at a minimum *direct* and *indirect discrimination*; failure to provide *reasonable accommodation*; and, arguably, failure to adopt *positive action measures*, to combat instances of *structural discrimination* faced by certain groups of society.

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## ON THE NOTION OF DISCRIMINATION

Welcome to section six of this course on international human rights.

Now, this section will be dedicated to the norm of non-discrimination,

one of the most important, central provisions

of international human rights law.

And indeed it is one of the very few human rights that is explicitly

recognized in the United Nations Charter, which repeatedly states

that the human rights and fundamental freedoms that the UN should respect

and continue to promoting includes a requirement that these human rights

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#### Help

You may also watch this video on YouTube (<http://youtu.be/yMNnkQ9pjus>), or download it here (<http://podcast.uclouvain.be/HWYz497tYV>) (captions ([/c4x/LouvainX/Louv2.01x/asset/\\_Captions\\_\\_Louv201x\\_-\\_The\\_notion\\_of\\_discrimination.srt](/c4x/LouvainX/Louv2.01x/asset/_Captions__Louv201x_-_The_notion_of_discrimination.srt)) in .srt format and a full transcript ([/c4x/LouvainX/Louv2.01x/asset/\\_Transcript\\_\\_Louv201x\\_-\\_The\\_Notion\\_of\\_Discrimination.pdf](/c4x/LouvainX/Louv2.01x/asset/_Transcript__Louv201x_-_The_Notion_of_Discrimination.pdf)) are also available).



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