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**RACIAL DISCRIMINATION: USING SPECIAL MEASURES FOR PROMOTING
EQUAL HUMAN RIGHTS**

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ABSTRACT

This article touches on the relationship between equality and nondiscrimination. International legal documents on human rights compel States to ensure the equality of all human beings in the exercise of human rights and, to that end, to eliminate all forms of discrimination on the grounds of sex, race, ethnic origin, religion, political opinion, fortune and any other status, as well as to adopt special measures in favour of disadvantaged individuals or groups. Thus, the obligations of States are not limited to guaranteeing formal equality, which is often not sufficient for eliminating inequality and discrimination. Equal rights do not mean identical treatment all the time and for all persons as not every difference of treatment is discrimination. At the same time, to be legitimate and to avoid becoming discrimination, a difference of treatment in favour of a disadvantaged person or group has to be proportional to the objective pursued. This will avoid creating distinct rights for different groups and to be temporary, as long as it is necessary to reach the objective pursued. It is this special treatment, for good cause, which is the subject of this article.