LouvainX: Louv2.01x International Human Rights

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DISCRIMINATION - EXERCISE 2 (1/1 point)

2. Why is the prohibition of indirect discrimination included as part of the broad prohibition of discrimination?

○ In order to ensure that the authors of discrimination cannot shield their behaviour from scrutiny behind apparently neutral procedures, criteria or practices that are calculated to produce the same effect as direct discrimination by reliance on a prohibited ground;

○ In order to ensure that those making decisions re-examine the traditional way of doing things (for instance, the criteria used may not have taken into account the impacts on certain groups); or,

● Both of the above. ✔

EXPLANATION

The notion of indirect discrimination serves two distinct ends: first, to unmask instances of conscious discrimination which hide behind the use of apparently neutral criteria, in order to arrive at the same result as would follow from the explicit use of prohibited differentiation criteria; second, to challenge certain rules or practices which, although not calculated to produce such effect, impose a specific disadvantage on certain groups, or have a disproportionate impact on such groups, without there being a justification for such disadvantage or such an impact. In this second conception, indirect discrimination may be completely detached from any kind of intention to discriminate, and it is best seen as a tool to revise permanently institutionalized habits and procedures, in order to make them more hospitable to difference. This is made possible by the use of statistical data, in order to measure the 'disparate (or disproportionate) impact' of apparently neutral measures on certain groups.

Check   Hide Answer

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