

Special Measures as affirmative action – sources and cases

Request for additional information from Senator Boyce, Senate Community Affairs
Legislation Committee.

UN documents

1. UN Economic and Social Council, Commission on Human Rights, *Prevention of Discrimination - the concept and practice of affirmative action*, Final Report by Mr Marc Bossuyt, Special Rapporteur, 17 June 2002, E/CN.4/Sub.2/2002/21.
2. UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 25: Article 4, Paragraph 1, of the Convention (Temporary Special Measures)*, 2004.
3. UN Committee on the Elimination of Racial Discrimination (CERD). *General Recommendation No 32: The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination*, 2009.
4. UN Human Rights Committee, *General Comment No. 18: Non-discrimination*, 2000 - see para 10.

Cases

5. *Gerhardy v Brown* (1985) 159 CLR 70.
6. *Bruch v Commonwealth* [2002] FMCA 29).
7. *Bligh and others v State of Queensland* [1996] HREOCA 28
8. *Argentina: Ombudsman v. National Government and another (Chaco Province)*, Reference for a preliminary ruling, Judgment of September 18, 2007

Authors

9. S James Anaya, *Indigenous Peoples – International Law*, 2nd edition OUP paperback 2004 esp pp 139-141.
10. Peter Bailey, *The Human Rights Enterprise in Australia and Internationally*, 2009, esp pp 423 -448.
11. Alexandra Xanthaki, *Indigenous Rights and United Nations Standards* 2007

Special Measures as affirmative action – sources and cases

Request for additional information from Senator Boyce, Senate Community Affairs
Legislation Committee.

UN documents

1. UN Economic and Social Council, Commission on Human Rights, *Prevention of Discrimination - the concept and practice of affirmative action*, Final Report by Mr Marc Bossuyt, Special Rapporteur, 17 June 2002, E/CN.4/Sub.2/2002/21.
2. UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 25: Article 4, Paragraph 1, of the Convention (Temporary Special Measures)*, 2004.
3. UN Committee on the Elimination of Racial Discrimination (CERD). *General Recommendation No 32: The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination*, 2009.
4. UN Human Rights Committee, *General Comment No. 18: Non-discrimination*, 2000 - see para 10.

Cases

5. *Gerhardy v Brown* (1985) 159 CLR 70.
6. *Bruch v Commonwealth* [2002] FMCA 29).
7. *Bligh and others v State of Queensland* [1996] HREOCA 28
8. *Argentina: Ombudsman v. National Government and another (Chaco Province)*, Reference for a preliminary ruling, Judgment of September 18, 2007

Authors

9. S James Anaya, *Indigenous Peoples – International Law*, 2nd edition OUP paperback 2004 esp pp 139-141.
10. Peter Bailey, *The Human Rights Enterprise in Australia and Internationally*, 2009, esp pp 423 -448.
11. Alexandra Xanthaki, *Indigenous Rights and United Nations Standards* 2007